



CITY COUNCIL WORK SESSION

Tuesday, July 8, 2025 | 4:00 PM
2nd Floor Conference Room- City Hall
900 Church Street
Lynchburg, VA 24504

AGENDA

- I. **Welcome** *Larry Taylor, Mayor*
- II. **Work Session Agenda Overview** *Wynter C. Benda, City Manager*
- III. **Work Session Agenda Items** *Wynter C. Benda, City Manager*
 - III.1. Virginia Freedom of Information Act Biennial Training
- IV. **Business Item Briefing(s)**
 - IV.2. Lynchburg City Council Rules of Procedure Discussion, Setting Meetings for CY2026, and Work Session Changes for CY2025
- V. **Roll Call**
- VI. **Closed Session**
 - VI.3. Consideration of a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Central Virginia Community College Board, City Employee Appeals Board, Economic Development Authority, Historic Preservation Commission, Martin Luther King, Jr./Lynchburg Community Council, Museum Advisory Board, Lynchburg Redevelopment and Housing Authority, and Building Code of Appeals Board pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

The Virginia Freedom of Information Act (FOIA) For Local Officials

Virginia Freedom of Information Advisory Council

<http://foiacouncil.dls.virginia.gov/>

foiacouncil@dls.virginia.gov

(804) 698-1810

Training Contents

- Introduction
- FOIA requirements for local officials
- Public Records
- Public Meetings
- Remedies and Penalties
- Other resources for further questions

Introduction

- About the FOIA Council
- Purpose and policy of FOIA
- Structure of FOIA – how to find what you need within the Code
 - General Provisions -- §§ [2.2-3700](#) through [2.2-3703.1](#)
 - Records Procedures and Exemptions -- §§ [2.2-3704](#) through [2.2-3706.1](#)
 - Training Requirements -- §§ [2.2-3704.2](#) and [2.2-3704.3](#)
 - Meetings Procedures and Exemptions -- §§ [2.2-3707](#) through [2.2-3712](#)
 - Remedies and Penalties -- §§ [2.2-3713](#) through [2.2-3715](#)

About the FOIA Council

§§ [30-178 through 30-181](#)

- State legislative branch advisory council
- Legislative forum for studies and recommendations to the General Assembly
- Answer questions from government, citizens, and media
- Publishes advisory opinions and educational materials
- Provides FOIA training presentations
- Not an investigative or enforcement agency

Purpose & Policy of FOIA

§ [2.2-3700](#)

- Ready access to public records
- Free entry to meetings of public bodies
- FOIA is to be liberally construed to promote awareness of governmental activities and operations
- Any exemption from public access to records or meetings shall be narrowly construed
- No record shall be withheld or meeting closed to the public unless specifically made exempt

FOIA Requirements for Local Officials

Note: Constitutional officers are subject to FOIA for records purposes only. Other local officials who are members of public bodies are generally subject to both the records and meetings provisions of FOIA.

Requirements for Local Officials

§ [2.2-3704.3](#)

- Which local officials must receive training?
- Local elected officials; and
- The executive director and members of each industrial development authority and economic development authority; and
- Members of any boards governing any authority established pursuant to the Park Authorities Act.

Requirements for Local Officials

(continued) § [2.2-3704.3](#)

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- Receive FOIA training from the FOIA Council or your local government attorney within two months of assuming office
 - Training may be presented live or online
 - Receive training again at least once every two (2) years since last training
 - Clerk of the public body must keep records of training (name of the official, date of the training) for five years
 - Note: There is no requirement to report training to the FOIA Council, only to keep your own records

Requirements for Local Officials

(continued) – § [2.2-3702](#)

- All elected, reelected, appointed, and reappointed officials must:
- Be furnished by the public body's administrator or legal counsel with a copy of FOIA within two weeks following election, reelection, appointment, or reappointment; and
- Read and become familiar with the provisions of FOIA.
- A current copy of FOIA may be found on the [FOIA Council website](#).

Other Laws May Also Apply

- Other laws may also affect access to public records and meetings, but which laws apply will vary depending on the type of record, type of meeting, and type of elected official.
- Because the FOIA Council's statutory authority is limited to providing advice and guidance regarding FOIA, there will be times when you need to consult others for advice.

Examples of Other Laws

- Court records are subject to laws in Titles [16.1](#) and [17.1](#) of the Code, as well as the [Rules](#) of the Supreme Court of Virginia
- Code §§ [15.2-1415 through 15.2-1421](#) set out specific laws for meetings of local governing bodies
- Various provisions in Title [15.2](#) address public hearings
- Code §§ [22.1-72](#) through [22.1-75](#) address school board meetings and procedures
- Code § [58.1-3](#) prohibits the release of certain tax information

Public Records

Recognizing and responding to FOIA requests

§§ [2.2-3704](#) through [2.2-3706.1](#)

Introduction to Records & FOIA

- All public records are presumed open unless specifically exempt
- Definition of “public record” (§ [2.2-3701](#))
 - all writings and recordings that consist of letters, words or numbers, or their equivalent . . . however stored, and regardless of physical form or characteristics
 - prepared or owned by, or in the possession of a public body or its officers, employees or agents
 - in the transaction of public business.
 - Note: draft versions are public records

Debunking FOIA myths

- FOIA addresses access to public records (§ [2.2-3704](#))
- FOIA does not require you to answer questions, give interviews, or provide explanations
- Inspect or Copy (requester's choice)
- Not free – public bodies may charge to produce public records
- FOIA exemptions generally do not prohibit release
- Informal vs. formal requests – no difference

Who has the right to make a request under Virginia FOIA?

- Citizens of the Commonwealth
- Representatives of newspapers & magazines with circulation in the Commonwealth
- Representatives of radio & television stations broadcasting in or into the Commonwealth

Requests from out-of-state

- Best practice is to respond to out-of-state requesters even if they do not have access rights under Virginia FOIA
 - Standardizes practices for internal consistency
 - Out-of-state requester can get a Virginia citizen to make the same request anyway
- Do not have to follow FOIA procedure strictly since out-of-state requesters cannot enforce Virginia FOIA

Requesting Public Records

- How requests may be made:
 - Requester must identify records with reasonable specificity
 - Public body may require the requester's name & legal address
 - A request does not have to be in writing or use any particular form
 - A request does not have to say "FOIA"
 - The requester's purpose does not matter
- Requester has the choice to inspect or to receive copies

Responding to Requests for Public Records

- Five working days to respond after request is received
 - The first day to respond is the day after the request is received
 - Weekends and legal holidays do not count as working days
- Failure to respond is deemed a denial of the request and a violation of FOIA
- Creation of new records not required
- Always allowed to make agreements with the requester on the production of records

Five Responses

- 1) Provide the requested records
- 2) Requested records are being entirely withheld
- 3) Requested records are being provided in part and withheld in part
- 4) Requested records could not be found or do not exist
- 5) Additional time needed to search for/produce records

Exemptions & Redaction

§ [2.2-3704.01](#)

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- Most FOIA exemptions are not prohibitions – exempt records may be withheld, but they may also be released in the discretion of the custodian
 - Only exempt portions of records may be withheld (redacted)
 - An entire record may be withheld only if the entire record is exempt

Charges for Records Requests

- Public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records
 - Cannot charge more than the actual cost to the public body
 - Cannot charge for certain scholastic records if requested by parent or guardian (of minor student) or student (if 18 years or older)
 - Public body shall make all reasonable efforts to supply the requested records at the lowest possible cost

Charges for Records Requests (continued)

- Before searching for records, must notify requester of public body's right to charge and requester's right to a cost estimate
- Must provide an estimate in advance if requested
- Public body may require an advance deposit if estimate is > \$200
- If a bill goes unpaid 30 days or more, do not have to respond to new requests until the outstanding balance is paid

Exemptions of General Application

- Personnel records - § [2.2-3705.1](#) (1)
- Attorney-client privilege- § [2.2-3705.1](#) (2)
- Legal memoranda and other work product - § [2.2-3705.1](#) (3)
- Contract negotiations - § [2.2-3705.1](#) (12)
- Procurement exemptions - § [2.2-3705.6](#) (10) and (11)
- Account & routing numbers - § [2.2-3705.1](#) (13)

Public Meetings

Procedures for open, closed, and electronic meetings
§§ [2.2-3707](#) through [2.2-3712](#)

Introduction to Meetings under FOIA

- Policy: All meetings must be open unless closed following an exemption – § [2.2-3700](#)
- Definitions of “public body,” “meeting,” and “public business” – § [2.2-3701](#)
- Open Meetings – §§ [2.2-3707](#) through [2.2-3710](#)
- Closed Meetings – §§ [2.2-3711](#) and [2.2-3712](#)
- Electronic Meetings – §§ [2.2-3708.2](#) and [2.2-3708.3](#)

Definition of “Public Body”

§ [2.2-3701](#)

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- Any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions
 - Any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body

Definition of “public body”

(continued)

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- Also includes:
 - Other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds (may include tax-exempt organizations, for example)
 - Constitutional officers are included, but only for records purposes

Definition of “meeting”

§ [2.2-3701](#)

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- Includes meetings including work sessions, when sitting physically, or through electronic communication means as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body
 - “quorum if less than three” means two members , if they are a quorum of the public body (Ex. A subcommittee with only two or three members total would have a quorum of two members)
 - Must be discussing or transacting public business in real time

Definition of “meeting” - Exceptions

The following are not considered meetings subject to FOIA:

- Gatherings of employees (the meetings rules only apply to members of the public body, not staff)
- Gatherings where no part of the purpose is the discussion or transaction of any public business, the gathering was not called or prearranged with any purpose of discussing or transacting any business of the public body, and no discussion or transaction of public business takes place among the members of the public body
- A public forum, informational gathering, candidate appearance, meeting of another public body, or debate, the purpose of which is to inform the electorate and not to discuss or transact public business

Definition of “meeting” – “Public business”

- For purposes of public meetings only, “public business” means “any activity a public body has undertaken or proposes to undertake on behalf of the people it represents”
- Note: This definition of “public business” was added to the definition of “meeting” in 2024 in response to *Gloss v. Wheeler* (Va. 2023), in which the Virginia Supreme Court stated that “for a topic to constitute public business it must not just be something that conceptually could at some point come before a public body, but rather, the topic must be something that is either before the public body or is likely to come before the body in the foreseeable future”

Open Meetings - Requirements

- Notice to the Public
 - Note that notice to members is not covered by FOIA, but is often stated elsewhere in other laws
- Open to the Public
 - "Open meeting" or "public meeting" means a meeting at which the public may be present
- Minutes

Notice Requirements

§ [2.2-3707](#)

- Contents: date, time, and location of the meeting
- For local public bodies, FOIA requires notice to be posted in three locations:
 1. Official public government website, if any;
 2. Prominent public location in which notices are regularly posted; and
 3. At the office of the clerk of the public body OR at the office of the chief administrator

Notice Requirements (continued)

- Regular meetings – post three working days before the meeting
 - Note: Do not count the day of the meeting as one of the working days
- Special, emergency, or continued meetings – two elements:
 - Notice must be “reasonable under the circumstance” (varies with circumstances)
 - Public notice must be posted at the same time the members are notified
- Direct notice to those who request it (usually by an email list)

What does it mean for a meeting to be open to the public?

- Open meeting or public meeting means a meeting at which the public may be present - § [2.2-3701](#)
- Must allow public to record, photograph, film, or otherwise reproduce
- FOIA does not address logistics such as room capacity
- Public bodies are encouraged to use additional means to increase public awareness (Ex. Live streaming online, broadcasting using television or radio, posting recordings of meetings, etc.)

Meeting Minutes

- Only required to be taken at open meetings
- Not required for study commissions, committees, or subcommittees appointed by local governing bodies or school boards, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body or school board
- Must be posted on the public body's official public government website within 7 days of final approval
 - If the public body has no such website, then must be made available at a prominent public location in which meeting notices are regularly posted or the office of the clerk or chief administrator

Meeting Minutes (continued)

- Contents must include:
 - Date, time, location of the meeting
 - Members of the public body present and absent
 - A summary of matters discussed, deliberated, or decided
 - A record of any votes taken
 - Any motions to enter into a closed meeting and certification after a closed meeting

Agendas

- At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body
- FOIA does not have requirements regarding specific agenda items, agenda contents or agenda changes
- FOIA does not address parliamentary procedure

Closed Meeting Procedures

Motion, Discussion, Certification

§§ [2.2-3711](#) and [2.2-3712](#)

Motion to Enter into a Closed Meeting

§ [2.2-3712](#) (A)

- Public body must take an affirmative recorded vote in an open meeting approving a motion that:
 1. Identifies the subject matter for the closed meeting;
 - Must be more than quoting or paraphrasing the exemption
 2. States the purpose of the closed meeting; and
 - Quoting or paraphrasing the exemption does state the purpose
 3. Makes specific reference to the applicable exemption from the open meeting requirements

Closed Meeting Discussions

§ [2.2-3712](#)

- Restricted to those matters specifically exempted from the provisions of FOIA and identified in the motion (do not stray off topic)
- Minutes are not required, and if taken, are exempt from FOIA
- Who may attend?
 - Nonmembers if they are necessary or will aid consideration of the topic
 - Other members of public bodies may attend, but not participate in, closed meetings of committees, subcommittees, and other sub-entities of the parent body

Certification of a Closed Meeting

§ [2.2-3712](#) (D)

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- At the conclusion of a closed meeting, public body must certify that the only things heard, discussed, or considered in the closed meeting were:
 1. Public business matters lawfully exempted from the open meeting requirements, and
 2. Such public business matters as were identified in the motion by which the closed meeting was convened
 - Extra penalty for improper certification

Voting – §§ [2.2-3710](#) & [2.2-3711](#) (B)

- All votes taken to authorize the transaction of any public business must be taken and recorded in an open meeting
- No written or secret ballots
- May take straw polls or reach consensus in closed meetings
- Decisions made in closed meetings are not effective until a vote is taken at an open meeting (§ [2.2-3711](#) (B))

Commonly Used Exemptions

(Note: All meeting exemptions in FOIA are set out in § [2.2-3711](#))

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- Discussion of personnel - § 2.2-3711 (A) (1)
 - Discussion concerning scholastic records/students - § 2.2-3711 (A) (2)
 - Consideration of acquisition or disposition of real property - § 2.2-3711 (A) (3)
 - Discussion of prospective business or industry - § 2.2-3711 (A) (5)
 - Actual or probable litigation - § 2.2-3711 (A) (7)
 - Specific legal matters - § 2.2-3711 (A) (8)
 - Public safety issues - § 2.2-3711 (A) (19)
 - Discussion of award of public contract - § 2.2-3711 (A) (29)

Electronic Meetings

§§ [2.2-3708.2](#) and [2.2-3708.3](#)

- As of September 1, 2022, there are three general categories:
 - Remote participation: “participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled”
 - All-virtual public meetings: “a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means”
 - States of emergency declared by the Governor or the locality

Electronic Meetings

Remote participation (may be used by any public body) - § [2.2-3708.3](#)

- Four allowed reasons for remote participation:
 - Personal matter that prevents attendance
 - Medical condition or disability that prevents attendance
 - Medical condition of a family members that prevents attendance
 - Principal residence is 60 miles or more from the main meeting location
- All of these require a physical quorum and a participation policy
 - Persons with disabilities and their caregivers who participate remotely are counted as if physically present for purposes of determining whether there is a quorum
- Remote location does not have to be open to the public
- Personal matters may be used twice per calendar year per member or 25 percent of the meetings of the public body rounded to the next whole number, whichever is greater

Electronic Meetings

All-virtual public meetings - § [2.2-3708.3](#)

- May be used by any public body except “local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license”
- Requires a participation policy (but no quorum)
- Remote locations do not have to be open to the public unless 3 or more members present at that location
- All-virtual public meetings may be used twice per calendar year per member or 50 percent of the meetings of the public body rounded to the next whole number, whichever is greater
- Additional procedural requirements

Electronic Meetings

Policy for remote participation and all-virtual public meetings - § [2.2-3708.3](#) (D)

- Before using remote participation or all-virtual public meetings, the public body must adopt a policy on participation at least once annually that:
 - Is applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member or the matters to be considered or voted upon
 - Describes the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests
 - Fixes the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in FOIA
 - Does not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body

Electronic Meetings

During declared states of emergency (§ [2.2-3708.2](#) and State Budget)

- During a Governor-declared or local state of emergency:
 - *Purpose:* to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities- § [2.2-3708.2](#) (A) (3) (version in FOIA amended in 2021)
- During a Governor-declared state of emergency ONLY
 - Different procedural requirements and limitations – State Budget Item [4-0.01](#) (g) (version in the state budget originally added in 2020)
- Both may be used by any public body
- No requirement for a physical quorum or to have a policy in place

Electronic Meetings

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- Members may monitor (listen/watch) even if they cannot participate
 - Public & staff participation is always allowed – restrictions only apply to members
 - Please see our [Electronic Meetings Guide](#) for a more detailed discussion

A note about FOIA & Social Media

- Because the definition of “public records” includes all types of records that are in the transaction of public business, various forms of social media may be public records
- Because any assemblage of three or more members (or a quorum of two) of a public body discussing or transacting public business simultaneously is a meeting subject to FOIA, social media may also be used to conduct meetings
- Please see our guide on [FOIA & Social Media](#) for a more detailed discussion

Remedies and Penalties

What happens if something goes wrong?

Enforcement is through the courts

§ [2.2-3713](#)

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- Petition for mandamus or injunction with affidavit showing good cause
 - Mandamus: when the court orders a public official or employee to do something
 - Injunction: When the court orders a public official or employee not to do something
 - Petitioner may choose to file in general district court or circuit court
 - Venue against a local body is in the county or city where the body is
 - A single violation is sufficient to invoke the remedies

Petition for mandamus or injunction

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- Expedited hearing within seven days
 - Petitioner must notify public body before filing
 - If the petitioner wins, shall be awarded court costs, attorney fees, and any expert witness fees (paid by the public body)
 - Public body bears burden to prove an exemption applies

Willful & Knowing Violations

§ [2.2-3714](#) (A)

- Willful & knowing violation of records and meetings requirements
 - \$500 to \$2000 civil penalty for first violation
 - \$2000 to \$5000 civil penalties for second and subsequent violations
 - Paid by the individual to the Literary Fund (not paid by the public body)
- May introduce advisory opinions of the FOIA Council as evidence that it was not willful & knowing - § [2.2-3715](#)

Improper alteration or destruction of public records - § [2.2-3714](#) (B)

- Records altered or destroyed before record retention period expires
 - With intent to avoid FOIA
 - Civil penalty up to \$100 per record
 - In addition to any other penalties
 - Paid by the individual to the Literary Fund (not paid by the public body)
- Note: Record retention periods are set by the Library of Virginia under the Virginia Public Records Act

Improper certification of closed meetings

§ [2.2-3714](#) (C)

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- Improper certification of closed meeting
 - Civil penalty up to \$1000
 - Paid by public body to the Literary Fund
 - Mitigating factors: Opinions of the Attorney General, court cases, published Advisory Opinions from the FOIA Council

Additional Resources

- [FOIA Council](#) – Contact us with any FOIA questions
 - Telephone (toll free) 866-448-4100
 - Telephone (Richmond) 804-698-1810
 - Email: foiacouncil@dls.virginia.gov
- [Library of Virginia](#) Records Management Section (for records retention questions under the Public Records Act)

Additional Resources

(continued)

- For members of municipal councils, county boards of supervisors, and school boards:
- [Virginia Municipal League](#)
- [Virginia Association of Counties](#)
- [Virginia School Boards Association](#)

Additional Resources

(continued)

For constitutional officers:

- [State Compensation Board](#)
- [Virginia Sheriffs' Association](#)
- [Commonwealth's Attorneys' Services Council](#)
- [Treasurers' Association of Virginia](#)
- [Commissioners of the Revenue Association of Virginia](#)
- [Office of the Executive Secretary of the Supreme Court of Virginia](#)
- [Virginia Court Clerks Association](#)

AGENDA ITEM SUMMARY**MEETING DATE**

July 8, 2025

PRESENTED BYMatthew Freedman, City Attorney, Alicia
Finney, Clerk of Council**AGENDA ITEM # IV.2**Lynchburg City Council Rules of Procedure Discussion, Setting Meetings for CY2026, and Work
Session Changes for CY2025**RECOMMENDATION**

Receive Information Regarding Possible Updates to the Lynchburg City Council Rules of Procedure.

SUMMARY

Proposed updates to the Lynchburg City Council Rules of Procedure (ROP) are included in a draft resolution. The red and yellow highlighted items thereon are staff-recommended changes and the remaining red changes thereon are various Councilmember-recommended changes.

Also attached, to be considered for approval on July 8, 2025, is a proposed resolution to set Lynchburg City Council's meeting time, dates, and locations for CY2026 and to change the location of the Lynchburg City Council's remaining Work Sessions for CY2025.

Councilmember Timmer will independently present proposed changes to the ROP as well.

City staff seek guidance regarding what proposed changes to the ROP are to be considered.

PRIOR ACTION(S)

Last Update to the Lynchburg City Council Rules of Procedure - July 9, 2024

FISCAL IMPACT

N/A

CONTACT(S)Matthew Freedman, City Attorney
Alicia Finney, Clerk of Council**ATTACHMENT(S)**

1. LCC Rules of Procedure
2. Rules of Procedure - Draft Amendments for July 2025
3. Proposed Resolution - Regular Meetings (CY2026) & Work Session Changes (CY2025)

4. Timmer Presentation on Rules
5. Timmer Proposed Ordinance to Change Rules

REVIEWED BY



Date: July 03, 2025

Alicia Finney, Clerk of Council

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008; Amended August 11, 2009, July 9, 2010, July 3, 2012, May 14, 2013, July 12, 2016, July 1, 2020, July 13, 2021, July 26, 2022, July 11, 2023, and July 9, 2024)

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter “the Council”). Their purpose is to help the 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. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of *Robert's Rules of Order Newly Revised* for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of the Rules of Procedure

- A. To enable the 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 Councilmember;
- C. To preserve a spirit of cooperation among Councilmembers; *and*
- D. To determine the will of the Council on any matter.

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

- A. The business of the Council should proceed in the most efficient manner possible;
- B. The Council's rules of procedure must be followed consistently;
- C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one (1) subject may claim the attention of the Council at a time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every Councilmember shall have equal rights to participate and vote on all issues;
- G. Every Councilmember must have an equal opportunity to participate;

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 to be Held

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

Section 2-1.1 Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

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 Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers 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 Councilmembers of the time

and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means. The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

B. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the Councilmembers, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regular meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is cancelled by a majority 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 recessed or adjourned session of a properly called regular, additional scheduled, or special meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A regular meeting may be cancelled or rescheduled, in special circumstances and for the convenience of the Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change and the Councilmembers shall be immediately notified of the change and the reason therefore. If any Councilmember objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no Councilmember objects, the public and the media shall be notified promptly.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year shall be known as the organizational meeting. The purpose of the organizational meeting shall be:

1. To establish the dates, times, and places for its regular meetings; *and*
2. Adopt its Rules of Procedure.

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

A. The first meeting in January of each year following a municipal election shall be reserved for the election of Mayor and Vice Mayor. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership of the Council.
2. Any Councilmember, after being recognized by the presiding officer, may place one (1) 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 presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion, the presiding officer shall call for the vote.
5. The Councilmembers shall vote by written ballot and the completed ballots shall immediately be passed to a City staff member designated by the Clerk of Council who shall collect the ballots, read them aloud, publicly announce how each Councilmember voted, and tally the respective votes.
6. Each Councilmember shall cast one (1) vote for any one (1) nominee.
7. In the case of a three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.
8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve for a term of two (2) years, or until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining Councilmembers shall determine their seating arrangement by seniority with the most senior Councilmember selecting his or her seat first and the remaining Councilmembers selecting their respective seats in seniority order based on years served on the Council. In the event that two (2) or more Councilmembers have equal seniority, the selection of seating for those Councilmembers shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Councilmembers present shall choose one of themselves as temporary presiding officer.

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings.

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these rules of procedure and the Code of Virginia as may be directed by the presiding officer, or as required as a result of a point of order raised by one (1) or more of the Councilmembers. If the City Attorney is unavailable, then the City Manager shall serve as the Parliamentarian.

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

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember 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 (2) exceptions to this right of appeal.

C. 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, when necessary to "clear the air" and thus reduce friction among the Councilmembers.

D. While a meeting of the Council is in session, all Councilmembers will treat one another with

respect, courtesy, and exhibit appropriate decorum. Councilmembers shall not insult, demean, or belittle one another or the City's staff while a meeting of the Council is in session.

SECTION 4 -- AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

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

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

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

Section 4-2. Delivery of Agenda

The Council agenda packet shall be delivered to each Councilmember, the City Attorney, and the City Manager the Thursday prior to a regular meeting. Delivery by electronic means is the preferable method. The Public Comment Agenda Addendum will be posted after the Public Comment sign-up deadline.

Section 4-3. Public Access to Agenda Materials

The Clerk of Council shall post the Council agenda packet on the Internet for public information as promptly as possible. Copies of the Council agenda will also be available outside of City Council Chamber and at the Citizens First desk located on the first floor of City Hall for public inspection. Furthermore, paper copies of the Council agenda packet will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council, on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - Roll Call
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Consent Agenda
8. Public Hearings
9. Public Comment (if requested)
10. General Business
11. Closed Meeting (if necessary)
12. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless a motion to consider for adoption is approved by a two-thirds vote of the membership of the Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Section 5-1.2. Roll Call

A. Roll Call shall be the designated time where Councilmembers may individually and publicly speak to matters relevant to the City, its citizens, and/or the operations of the municipal corporation.

B. Debate shall not be permitted during Roll Call.

Section 5-2. Consent Agenda

A. The Consent Agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances, or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The Consent Agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of Consent Agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a Consent Agenda item.

D. Upon request of a Councilmember, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Public Comment

A. Every petition, communication, or address to the Council shall be in respectful language and is encouraged to be in writing.

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.
2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.
4. The presiding officer shall open the Public Comment period.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of three (3) minutes.

7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her comment period. A group may have no more than one (1) spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present.
13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.
14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

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 Councilmembers present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Councilmembers present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;

3. Use profanity or vulgar language or gestures;
4. 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;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others; *or*
8. Address the Council on issues that do not concern the services, policies, affairs of the Council or the City.
9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the Council meetings. He or she may order the expulsion of any person 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 they were 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 (6) months, or upon a still subsequent expulsion a period not to exceed one (1) 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 City, 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. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers 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, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) 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 unanimous consent or by a two-thirds (2/3) 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. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.

F. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, 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.

G. 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. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive a unanimous vote upon introduction. 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 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 recorded 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 Virginia Freedom of Information Act, which authorizes the Closed Meeting.

2. The Councilmembers shall request the assistance of the City 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 Councilmembers 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 Virginia Freedom of Information Act.

F. 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. 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.

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, 1950, as amended, a majority of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. A quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. 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, 1950, as amended, 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 (2) or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments and Oqueries of Councilmembers

Councilmembers are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. The Councilmembers may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Councilmembers' questions. All legal questions should be addressed to the City Attorney.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one (1) 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 Councilmembers 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 Councilmembers 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 Councilmember, including the presiding officer, may make a motion.
- C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A Councilmember may make only one (1) motion at a time.
- E. Except for matters recommended by a committee of the Council, 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, requires a majority of the votes cast, and 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 Councilmember 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. 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 in 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 of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of the Councilmembers present.
5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:
 - (a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.
 - (b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.
 - (c) Section 15.2-2286 of the Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) 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. To Call the Question. The motion to call the question is not in order until every Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded thirty (30) minutes. 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 new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions 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 is first.

10. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember 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. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. To Prevent Reintroduction for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

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 Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;
3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;
4. A Councilmember may vote for or 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; *and*

6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

A. Each Councilmember who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests Act or unless excused from voting by the other Councilmembers. A Councilmember who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the Councilmember to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining 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 is necessary to adopt a motion, and a tie vote means that the motion, resolution, or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in the Council Chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any Councilmember may request a roll call vote. In any case, the presiding officer shall announce the results of the vote.

Section 6-11. Decisions on Points of Order

Any Councilmember 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 Councilmember may appeal the ruling of the presiding officer to the 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, authorities, commissions, and committees shall be appointed by an affirmative vote of a majority of the Councilmembers to serve specified terms as may be deemed appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees, Finance and Physical Development. Substitutes or alternates may participate on such committees only if so authorized by the Mayor. Committee members for such committees will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, 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 Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Public Engagement at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk of Council to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. For example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council's meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record of the Council's 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 to these rules 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.

AMENDMENTS:

August 11, 2009: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

July 3, 2012, amended as follows:

- Introduction; added a process to consider when the Rules of Procedure do not address a procedural issue.
- Section 2-1; adjustments reflecting the practice of no longer distinguishing separate "work session" meetings. The work session will be recognized as a part of Council's regular meeting and that section will be separated from the rest of the meeting by a recess.
- Section 4-3 to 4-4; clarifying language reflecting that agendas are now prepared, delivered, and are available to the public electronically. Section 4-5 was deleted.
- Section 5-1; amended the order of business to reflect current practice.
- Section 5-3, B; added a restriction on speakers donating their time to other speakers.
- Section 6-8, A; added a restriction on electronic communication between Councilmembers regarding an item under debate.
- Section 6-10. D; clarification that action on a zoning matter requires a majority vote of those present for resolution.
- Section 7-1, C; acknowledgement of the Mayor's responsibility to appoint Councilmembers to the Audit Committee.

May 14, 2013: amended Sections 5-3 and 5-5 to eliminate the requirement that a speaker provide his or her physical address and replace it with the requirement that the speaker identify his or her locality of residence when speaking in a public meeting.

July 12, 2016: amended Section 7-1(C) to eliminate the provision providing for the appointment of Councilmembers to serve on the Audit Committee.

July 1, 2020: amended Section 2.2 to eliminate the provision requiring that twelve hours advance notice must be given in order to hold a special meeting.

July 13, 2021: amended Section 4-1(F) and Section 5-3(B)(1) changing deadline for public comment from noon on the Wednesday preceding the Council meeting to noon on the Friday preceding the Council meeting.

July 26, 2022, amended as follows:

- All non-consequential clerical revisions including grammatical and formatting changes; uniform language changes; and modernization of terminology changes, less the revision of replacing "must" with "should" under Section § 1-2.(B.).

- Section § 2-6.(A.) - hold an Organizational Meeting annually instead of biennially to align with State code Section § 15.2-1416
- Section § 2-7.(A.)(5.) - removal of “Deputy Clerk”; changed to “City staff member designated by the Clerk of Council”
- Section § 4-3. Delivery of Agenda - addition of language to address the delivery of the Public Comment Agenda Addendum
- Section § 2-7. Procedure for Election of Mayor and Vice Mayor – address moving the Mayor and Vice Mayor elections from July to January to align with municipal elections
- Section § 3-4. Preservation of Order; separated last sentence of subsection B to be a “C” so it can be used as needed by the Mayor/Vice Mayor
- Section § 3-4. Preservation of Order; created subsection “D” to address Councilmember decorum
- Section § 5-4. Prohibited Conduct; edited language in subsection A to apply to all persons speaking or in Council Chamber

July 11, 2023, amended as follows:

- Section § 2-1 When and Where Regular Meetings are to be Held; in the month of March, hold the Council Work Sessions in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.
- Section § 3-4(D) Preservation of Order; add additional language to include, “Councilmembers shall not insult, demean, or belittle one another or the City’s staff while a meeting of the Council is in session.”
- Section § 4-1(B) Preparation; add additional language to include, “Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.”
- Technical revisions to correct § 4-2 and § 4-3
- Section § 5-1(A) Order of Business; to further detail Council Work Session and to move the Call to Order to 7:00 p.m.
- Section § 5-1.1 Council Work Session; created a new section to further define Council Work Session.
- Section § 5-1.2 Roll Call; created a new section to further define Roll Call.
- Section § 5-5 Public Hearings; revised subsections (D) and (E) to address emails and voicemails to be submitted for the record. Created new subsections (F) and (G) as technical revisions.

July 9, 2024, amended as follows:

- Section § 5-4(A), Prohibited Conduct; add additional language to include, “ 9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.”
- Section § 2-1, When and Where Regular Meetings are to be Held; Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m. in City Hall, Council Chamber, except for the **fourth Tuesday of February** and during the months of March **and April** where the meetings will be held in City Hall, 2nd Floor Training Room. In the months of July and December, there will be meetings on each of the second Tuesdays; **in August, there will be meetings on the fourth Tuesday.**

RESOLUTION:

#R-25-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the Lynchburg City Council Rules of Procedure ("RoP") are hereby amended, reenacted, and readopted with the following changes to Section 2-1:

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

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504. Except as previously noted, all regular meetings of the Council shall be held in the Council Chamber of the City Hall, 900 Church Street, Lynchburg, VA 24504.

Commented [FM1]: Red and yellow highlighted items are staff-recommended changes to the rules.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

2. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 4-1:

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request that an items be placed on the agenda by contacting the Clerk of Council by 5:00 p.m. at least seven (7) calendar days prior to the date of the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall then place the requested items under Roll Call for an introduction by the Councilmember on the agenda for at the next regular meeting following the request. Such items requested to be placed on the agenda shall first will then appear before the Council during a Council Work Session for discussion.

Commented [FM2]: Requested by Mayor Taylor

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

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

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

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

3. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-1.1:

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless a motion **to consider** for adoption **or approval** is approved by a **two-thirds vote majority** of the membership of the Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 et. seq. of the Code of Virginia, 1950, as amended, are excepted from this rule.

Commented [FM3]: Requested by Councilman Misjuns

4. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-3:

Section 5-3. Public Comment

A. Every petition, communication, or address to the Council shall be in respectful language and is encouraged to be in writing.

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.

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

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

4. The presiding officer shall open the Public Comment period. Residents of the City shall be permitted to address the Council before non-residents of the City.

Commented [M4]: Requested by Councilman Misjuns and Vice Mayor Diemer.

5. Each speaker shall clearly state his or her name and locality of residence

6. There shall be a time limit for each individual speaker of three (3) minutes.

7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her comment period. A group may have no more than one (1) spokesperson.

8. Speakers are not permitted to donate time to other speakers.

9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.

10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.

11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.

12. Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present. Additionally, except by consent of a majority of the Councilmembers present, Councilmembers are not permitted to leave the Council's dais during the Public Comment period or any public hearing for the purpose of interacting with speakers or members of the general public.

Commented [FM5]: Requested by Vice Mayor Diemer

13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.

14. ~~The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Clerk of Council. Speakers are not permitted to approach the Council's dais during the Public Comment period or during any public hearing. Upon a request and express permission being granted by the presiding officer, materials or documentation may be provided to all Councilmembers through the City Manager or Clerk of Council.~~

Commented [FM6]: Requested by Mayor Taylor

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 Councilmembers present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a **two-thirds (2/3) majority** vote of the Councilmembers present.

~~E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.~~

5. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-4:

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures **in a manner which is disruptive**;
4. 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;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others; **or**
8. Address the Council on issues that do not concern the services, policies, affairs of the Council or the City; **or**
9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the Council meetings. **There shall be zero-tolerance for a citizen's violation of subsections (A)(3), (A)(4), or (A)(7) above.**

Commented [FM7]: Requested by Vice Mayor Diemer

~~He or she may ¶~~ **The presiding officer may** order the expulsion of any person 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 they were 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 (6) months, or upon a still subsequent expulsion a period not to exceed one (1) year

either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

6. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-5:

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, 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. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers 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, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Residents of the City shall be permitted to address the Council before non-residents of the City. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) 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 unanimous consent or by a two-thirds (2/3) 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. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be

Commented [M8]: Requested by Councilman Misjuns and Vice Mayor Diemer.

included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date, however, the Clerk of Council, at their discretion, may include voicemails received thereafter should time allow for the same. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.

F. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, 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.

G. 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.

7. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-7:

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, requires a majority of the votes cast, and 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 Councilmember 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. 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 in 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 of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of ~~two-thirds (2/3)~~ of a majority of Councilmembers present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

(a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.

(b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

(c) Section § 15.2-2286 of the Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) 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. To Call the Question. The motion to call the question is not in order until every Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded thirty (30) minutes. 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 new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions 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 is first.

10. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember 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. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. To Prevent Reintroduction for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

12. To Rescind, Repeal, or Annul. By a majority vote of its entire membership, this motion may be used to cancel or countermand a matter previously adopted or approved. This motion shall be made and adopted in accordance with applicable laws and subject to the following exceptions:

(a) A motion to rescind, repeal, or annul shall not be in order where a motion to reconsider has been used to address the same subject and such motion has failed.

(b) A motion to rescind, repeal, or annul shall not be in order on any matter that cannot be undone or is impractical to undo.

13. To Block Consideration of a Question. By a majority vote of its entire membership, this motion may be used to block consideration of a matter in order to avoid a subject or motion that is inappropriate or undesirable. Any subject or motion blocked by the Council hereunder shall not be brought before the Council again unless directed otherwise by a majority vote of the entire membership of the Council.

8. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 7-2:

Section 7-2. Standing Committees Roles and Guidelines

The roles of and the operating guidelines for the Lifelong Learning, Finance, and Physical Development committees shall be as adopted by a majority of the Council. Such guidelines shall allow the Chairmen of such committees, except where directed otherwise by a majority of

Commented [FM9]: Requested by Councilman Misjuns

Commented [FM10]: Requested by Councilman Misjuns

the membership of the respective committee, to set the times, dates, and locations of meetings and to also call special meetings.

9. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 8-5:

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.

10. That the remaining Work Sessions of the Council's regular meetings for the calendar year 2025 will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504. The Clerk of Council shall notify the general public of this change in accordance with Virginia law.

11. That all other parts, portions, and provisions of the RoP not inconsistent herewith are readopted, reenacted, and remain in full force and effect.

12. That this Resolution shall be effective upon its adoption.

Adopted: _____

Certified: _____
Clerk of Council

RESOLUTION:

#R-25-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the regular meetings of the Lynchburg City Council, for Calendar Year 2026 (January 1, 2026 through December 31, 2026), shall be held as follows:

Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 as follows: Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. The Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504. Except as previously noted, all regular meetings of the Council shall be held in the Council Chamber of the City Hall, 900 Church Street, Lynchburg, VA 24504.

2. That the location of the remaining 4:00 p.m. Work Sessions of the Lynchburg City Council's regular meetings for Calendar Year 2025 (January 1, 2025 through December 31, 2025) is hereby changed to the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504. The remaining portions of such regular meetings, beginning at 7:00 p.m., shall occur in the Council Chamber of the City Hall, 900 Church Street, Lynchburg, VA 24504.

3. That the Clerk of Council shall notify the general public of the meetings and associated changes described herein in accordance with applicable Virginia law.

4. That this Resolution shall be effective upon adoption.

Adopted: _____

Certified: _____
Clerk of Council

CIVILITY AND FREE SPEECH: PROPOSED RULES CHANGES





Establishing the correct balance between the need for robust debate while respecting free speech, while have civil dialogue and rejecting cancel culture.

THE POWER OF COMMUNICATION

Free Speech

CHANGES IN SECTION 1.

***1. PLACES EMPHASIS ON PROTECTING SPEECH,
TRANSPARENCY, AND ROBUST DEBATE,
RATHER THAN “EFFICIENCY”.***

***2. ACKNOWLEDGES THAT PROMOTING CIVILITY
REQUIRES DEFENDING THE RIGHTS OF OTHERS
TO SPEAK.***

***3. INSISTS THE RULES BY CONSISTENTLY
“APPLIED” WITHOUT BIAS.***

**“The right to free
speech is more
important than
the content of the
speech”. Voltaire**



“Everyone is in favor of free speech, but some people’s idea of it is that they are free to say what they like, but if anyone else says anything back, that is an outrage.”

Winston Churchill

CHANGES IN SECTIONS TWO AND THREE

- The councilmember who calls a special meeting shall have the opportunity to explain the purpose of the meeting prior to any vote to adjourn.
- All rules are interpreted to allow any councilmember to place a matter on the agenda with proper notice.
- Removes vague terms allowing for a presiding member to limit free speech of citizens and limits expulsion to physical threats or conduct that persistently violates rules after notice of potential expulsion is made.
- Requires the Parliamentarian to notify the presiding member that they must recognize a member who makes a point of order.
- Recognizes that all members should treat each other with respect and removes the ability to silence a member due to another councilmember’s personal offense.

CHANGES TO SECTIONS FOUR AND FIVE

Section Four and Five.

- Clarifies that a Councilmember's request for an agenda item is deemed made when an email is sent to the Clerk.
- Clarifies that Council may reject modifications to the agenda made by City Staff.

Section Five.

- Eliminates vague language that would allow the presiding officer to silence a citizen with whom he or she disagrees.
- Prohibits citizen conduct that physically intimidates and speech that incites violence, rather than allowing a member of the public to be silenced due to subjective standards pertaining to speech.
- Adds language clarifying that a member of the public may be expelled for ignoring clear warnings about conduct that disrupts the speech of others and may be expelled immediately for conduct or speech that incites violence.

CHANGES TO SECTION SIX

1. Clarifies that councilmembers hold the floor until exceeding a time limit approved by a super-majority of the council and that the presiding officer shall award additional time to compensate for disruptions.
2. Guarantees the right of any member of council to have an opportunity to respond to allegations of impropriety or improper conduct prior to the end of debate.
3. Provides an opportunity for the proponent of a measure to speak prior to voting on a call of the question.
4. Clarifies that friendly amendments do not count against the amendment limitation.
5. Provides that councilmembers may, but are not required, to seek guidance from the Parliamentarian on procedural matters.

6. New Section 6.12 establishes new required procedures prior to censuring any member of council.

Requires notice by requiring an initial filing for censure that includes relevant evidence, factual allegations, and references to the City Charter, ordinance, and Virginia law supporting the resolution of censure.

Establishes the right of the accused councilmember to access relevant information prior to the hearing on the resolution.

Establishes a timeframe that provides at least 30 days of notice prior to a vote on the resolution.

Establishes the right of the member against whom the censure is sought to present evidence and argument against the resolution and will not allow a resolution to be considered until after proper notice and opportunity to be heard is provided.

NEW SECTION 8-5.

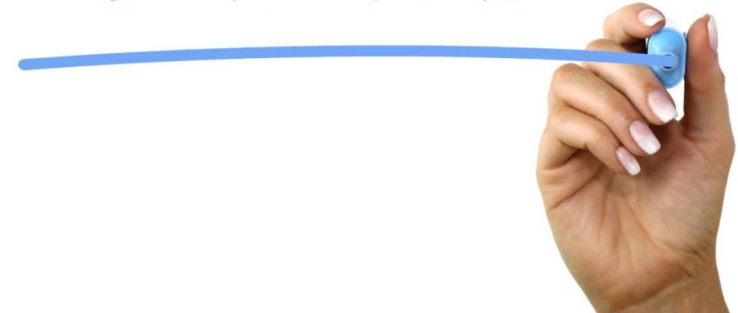
Provides that notice of resignations that require council attention must be made in writing and distributed to all members of council before they may be discussed by councilmembers in public hearing and prior to acceptance, if any is required, and establishes a procedure for providing such notice.



A REQUEST FOR REASONABLE CONSIDERATION

1. To suspend the rules to allow for a division of the question, so that the proposals can be voted on section by section.
2. A request that fellow councilmembers discuss and suggest a friendly amendment prior to a substitute motion, to allow for a dynamic discussion that will afford the opportunity to improve on the proposal and find common ground on issues.

REASONABLE





THANK YOU

Councilmember Jacqueline Timmer

Ward One

RESOLUTION:

#R-25-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the Lynchburg City Council's Rules of Procedure ("RoP") are hereby amended, reenacted, and readopted with the following changes:

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter "the Council"). Their purpose is to help the Council conduct its affairs in a timely and efficient manner **while promoting free speech, transparency, and robust council debate on issues of public importance**. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of *Robert's Rules of Order Newly Revised* for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of the Rules of Procedure

- A. To enable the 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 Councilmember;
- C. To preserve a spirit of cooperation among Councilmembers **by respecting the free and transparent public discussion on issues before the Council; and**
- D. To determine the will of the Council on any matter.

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

- A. The business of the Council should proceed in the most ~~efficient~~ **transparent and accountable manner reasonably possible;**
- B. The Council's rules of procedure must be ~~followed~~ **applied** consistently;
- C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one (1) subject may claim the attention of the Council at a time;

- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every Councilmember shall have equal rights to participate and vote on all issues;
- G. Every Councilmember must have an equal opportunity to participate;
- 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.

New Section 1-3.

In cases where the application of these rules is ambiguous, the presiding officer and the Council shall interpret the rules in a manner that favors the free expression of ideas and the full participation of all Councilmembers in debate.

SECTION 2 -- MEETINGS

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

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

Section 2-1.1 Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other

conditions are such that it is hazardous for the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

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 Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers 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 Councilmembers of the time and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means. The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

B. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the Councilmembers, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regular meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is cancelled by a majority 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 recessed or adjourned session of a properly called regular, additional

scheduled, or special meeting. **Prior to the vote on adjournment, or for recess of a special meeting, the members who originally sought the special meetings shall be afforded an opportunity to address the reasons the meeting was called.**

Section 2-5. Cancellation or Rescheduling of Meetings

A regular meeting may be cancelled or rescheduled, in special circumstances and for the convenience of the Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change and the Councilmembers shall be immediately notified of the change and the reason therefore. If any Councilmember objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no Councilmember objects, the public and the media shall be notified promptly.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year shall be known as the organizational meeting. The purpose of the organizational meeting shall be:

1. To establish the dates, times, and places for its regular meetings; *and*
2. Adopt its Rules of Procedure.

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

A. The first meeting in January of each year following a municipal election shall be reserved for the election of Mayor and Vice Mayor. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership of the Council.
2. Any Councilmember, after being recognized by the presiding officer, may place one (1) 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 presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion, the presiding officer shall call for the vote.
5. The Councilmembers shall vote by written ballot and the completed ballots shall immediately be passed to a City staff member designated by the Clerk of Council who shall collect the ballots, read them aloud, publicly announce how each Councilmember voted, and tally the respective votes.
6. Each Councilmember shall cast one (1) vote for any one (1) nominee.
7. In the case of a three-way race, the candidate receiving the least number of votes will

be dropped from the slate of nominees, and another vote will be taken.

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

B. The Mayor and Vice Mayor shall serve for a term of two (2) years, or until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining Councilmembers shall determine their seating arrangement by seniority with the most senior Councilmember selecting his or her seat first and the remaining Councilmembers selecting their respective seats in seniority order based on years served on the Council. In the event that two (2) or more Councilmembers have equal seniority, the selection of seating for those Councilmembers shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Councilmembers present shall choose one of themselves as temporary presiding officer.

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings. **The Clerk shall apply these rules of procedures consistent with the objective of affording all councilmembers the opportunity to place items on the agenda while providing reasonable notice to all councilmembers of agenda items.**

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these rules of procedure and the Code of Virginia as may be directed by the presiding officer, or as required as a result of a point of order raised by one (1) or more of the Councilmembers. If the City Attorney is unavailable, then the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum **while protecting free speech**. 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 curtesy in~~

violated these rules in his or her remarks, and to entertain and rule on objections from other Councilmembers on this ground;

3. To entertain and answer questions of parliamentary law or procedure;

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

5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember 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 (2) exceptions to this right of appeal. **If the presiding officer refuses to acknowledge a councilmember seeking an appeal of the presiding officer's ruling under the first three (3) powers listed above, the appealing member may directly appeal to the Parliamentarian who will gain the attention of the presiding officer and instruct the presiding officer the appeal is in order.**

C. 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, when necessary to "clear the air" and thus reduce friction among the Councilmembers.

D. While a meeting of Council is in session, all Councilmembers ~~should shall~~ treat one another with respect, courtesy, and exhibit appropriate decorum. Councilmembers should ~~shall~~ not insult, demean, or belittle one another or the City's staff while a meeting of the Council is in session.

SECTION 4 -- AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion. **A Councilmember's request for an agenda item shall be deemed submitted at the time the Councilmember sends an email to the clerk at the clerks' proper email address requesting the item be placed on the agenda.**

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

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

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

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

Section 4-2. Delivery of Agenda

The Council agenda packet shall be delivered to each Councilmember, the City Attorney, and the City Manager the Thursday prior to a regular meeting. Delivery by electronic means is the preferable method. The Public Comment Agenda Addendum will be posted after the Public Comment sign-up deadline.

Section 4-3. Public Access to Agenda Materials

The Clerk of Council shall post the Council agenda packet on the Internet for public information as promptly as possible. Copies of the Council agenda will also be available outside of City Council Chamber and at the Citizens First desk located on the first floor of City Hall for public inspection. Furthermore, paper copies of the Council agenda packet will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council, on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - Roll Call
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Consent Agenda
8. Public Hearings
9. Public Comment (if requested)

10. General Business
11. Closed Meeting (if necessary)
12. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council after prompt notice to all members of Council is made. ***Said modifications may be reversed by a vote of majority of council.***

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless a motion to consider for adoption is approved by a two-thirds vote of the membership of the Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Section 5-1.2. Roll Call

A. Roll Call shall be the designated time where Councilmembers may individually and publicly speak to matters relevant to the City, its citizens, and/or the operations of the municipal corporation.

B. Debate shall not be permitted during Roll Call.

Section 5-2. Consent Agenda

A. The Consent Agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances, or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The Consent Agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of Consent Agenda items to answer questions or clarify

a matter. There shall be no lengthy debate or discussion of a Consent Agenda item.

D. Upon request of a Councilmember, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Public Comment

A. Every petition, communication, or address to the Council should ~~shall~~ be in respectful language and is encouraged to be in writing.

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.
2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.
4. The presiding officer shall open the Public Comment period.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of three (3) minutes.
7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her comment period. A group may have no more than one (1) spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. At this time Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present. **If a member of the public makes any allegation of impropriety or improper conduct against any member of council the councilmember against whom the allegation was made shall be afforded the**

opportunity to briefly respond to the speaker or at the next public meeting of the council during roll call.

13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.

14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

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 Councilmembers present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Councilmembers present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;
4. **Citizens should ~~Use language~~ not use language** which insults or demeans any person. Citizens, however, have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane ~~or frivolous~~ statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;
7. Engage in ~~behavior that intimidates~~ **conduct that can be reasonably interpreted as physically intimidating to others or make any verbal or physical threat of physical harm to another person; or**
8. Address the Council on issues that do not concern the services, policies, affairs of the

Council or the City.

9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the Council meetings. He or she may order the expulsion of any person for violation of these rules ~~, disruptive behavior, or any any words or action which incites violence or disorder if such person fails to properly comport their conduct after a warning by the presiding officer and an explanation of the violation. Immediate expulsion can be ordered for disruptive behavior, or any words or action which incites violence.~~ Orders of expulsion are immediately appealable to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which they were 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 (6) months, or upon a still subsequent expulsion a period not to exceed one (1) 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 City, 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. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers 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, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) 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 unanimous consent or by a two-thirds (2/3) 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. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.

F. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, 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.

G. 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. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive a unanimous vote upon introduction. 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 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 recorded 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 Virginia Freedom of Information Act, which authorizes the Closed Meeting.

2. The Councilmembers may request the assistance of the City 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 Councilmembers 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 Virginia Freedom of Information Act.

F. 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. 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.

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, 1950, as amended, a majority of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. A quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. 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, 1950, as amended, 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 (2) or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments and Queries of Councilmembers

Councilmembers are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. The Councilmembers may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Councilmembers' questions. All legal questions should be addressed to the City Attorney.

C. A Councilmember who holds the floor during council discussions shall hold the floor as long as desired unless limited by a time limit approved by a super-majority of council prior to the debate or articulated within these rules. If another councilmember or member of the public disrupts or impedes the comments of a councilmember the presiding officer shall award the offended councilmember reasonable additional time to offset the disruption.

D. If during debate or discussion a councilmember lodges an allegation of impropriety or improper conduct against another member of council, the member of council against whom

the allegation was made shall have the right to respond prior to the end of the discussion of the item at hand.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one (1) 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 Councilmembers 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 Councilmembers 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 Councilmember, including the presiding officer, may make a motion.

C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated.

D. A Councilmember may make only one (1) motion at a time.

E. Except for matters recommended by a committee of the Council, 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, requires a majority of the votes cast, and 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 Councilmember 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. 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 in 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 of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of the Councilmembers present.
5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:
 - (a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.
 - (b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.
 - (c) Section 15.2-2286 of the Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) 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. To Call the Question. The motion to call the question is not in order until every

Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded thirty (30) minutes and the proponent of the motion has the opportunity to speak last to the motion. The motion is not amendable or debatable.

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, **however, a friendly amendment accepted by the movant and the councilmember who seconded the original motion shall not against this limitation.** 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.

7. 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 new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made.

8. 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 is first.

9. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember 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. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

10. To Prevent Reintroduction for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

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 Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;
3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;
4. **If during debate, any member of council makes an allegation of impropriety against any other member of council, the presiding officer shall afford the member against whom the allegation was made the opportunity to respond to the allegation and the opportunity to ask the councilmember who is making the allegation reasonable questions pertaining to the allegation, prior to closing the debate on the matter.**

45. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion;

~~56.~~ The presiding officer may participate in the debate prior to declaring the matter ready for a vote; *and*

~~6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.~~

Section 6-9. Duty to Vote

A. Each Councilmember who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests Act or unless excused from voting by the other Councilmembers. A Councilmember who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the Councilmember to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining 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 is necessary to adopt a motion, and a tie vote means that the motion, resolution, or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in the Council Chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any Councilmember may request a roll call vote. In any case, the presiding officer shall announce the results of the vote.

Section 6-11. Decisions on Points of Order

Any Councilmember may raise a point of order without being recognized by the presiding officer. The presiding officer ~~shall~~ **may** 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 Councilmember may appeal the ruling of the presiding officer to the Council which shall decide the matter by majority decision.

New Section 6:12. Censure Proceedings.

A. A motion or resolution to censure a member of the Council may be considered only if it is in writing, factually and legally sufficient, and includes citations and copies of any documents and statements relied upon to support the allegations.

B. Upon presentation of such a motion or resolution, the Council shall vote on whether to *accept it for consideration* and place it on the agenda for a public hearing no sooner than 30 days after the vote to accept.

C. The member(s) subject to the censure motion shall have the right to request all relevant documents and communications, and any delay in providing such information shall extend the scheduling of the public hearing accordingly.

D. At the public hearing, the proponents of the censure who are on council shall present their arguments and facts, holding the floor subject to time constraints set by a two-thirds vote of the Council prior to the hearing but which shall not be less than 30 minutes each for the proponent and opponent, unless the opponent agrees to the alternative time limit. If the resolution of censure is made against multiple members of council, each individual member against whom the resolution is made can demand a separate hearing relating to their censure. If the censure hearing against multiple members is held concurrently, each member against whom the allegations were made shall have the right to veto any time limits less than 30 minutes for their presentation.

E. Following the proponents' presentation, the member(s) subject to the censure shall present their defense, holding the floor and may question others, subject to the same time constraints.

F. After both presentations, the Council shall vote on whether to place the censure motion or resolution on the agenda for the next regular meeting. If this motion fails, the censure is defeated. If it succeeds, the censure shall be considered as regular business at the subsequent meeting.

G. A censure motion or resolution must specify the alleged violation(s) of these Rules of Procedure, the Lynchburg City Charter, or applicable Virginia law, supported by factual evidence.

SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS, AND COMMITTEES

Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, authorities, commissions, and committees shall be appointed by an affirmative vote of a majority of the Councilmembers to serve specified terms as may be deemed appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees, Finance and Physical Development. Substitutes or alternates may participate on such committees only if so authorized by the Mayor. Committee members for such committees will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, 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 Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Public Engagement at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk of Council to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. For example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council's meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record of the Council's 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 to these rules shall require an affirmative vote of four (4) members of the Council.

New Section 8-5: Resignations

All resignations of personnel whose resignations require the Council's attention shall be communicated by the person resigning in writing directly to the Clerk of Council. The Clerk shall distribute said writing promptly to each member of Council. Any resignation not so distributed to all members of Council shall not be considered or accepted and may not be discussed during the public work of the Council.

Section 8-~~56~~. 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.

(NOTE: Red language above is new language. Red language that is lined out is existing language that will be removed. Black language is the existing rule.)

AGENDA ITEM SUMMARY**MEETING DATE**

July 8, 2025

PRESENTED BY**AGENDA ITEM # VI.3**

Consideration of a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Central Virginia Community College Board, City Employee Appeals Board, Economic Development Authority, Historic Preservation Commission, Martin Luther King, Jr./Lynchburg Community Council, Museum Advisory Board, Lynchburg Redevelopment and Housing Authority, and Building Code of Appeals Board pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

RECOMMENDATION**SUMMARY****PRIOR ACTION(S)****FISCAL IMPACT****CONTACT(S)****ATTACHMENT(S)**

1. CVCC_Packet_07082025
2. City EE Appeals_packet_07082025
3. EDA_Packet_07082025
4. HPC_Packet_07082025
5. MLK.LCC_Packet_07082025
6. Museum_Packet_07082025
7. LRHA_Packet_07082025

REVIEWED BY

Alicia Finney, Clerk of Council

Date: