



CITY COUNCIL WORK SESSION

Tuesday, August 26, 2025 | 4:00 PM
2nd Floor Training 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. Update on the Adopted FY 2026 Budget
- IV. **Business Item Briefing(s)**
 - IV.2. National Opioid Litigation Settlements (Sackler Family Settlement & Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus Settlement)
 - IV.3. Lynchburg City Council Rules of Procedure Discussion
- V. **Roll Call**
- VI. **Closed Session**
 - VI.4. Consideration of a closed meeting to the disposal of City-owned real estate, where competition or bargaining is involved, and where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to the letting of City-owned real estate at the Lynchburg Regional Airport, and the selling of City-owned real estate at 1505/1517 Jackson Street, Lynchburg, Virginia.
 - VI.5. Consideration of a closed meeting for the purpose of discussing the performance and conduct of a specific appointee of the Lynchburg City Council and consulting with legal counsel in connection with the same, pursuant to Sections 2.2-3711(A)(1) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to the performance and conduct of a current member of the Lynchburg School Board.
 - VI.6. Consideration of a closed meeting to discuss appointments for vacancies to the Greater Lynchburg Transit Company Board of Directors, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.



AGENDA ITEM SUMMARY

MEETING DATE

August 26, 2025

PRESENTED BY

Donna Witt, Chief Financial Officer

AGENDA ITEM # III.1

Update on the Adopted FY 2026 Budget

RECOMMENDATION

SUMMARY

With City Council's majority vote to set the real estate tax rate at \$0.84 and restore several services identified at the June 30, 2025 Special Called Meeting, the FY 2026 budget was adopted with a \$538,118 reduction in planned budget savings across the General Fund. This savings is reflected similar to managed vacancy savings in the non-departmental portion of the budget. Historically, each year a savings is realized due to departments being fiscally responsible in spending their budgets. Staff will bring adjustments with fourth quarter to account for the savings.

PRIOR ACTION(S)

June 30, 2025: City Council Special Called Meeting, Adoption of the FY 2026 Operating and Capital Budgets

FISCAL IMPACT

CONTACT(S)

Donna Witt, Chief Financial Officer

ATTACHMENT(S)

1. BIB - Update on the Adopted FY 2026 Budget

REVIEWED BY

Donna Witt, Chief Financial Officer

Date: August 20, 2025



Gregory Patrick, Deputy City Manager

Date: August 21, 2025



Alicia Finney, Clerk of Council

Date: August 21, 2025

UPDATE ON THE ADOPTED FY 2026 BUDGET

City Council Meeting – August 26, 2025



UPDATE ON THE ADOPTED FY 2026 BUDGET

At the June 30, 2025 Special Called Meeting City Council restored services/programs as shown below. The FY 2026 budget was adopted reflecting a \$538,118 reduction in planned budget savings across the General Fund to offset the services/programs restored.

	Restored Services	Net Total	Expenditure	Revenue
	Downtown Branch Library	188,366	188,366	
	Templeton Senior Center	92,860	92,860	
	Cars, Weeds, and Trash Program (net revenue)	73,448	98,448	(25,000)
	Jackson Heights Art Studio	68,499	68,499	
	Social Services reductions (net revenue)	47,741	268,744	(221,003)
	General Relief Burial Program	12,500	12,500	
	Revenue loss for adopted change to real estate and personal property tax	54,704		54,704
	Total restored services (net revenue)	\$538,118	\$729,417	(\$191,299)

FINAL COMMENTS

- Historically, each year a savings is realized due to departments being fiscally responsible in spending their budgets.
- Staff will bring adjustments with FY 2026 fourth quarter adjustments to account for the savings.



AGENDA ITEM SUMMARY

MEETING DATE

August 26, 2025

PRESENTED BY

Matthew Freedman, City Attorney

AGENDA ITEM # IV.2

National Opioid Litigation Settlements (Sackler Family Settlement & Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus Settlements)

RECOMMENDATION

Receive Information Regarding the National Opioid Litigation Settlements (Sackler Family Settlement & Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus Settlements)

SUMMARY

As the City Council recalls, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through legal counsel, negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic. The Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU"), an attachment to R-21-095, illustrates the results of such negotiations.

100% participation in the previous multistate opioid settlements with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Johnson & Johnson, Teva, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart, and Kroger was achieved. As of August 14, 2025, the City's Finance Department indicated the City has received \$752,640.78 from the National Opioid Litigation Settlements. As of August 14, 2025, Virginia Opioid Abatement Authority grants involving the City are as follows: Horizon Behavioral Health (\$1,946,372) and Roads to Recovery (\$193,421.31) for a total of \$2,139,793.31.

The City Council will need to decide if they desire the City to participate in the negotiated settlement proposals with the Sackler Family and Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus. The amount of funds that will flow to Virginia and its localities from these settlements depends on maximizing participation. Participating Virginia counties and independent cities may receive some of the settlement funds pursuant to the allocation framework described in the Virginia Opioid Abatement Fund and the MOU previously described.

PRIOR ACTION(S)

July 9, 2024: Adoption of R-24-055

March 14, 2023: Adoption of R-23-027

December 14, 2021: Adoption of R-21-096

December 14, 2021: Adoption of R-21-095

FISCAL IMPACT

TBD as the amount of settlement funds that will flow to the City depends on the amount of participation around Virginia.

CONTACT(S)

Matthew Freedman, City Attorney
Donna Witt, Chief Financial Officer

ATTACHMENT(S)

1. Proposed Resolution - Approval of Eight Opioid Manufacturer Settlements (Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus)
2. Proposed Resolution - Approval of Direct Sackler Settlement
3. Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus Settlement Overview
4. Purdue Pharma L.P. & Sackler Family Settlement Overview
5. R-24-055
6. R-23-027
7. R-21-096
8. R-21-095
9. Executive Summary
10. OAG PowerPoint - Opioid Litigation Settlement

REVIEWED BY



Alicia Finney, Clerk of Council

Date: August 21, 2025

RESOLUTION:

#R-25-__

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY OF LYNCHBURG'S PARTICIPATION IN THE PROPOSED SETTLEMENTS OF OPIOID-RELATED CLAIMS AGAINST ALVOGEN, AMNEAL, APOTEX, HIKMA, INDIVIOR, MYLAN, SUN, AND ZYDUS, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City of Lynchburg's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City of Lynchburg; and

WHEREAS, settlement proposals have been negotiated that will cause the opioid manufacturers Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus (collectively, "the Manufacturers") to pay an aggregate of approximately \$720 million dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City of Lynchburg has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that each of the pending settlements with the Manufacturers shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, Walmart, and Kroger; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlements with the Manufacturers and has recommended that the City participate in the settlements in order to recover its share of the funds that the settlements would provide.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL FOR THE CITY OF LYNCHBURG, VIRGINIA that the Lynchburg City Council, this 9th day of September, 2025, approves of the City's participation in the proposed settlements of opioid-related claims against the Manufacturers, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against the Manufacturers.

Adopted: _____

Certified: _____
Clerk of Council

RESOLUTION:

#R-25-__

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED DIRECT SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST THE SACKLER FAMILY, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENT

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City of Lynchburg's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City of Lynchburg; and

WHEREAS, a settlement proposal has been negotiated that will cause the Sackler family, the owners of the Purdue Pharma family of companies, to pay an aggregate of \$6.5 billion dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City of Lynchburg has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with the Sackler family shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, Walmart, and Kroger; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlement with the Sackler family and has recommended that the City participate in the settlement in order to recover its share of the funds that the settlement would provide.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA that the Lynchburg City Council, this 9th day of September, 2025, approves of the City's participation in the proposed settlement of opioid-related claims against the Sackler family, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlement, including the required release of claims against the Sackler family.

Adopted: _____

Certified: _____
Clerk of Council

National Opioids Settlements: Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, Zydus
Opioids Implementation Administrator
opioidsparticipation@rubris.com

York County, VA
Rubris Reference Number: CL-1768503

**TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT NATIONAL OPIOID
SETTLEMENTS.**

SETTLEMENT OVERVIEW

Proposed nationwide settlement agreements (“Settlements”) have been reached that would resolve opioid litigation brought by states, local political subdivisions, and special districts against eight opioids manufacturers, Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus (the “Manufacturers”). Local political subdivisions and special districts are referred to as “subdivisions.”

The Settlements require the settling Manufacturers to pay hundreds of millions of dollars to abate the opioid epidemic. The Settlements will provide a maximum of approximately \$720 million in cash to participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlements require:

- Alvogen to immediately pay up to approximately \$19 million;
- Amneal to pay up to approximately \$74 million over 10 years, and to provide either approximately \$177 million of its generic version of the drug Narcan or up to an additional approximately \$44 million in cash;
- Apotex to immediately pay up to approximately \$65 million;
- Hikma to immediately pay up to approximately \$98 million, and to provide either approximately \$35 million of its naloxone product or up to an additional approximately \$7 million in cash;
- Indivior to pay up to approximately \$75 million over five years, a portion of which, at the election of the state, could be paid in the form of Indivior’s branded buprenorphine and/or nalmefene products with a value of up to \$140 million.;
- Mylan to pay up to approximately \$290 million over nine years;
- Sun to immediately pay up to approximately \$32 million; and
- Zydus to immediately pay up to approximately \$15 million.

The Settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or distribution practices and require the Manufacturers to implement safeguards to prevent diversion of prescription opioids.

Each of the proposed settlements has two key participation steps.

First, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at <https://nationalopioidsettlement.com/>.

Second, eligible subdivisions within each participating state decide whether to participate in each Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Settlements provide that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for these new Settlements and was also retained for the prior national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in one or more of the Settlements, and your subdivision may participate in those Settlements in which your state has elected to participate. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them.

Subdivisions can participate in the Settlements whether or not they filed a lawsuit or are represented.

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlements, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com>. This website also includes information about how the Settlements are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlements and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com/>.

Your subdivision will need to decide whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process before the **October 8, 2025** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

The Settlements require that you take affirmative steps to "opt in" to the Settlements.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form for that settlement.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Forms and instructions.

All required documentation must be signed and returned on or before **October 8, 2025**.

***TO LOCAL POLITICAL SUBDIVISIONS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT A NEW
NATIONAL OPIOID SETTLEMENT.***

PURDUE PHARMA L.P. & SACKLER FAMILY SETTLEMENT OVERVIEW

A proposed nationwide settlement agreement has been reached with Purdue (and certain of its affiliates) and the Sackler family concerning alleged misconduct related to opioids.

The proposed settlement is being implemented in connection with Purdue’s bankruptcy proceedings, and consists of, among other things, a settlement of Purdue’s claims against the Sacklers and certain other parties (referred to as the “Estate Settlement”), and a settlement of direct claims against the Sacklers held by States, local governments and other creditors (the “Direct Settlement”, and together with the Estate Settlement, the “Settlement”). The Settlement contemplates that the Sacklers will be paying an aggregate of \$6.5 billion in 16 payments over 15 years, including \$1.5 billion on the settlement’s Effective Date (expected to be in 2026), though some amounts are subject to discounted prepayments. These amounts are in addition to amounts available from the Purdue estate including amounts available on the Effective Date (expected to be around \$900 million) and amounts that may be paid in the future.

The Settlement also contains injunctive relief governing opioid dispensing practices and requires the successor-in-interest of Purdue Pharma L.P. to implement safeguards to prevent diversion of prescription opioids, and also restrict certain Sacklers from directly or indirectly engaging in the manufacturing or sale of opioids, as detailed in the Settlement.

The proposed settlement has two key participation steps now that **all eligible states and territories elected to participate in the Direct Settlement.**

First, eligible subdivisions within each participating state decide whether to participate in the Direct Settlement. The Direct Settlement is documented in the Governmental Entity and Shareholder Direct Settlement Agreement, which is commonly referred to as the “GESA”. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the Direct Settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds.

YOU MUST PARTICIPATE IN THE DIRECT SETTLEMENT BY RETURNING YOUR PARTICIPATION FORM IN ORDER TO RECEIVE THE BENEFITS OF THE SETTLEMENT.

Second, concurrently with the solicitation of eligible subdivisions to participate in the Direct Settlement, votes will be solicited for approval of Purdue Pharma L.P.’s bankruptcy plan, which plan will provide distributions in respect of the Estate Settlement. NOT ALL SUBDIVISIONS ELIGIBLE TO PARTICIPATE IN THE SETTLEMENT WILL RECEIVE PACKAGES TO VOTE ON THE PLAN.

Please note that this is NOT a solicitation or a request for subdivisions to submit votes on the Purdue bankruptcy plan. This settlement package only pertains to a decision to participate in the Direct Settlement with the Sacklers.

If you receive a package to vote on the plan you should follow the applicable instructions for voting. PLEASE NOTE THAT VOTING ON THE PLAN IS SEPARATE FROM PARTICIPATION IN THE DIRECT SETTLEMENT. **IT IS NOT NECESSARY TO VOTE ON THE PLAN IN ORDER TO RECEIVE THE BENEFITS OF THE SETTLEMENT.**

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Direct Settlement provides that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for the Direct Settlement and was also retained for the prior national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in the Settlement, and therefore your subdivision may participate in the Direct Settlement. This notice is also being sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them. **Subdivisions can participate in the Settlement whether or not they filed a lawsuit or are represented.**

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlement, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com/purdue-sacklers-settlements/>. This website will be updated to include information about how the Settlement is being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the terms of the settlement agreements and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state.

Your subdivision will need to decide whether to participate in the proposed Settlement, and subdivisions are encouraged to work through this process before the **September 30, 2025** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENT?

The Settlement requires that you take affirmative steps to "opt in" to the Settlement.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator. In order to participate in the settlement, a subdivision must sign and return the required documentation.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Form and instructions.

All required documentation must be signed and returned on or before **September 30, 2025**.

RESOLUTION:

#R-24-055

A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA APPROVING
THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED
CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES, AND DIRECTING
THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE
THE CITY'S PARTICIPATION IN THE SETTLEMENT

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia ("City"), by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City; and

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlement and has recommended that the City participate in the settlement in order to recover its share of the funds that the settlement would provide.

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

1. That the Council of the City of Lynchburg, Virginia hereby approves of the City's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlement, including the required release of claims against Kroger.

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

Adopted: July 9, 2024

Certified:


Clerk of Council

RESOLUTION:

#R-23-027

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY OF LYNCHBURG'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY OF LYNCHBURG'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia ("City"), by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlements and has recommended that the City participate in the settlements in order to recover its share of the funds that the settlement would provide.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Lynchburg City Council, this 14th day of March, 2023, approves of the City's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.
2. That this Resolution shall be effective upon adoption.

Adopted: March 14, 2023

Certified:


Clerk of Council

RESOLUTION:

#R-21-096

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

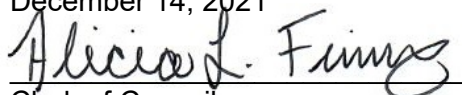
WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lynchburg, Virginia, this 14th day of December, 2021, approves of the City's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

Adopted: December 14, 2021

Certified:


Clerk of Council

RESOLUTION:

#R-21-095

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE MOU

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lynchburg, Virginia, this 14th day of December, 2021, hereby authorizes and approves of the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A", and directs the City Attorney to execute the MOU on behalf of the City.

Adopted: December 14, 2021

Certified: Alicia L. Finney
Clerk of Council

**VIRGINIA OPIOID ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

4. "Counsel" shall mean the undersigned private attorneys representing the Political Subdivisions.
5. "The Parties" shall mean the Commonwealth of Virginia, the Political Subdivisions, and Counsel.
6. "Negotiating Committee" shall mean a three-member representative group of the Parties. The Commonwealth shall be represented by the Virginia Attorney General or his designees. The Political Subdivisions and Counsel shall be represented by W. Edgar Spivey of Kaufman & Canoles, P.C. or his designee, and J. Burton LeBlanc of Baron & Budd, P.C. or his designee.
7. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant named in Complaints filed by all the Political Subdivisions in court on or before April 30, 2020 when that resolution has been jointly entered into by the Commonwealth, the Political Subdivisions, and Counsel. "Settlement" also shall include the approval by a United States Bankruptcy Court of a plan of reorganization or liquidation of a Pharmaceutical Supply Chain Participant, or any other determination, ruling, or decision by a United States Bankruptcy Court, in which legal or equitable claims against the Pharmaceutical Supply Chain Participant by the Commonwealth and the Political Subdivisions are settled, adjudicated, released, or otherwise resolved.
8. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this MOU.
9. "Approved Abatement Purposes" shall mean efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the

opioid epidemic, including but not limited to those efforts described in Section C(4)(a) through (j) of this MOU. In addition, "Approved Abatement Purposes" shall include the types of efforts approved for funding by the Authority that is defined in Section C(1). "Approved Abatement Purposes" also shall include any other abatement or remediation purposes to the extent such purposes are described in a Settlement.

10. "Pharmaceutical Supply Chain" shall mean the process and channels through which opioids or opioid products are manufactured, marketed, promoted, distributed or dispensed.
11. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be initially divided with fifteen percent (15%) going to the Participating Political Subdivisions ("Subdivision Share"), seventy percent (70%) going to the Virginia Opioid Abatement Fund and to other Approved Abatement Purposes as further described herein ("Opioid Abatement Share"), and fifteen percent (15%) going to the Commonwealth of Virginia ("Commonwealth Share").
2. The Subdivision Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

3. In the event a Participating Political Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Participating Political Subdivision shall be redistributed equitably based on the composition of the successor subdivision.
4. The Commonwealth Share shall be deposited to the Attorney General's Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund with moneys transferred to the Commonwealth's General Fund as provided by law. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Commonwealth Share shall be deposited and distributed accordingly.
5. The Opioid Abatement Share of 70% of the Opioid Funds shall be allocated and paid as follows:
 - a. Fifty-five percent (55%) of the Opioid Funds shall be allocated and paid to the Virginia Opioid Abatement Fund ("Fund").
 - b. Fifteen percent (15%) of the Opioid Funds shall be allocated and paid to the Participating Political Subdivisions and shall be used for Approved Abatement Purposes ("Direct Subdivision Abatement Share"). Upon request, a Participating Political Subdivision shall make publicly available information showing the purposes for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds. The Direct Subdivision Abatement Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who

elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

6. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Subdivision Share and the Commonwealth Share shall be used for Approved Abatement Purposes.
7. To receive funds allocated under this MOU from any Settlement, the Commonwealth and the Participating Political Subdivisions will comply with the terms of any such Settlement, including, among other things, any reporting requirements or restrictions on the use of funds for administrative purposes.

C. Virginia Opioid Abatement Fund and Virginia Opioid Abatement Authority

1. The Parties have sought creation of a Virginia Opioid Abatement Authority ("Authority") through legislation submitted to the Virginia General Assembly, which passed in the form attached hereto as Exhibit B. The Authority shall administer the Fund, which also shall be created through the legislation. The Authority shall seek to abate and remediate the opioid epidemic in Virginia through financial support from the Fund in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.
2. The Authority shall be governed by a Board of Directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources, or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a Participating Political Subdivision, to

be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority of an urban or suburban region containing Participating Political Subdivisions and one representative of a community services board or behavioral health authority of a rural region containing Participating Political Subdivisions, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a Participating Political Subdivision, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing City or County Attorney of a Participating Political Subdivision, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

- a. The members appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor.
- b. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Ex officio members shall serve terms coincident with their terms of office.

- c. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.
- 3. The Authority shall establish specific criteria and procedures for awards from the Fund; establish requirements for the submission of funding requests; evaluate funding requests in accordance with the criteria established by the Authority; make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of minimum percentages of funds that must be awarded to each Participating Political Subdivision; and evaluate the implementation and results of all efforts receiving support from the Authority.
- 4. The Authority may make grants and disbursements from the Fund that support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic. Such efforts may include but shall not be limited to the following:
 - a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies.
 - b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

- c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
- d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved, or are at risk of becoming involved, in the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;
- e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;
- f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;
- g. Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;
- h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

- i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and
 - j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services.
- 5. The Authority shall provide financial support only for efforts that satisfy the following conditions:
 - a. The efforts shall be conducted or managed by a Virginia state agency or Participating Political Subdivision;
 - b. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;
 - c. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and
 - d. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.
- 6. The Authority shall give priority to applications for financial support for efforts that:

- a. Collaborate with an existing program or organization that has an established record of success treating, preventing or reducing opioid use disorder or the misuse of opioids;
 - b. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate relative to population;
 - c. Treat, prevent or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community, as that term is defined in Va. Code § 56-576; or
 - d. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.
7. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:
- a. Fifteen percent (15%) shall be restricted for use by state agencies;
 - b. Fifteen percent (15%) shall be restricted for use by Participating Political Subdivisions with these funds distributed in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.
 - c. Thirty-five percent (35%) shall be restricted for use for regional efforts (a partnership of at least two Participating Political Subdivisions within a community services board region); and

- d. Thirty-five percent (35%) shall be unrestricted and may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by the Participating Political Subdivisions, or for regional efforts in addition to the amounts set forth in subparagraphs 7(a)-(c), provided that the Authority shall ensure that such funds are used to accomplish the purposes described above or invested as described immediately below.
8. In distributing money from the Fund, the Authority shall balance immediate and anticipated needs with projected receipts of funds in order to best accomplish the purposes for which the Authority is established.
9. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System.

D. Payment of Counsel and Litigation Expenses

1. The Parties anticipate that any national Settlement will provide for payment of all or a portion of the attorneys' fees and litigation expenses of named plaintiff Participating Political Subdivisions. Counsel for any named plaintiff Participating Political Subdivision that seeks to recover attorneys' fees and litigation expenses from Settlement funds shall first seek to recover such fees and expenses from any national Settlement fund established to pay such fees and expenses. For such purposes, the Parties agree that the monetary recoveries obtained via Settlement are attributable to the Commonwealth and the Political Subdivisions 50% each.
2. In addition, the Parties agree that a supplemental attorneys' fees and costs fund (the "Deficiency Fund") will be created; provided, however, that such Deficiency Fund may not violate the terms of any national Settlement. In such event, the Parties

agree to exert diligent efforts to accomplish an alternate arrangement that preserves the payment of counsel and litigation expenses outlined hereunder. Administration of the Deficiency Fund shall be the responsibility of the Political Subdivisions, and the costs of administration may be paid out of the Deficiency Fund.

3. The Deficiency Fund is to be used to compensate counsel for the Participating Political Subdivisions that filed suit on or prior to April 30, 2020. Eligible contingent fee contracts shall have been executed on or before April 30, 2020.
4. The Deficiency Fund shall be funded as follows: from any national Settlement, the funds deposited in the Deficiency Fund shall be 25% of the Subdivision Share and 25% of the Direct Subdivision Abatement Share of each payment (annual or otherwise) that is allocated to the Commonwealth of Virginia (including its political subdivisions) for that Settlement. These funds shall be deposited to the Deficiency Fund prior to distribution to the Participating Political Subdivisions. No portion of the Deficiency Fund shall be drawn from the Commonwealth Share or the Fund.
5. The maximum percentage of any contingency fee agreement permitted for compensation shall be 25% of the portion of the Subdivision Share and the Direct Subdivision Abatement Share attributable to the named plaintiff Participating Political Subdivision that is a party to the contingency fee agreement, plus expenses attributable to that named plaintiff Participating Political Subdivision. Under no circumstances may counsel collect more for its work on behalf of a named plaintiff Participating Political Subdivision than it would under its contingency agreement with that named plaintiff Participating Political Subdivision.

6. To the extent that funds available in the designated amounts or percentages set forth in this Section D are inadequate to fully pay amounts due under contingent fee contracts, funds shall be distributed to private counsel for named plaintiff Participating Political Subdivisions who filed suit and entered into contingent fee contracts prior to April 30, 2020 on a pro rata basis based on the percentage of the total population of named plaintiff Participating Political Subdivisions contained in the named plaintiff Participating Political Subdivision that private counsel represents.
7. Any funds remaining in the Deficiency Fund in excess of the amounts needed to cover private counsel's representation agreements shall revert to the Participating Political Subdivisions and be allocated to the sources from which they derived.
8. Any attorneys' fees related to representation of the Commonwealth of Virginia shall not be paid from the Subdivision Share, the Direct Subdivision Abatement Share, or the Fund but shall be drawn directly from the Commonwealth Share or through other sources. Any payments of attorneys' fees related to representation of the Commonwealth of Virginia from such other sources shall not be deemed Opioid Funds subject to allocation under this MOU.

E. Settlement Negotiations

1. The Negotiating Committee members agree to inform each other in advance of any negotiations relating to any Virginia-only Settlement with a Pharmaceutical Supply Chain Participant that includes both the Commonwealth and its Political Subdivisions and shall provide each other the opportunity to participate in such negotiations.

2. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants. Neither this provision, nor any other, shall be construed to state or imply that the Commonwealth or the Political Subdivisions are unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the Commonwealth's and the Political Subdivisions' efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.
3. As this is a Virginia-specific effort, the Negotiating Committee shall be chaired by the Attorney General or his designee.
4. The Commonwealth of Virginia, the Political Subdivisions, or Counsel may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section E.
5. The obligations in this Section E shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case-specific resolution with that particular Pharmaceutical Supply Chain Participant.

6. Nothing in this MOU alters or changes the right of the Commonwealth or any Political Subdivision to pursue its own claim. The intent of this MOU is to join the Parties to reach a Settlement or Settlements.

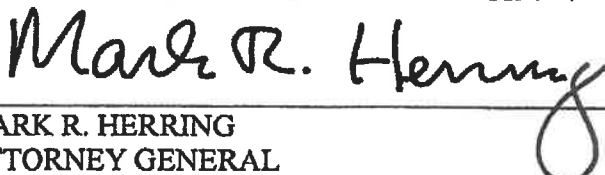
Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above MOU, including comments solicited from client Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the Commonwealth and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require acceptance by the Commonwealth of Virginia and the Participating Political Subdivisions.

We, the undersigned, hereby accept the VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING. We understand that the purpose of this MOU is to permit collaboration between the Commonwealth of Virginia and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential Settlement funds obtained under this MOU between the Commonwealth of Virginia and the Participating Political Subdivisions in a manner that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Virginia.

Executed this 20th day of August, 2021.

FOR THE COMMONWEALTH OF VIRGINIA:



MARK R. HERRING
ATTORNEY GENERAL

Executed this 20th day of August, 2021

Signature: _____

Printed Name: W. Edgar Spivey

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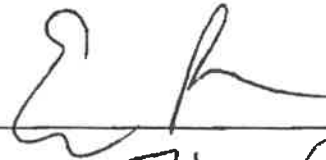
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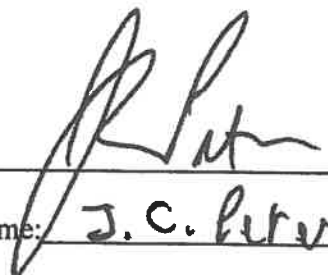
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EXHIBIT A

Table 1: Opioid Settlement Allocations to Counties and Independent Cities

Location	%	Location	%	Location	%
Accomack	0.348%	Franklin City	0.079%	Norton City	0.110%
Albemarle	0.863%	Frederick	1.277%	Nottoway	0.133%
Alexandria City	1.162%	Fredericksburg City	0.524%	Orange	0.638%
Alleghany	0.213%	Galax City	0.139%	Page	0.410%
Amelia	0.100%	Giles	0.409%	Patrick	0.329%
Amherst	0.299%	Gloucester	0.424%	Petersburg City	0.395%
Appomattox	0.133%	Goochland	0.225%	Pittsylvania	0.750%
Arlington	1.378%	Grayson	0.224%	Poquoson City	0.186%
Augusta	0.835%	Greene	0.178%	Portsmouth City	1.937%
Bath	0.037%	Greensville	0.124%	Powhatan	0.262%
Bedford	0.777%	Halifax	0.353%	Prince Edward	0.190%
Bland	0.147%	Hampton City	1.538%	Prince George	0.351%
Botetourt	0.362%	Hanover	1.079%	Prince William	3.556%
Bristol City	0.434%	Harrisonburg City	0.523%	Pulaski	1.061%
Brunswick	0.107%	Henrico	4.473%	Radford City	0.247%
Buchanan	0.929%	Henry	1.220%	Rappahannock	0.091%
Buckingham	0.127%	Highland	0.023%	Richmond	0.084%
Buena Vista City	0.078%	Hopewell City	0.344%	Richmond City	4.225%
Campbell	0.456%	Isle of Wight	0.356%	Roanoke	1.498%
Caroline	0.318%	James City	0.612%	Roanoke City	1.859%
Carroll	0.440%	King George	0.306%	Rockbridge	0.235%
Charles City	0.073%	King William	0.178%	Rockingham	0.614%
Charlotte	0.138%	King and Queen	0.072%	Russell	1.064%
Charlottesville City	0.463%	Lancaster	0.135%	Salem City	0.786%
Chesapeake City	2.912%	Lee	0.556%	Scott	0.421%
Chesterfield	4.088%	Lexington City	0.093%	Shenandoah	0.660%
Clarke	0.125%	Loudoun	2.567%	Smyth	0.592%
Colonial Heights City	0.283%	Louisa	0.449%	Southampton	0.137%
Covington City	0.100%	Lunenburg	0.088%	Spotsylvania	1.417%
Craig	0.070%	Lynchburg City	0.816%	Stafford	1.443%
Culpeper	0.790%	Madison	0.163%	Staunton City	0.440%
Cumberland	0.100%	Manassas City	0.452%	Suffolk City	0.710%
Danville City	0.637%	Manassas Park City	0.095%	Surry	0.058%
Dickenson	0.948%	Martinsville City	0.494%	Sussex	0.081%
Dinwiddie	0.196%	Mathews	0.088%	Tazewell	1.606%
Emporia City	0.050%	Mecklenburg	0.344%	Virginia Beach City	4.859%
Essex	0.101%	Middlesex	0.108%	Warren	0.766%
Fairfax	8.672%	Montgomery	1.205%	Washington	0.996%

Fairfax City	0.269%	Nelson	0.147%	Waynesboro City	0.363%
Falls Church City	0.102%	New Kent	0.156%	Westmoreland	0.223%
Fauquier	1.210%	Newport News City	2.047%	Williamsburg City	0.086%
Floyd	0.182%	Norfolk City	3.388%	Winchester City	0.649%
Fluvanna	0.194%	Northampton	0.122%	Wise	1.756%
Franklin	0.954%	Northumberland	0.129%	Wythe	0.642%
				York	0.561%

EXHIBIT B

Va. Code Ann. § 2.2-2365

Current through the 2021 Regular Session and Special Session I of the General Assembly

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§ 2.2-2365. Definitions

As used in this article, unless the context requires a different meaning:

"Authority" means the Opioid Abatement Authority.

"Board" means the board of directors of the Authority.

"Community services board region" means a region as determined by the Department of Behavioral Health and Developmental Services for purposes of administering Chapter 5 (§ 37.2-500 et seq.) of Title 37.2.

"Fund" means the Opioid Abatement Fund.

"Historically economically disadvantaged community" means the same as such term is defined in § 56-576.

"Local apportionment formula" means any formula submitted to the Attorney General by participating localities pursuant to the provisions of subsection B of § 2.2-507.3.

"Participating locality" means any county or independent city that agrees to be bound by the terms of a settlement agreement entered into by the Attorney General relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and that releases its own such claims.

"Regional effort" means any effort involving a partnership of at least two participating localities within a community services board region.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2366

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§ 2.2-2366. Opioid Abatement Authority established

The Opioid Abatement Authority is established as an independent body. The purpose of the Authority is to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2367

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§ 2.2-2367. Board of directors; members

A. The Authority shall be governed by a board of directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a participating locality, to be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority serving an urban or suburban region containing participating localities and one representative of a community services board or behavioral health authority serving a rural region containing participating localities, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a participating locality, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing county or city attorney of a participating locality, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

The member appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor. If the term of the office to which a member appointed pursuant to clause (iii) or (v) was elected expires prior to the expiration of his term as a member of the board, the Governor may authorize such member to complete the remainder of his term as a member or may appoint a new member who satisfies the criteria of clause (iii) or (v), as applicable, to complete the remainder of the term.

B.1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

2. Ex officio members shall serve terms coincident with their terms of office.

C. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

D. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

E. The Board shall meet annually or more frequently at the call of the chairman.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EDITOR'S NOTE. --

Acts 2021, Sp. Sess. I, cc. 306 and 307, cl. 2 provides: "That the initial appointments of nonlegislative citizen members to the board of directors of the Opioid Abatement Authority shall be staggered as follows: (i) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of one year, (ii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of two years, (iii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of three years, and (iv) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. For purposes of this enactment, "nonlegislative citizen member" means any member identified in clauses (iii) through (viii) of § 2.2-2367 of the Code of Virginia, as created by this act. Any nonlegislative citizen member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year terms."

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2368

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§ 2.2-2368. Duties of the Authority

The Authority shall:

1. Establish specific criteria and procedures for awards from the Fund;
2. Establish requirements for the submission of funding requests;
3. Evaluate funding requests in accordance with the criteria established by the Authority and the provisions of this article;
4. Make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of mandatory minimum percentages of funds to be awarded from the Commonwealth to each participating locality;
5. Evaluate the implementation and results of all efforts receiving support from the Authority; and
6. Administer the Fund in accordance with the provisions of this article.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2369

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§ 2.2-2369. Powers of the Authority

In order to carry out its purposes, the Authority may:

1. Make grants and disbursements from the Fund that support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids or otherwise abate or remediate the opioid epidemic;
2. Pay expenditures from the Fund that are necessary to carry out the purposes of this article;
3. Contract for the services of consultants to assist in the evaluation of the efforts funded by the Authority;
4. Contract for other professional services to assist the Authority in the performance of its duties and responsibilities;
5. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this article;
6. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Authority or otherwise in furtherance of the purposes of this article;
7. Perform any lawful acts necessary or appropriate to carry out the purposes of the Authority; and
8. Employ such staff as is necessary to perform the Authority's duties. The Authority may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Staff of the Authority shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees. Staff of the Authority shall not be subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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Va. Code Ann. § 2.2-2370

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CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY**

§ 2.2-2370. Conditions and restrictions on financial assistance

A. The Authority shall provide financial support only for efforts that satisfy the following conditions:

1. The efforts shall be designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic, which may include efforts to:

a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved in, or are at risk of becoming involved in, the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;

e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;

f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;

g. Support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;

h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and

j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services;

2. The efforts shall be conducted or managed by any agency of the Commonwealth or participating locality;

3. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;

4. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

5. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

B. The Authority shall give priority to applications for financial support for efforts that:

1. Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;
2. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;
3. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or
4. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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§ 2.2-2371. Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Authority and, upon request, assist the Authority in the performance of its duties and responsibilities.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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§ 2.2-2372. Form and audit of accounts and records

A.The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B.The accounts and records of the Authority are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

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Va. Code Ann. § 2.2-2373

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§ 2.2-2373. Annual report

The Authority shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding efforts supported by the Authority and expenditures from the Fund.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

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§ 2.2-2374. Opioid Abatement Fund

A. There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund, referred to in this section as "the Fund," to be administered by the Authority. All funds appropriated to the Fund, all funds designated by the Attorney General under § 2.2-507.3 from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be authorized by majority vote of the Board.

B. Moneys in the Fund shall be used to provide grants and loans to any agency of the Commonwealth or participating locality for the purposes determined by the Authority in accordance with this article and in consultation with the Office of the Attorney General. The Authority shall develop guidelines, procedures, and criteria for the application for and award of grants or loans in consultation with the Office of the Attorney General. Such guidelines, procedures, and criteria shall comply with the terms of any applicable settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities.

C. The Authority shall fund all staffing and administrative costs from the Fund. Its expenditures for staffing and administration shall be limited to those that are reasonable for carrying out the purposes of this article.

D. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

1. Fifteen percent shall be restricted for use by state agencies;
2. Fifteen percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;
3. Thirty-five percent shall be restricted for use for regional efforts; and
4. Thirty-five percent shall be unrestricted. Unrestricted funds may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by participating localities, or for regional efforts in addition to the amounts set forth in subdivisions 1, 2, and 3, provided that the Authority shall ensure that such funds are used to accomplish the purposes of this article or invested under subsection F.

E. In distributing money from the Fund under subsection D, the Authority shall balance immediate and anticipated needs with projected receipts of funds to best accomplish the purposes for which the Authority is established.

F. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.40. The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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§ 2.2-2375. Exemption from taxes or assessments

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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§ 2.2-2376. Exemption of Authority from personnel and procurement procedures

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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Executive Summary of National Opioid Settlements

[5.06.2024. Subject to ongoing corrections and updates]

In 2021, nationwide settlements were reached to resolve all opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen (“Distributors”) and against manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, “J&J”). These National Settlements have been finalized, and payments have already begun. In all, the Distributors will pay up to \$21 billion over 18 years, and J&J will pay up to an additional \$5 billion over no more than nine years.

In late 2022, agreements were announced with three pharmacy chains—CVS, Walgreens, and Walmart—and two additional manufacturers—Allergan and Teva. In January 2023, each of those pharmacy chains and manufacturers confirmed that a sufficient number of states had agreed to the settlements to move forward. The 2022 National Settlements have now all been finalized.

As was with the 2021 National Settlements, the greater the level of subdivision participation, the more funds will ultimately be paid out for abatement. The process by which subdivisions will receive funding for the 2022 National Settlements is currently being finalized. Assuming maximum participation, the 2022 National Settlements require:

- Teva to pay up to \$3.34 billion over 13 years and to provide either \$1.2 billion of its generic version of the drug Narcan over 10 years or \$240 million of cash in lieu of product, as each state may elect;
- Allergan to pay up to \$2.02 billion over 7 years;
- CVS to pay up to \$4.90 billion over 10 years;
- Walgreens to pay up to \$5.52 billion over 15 years;
and
- Walmart to pay up to \$2.74 billion in 2023, and all payments to be made within 6 years.

(These figures include amounts attributable to prior settlements between the Defendants and certain states/subdivisions and amounts for attorneys’ fees and costs.)

Under both the 2021 and 2022 National Settlements, at least 85% of the funds going directly to participating states and subdivisions must be used for abatement of the opioid epidemic, with the overwhelming bulk of the proceeds restricted to funding future abatement efforts by state and local governments.

In addition to providing billions of dollars for abatement, the settlements also impose changes in the way the settling defendants conduct their business. For example:

- The Distributors will create a groundbreaking clearinghouse through which they will be required to account not only for their own shipments, but also the shipments of the other distributors, in order to detect, stop, and report suspicious opioids orders;
- J&J (which ceased marketing Opioids in 2015 and ceased selling Opioids in 2020) will not market or sell any opioid products in the next ten years and has agreed to cease lobbying concerning prescription opioids for ten years;
- Teva and Allergan have agreed to strict limitations on their marketing, promotion, sale, and distribution of opioids, including a ban on: (1) promotion and lobbying; (2) rewarding or disciplining employees based on volume of opioid sales; and (3) funding or grants to third parties; and
- Walmart, CVS, and Walgreens are required to implement changes in how they handle opioids, including requirements addressing their compliance structures, pharmacist judgment, diversion prevention, suspicious order monitoring, and reporting on red-flag processes, as well as blocked and potentially problematic prescribers.

The 2021 and 2022 National Settlements are the culmination of many years of intense negotiations among representatives of the State Attorneys General, the court-appointed Plaintiffs' Executive Committee and Negotiation Committee, which are comprised of lawyers in the National Prescription Opiate MDL who represent subdivisions, and counsel to the Settling Defendants. These negotiations were facilitated by Judge Dan Polster (who oversees the federal MDL litigation), by the Special Masters appointed by the MDL Court, and by experienced, neutral mediators.

Agreements with other defendants including Kroger and Hikma have also moved forward and are in the process of being finalized. The agreements do not settle or release any claims brought by Tribes or by private parties, including private individuals, private hospitals, or private third-party payers.

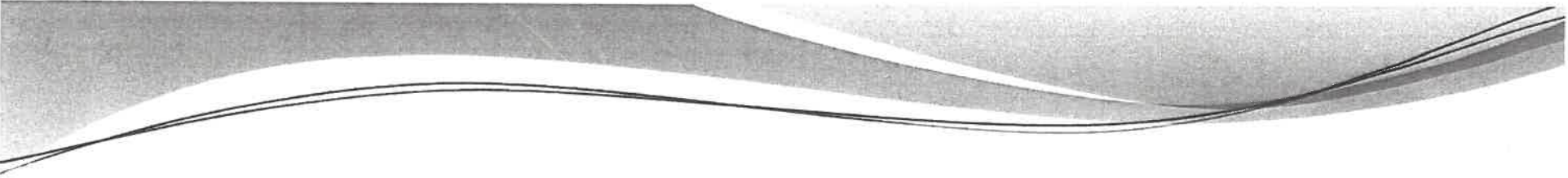
Additional information, including answers to FAQs, can be found at **nationalopioidsettlement.com/news** (<https://nationalopioidsettlement.com/news>).

[HOME \(/\)](#) [NEWS \(https://nationalopioidsettlement.com/news/\)](https://nationalopioidsettlement.com/news/)

[RISKS & ASSUMPTIONS \(https://nationalopioidsettlement.com/risks-assumptions/\)](https://nationalopioidsettlement.com/risks-assumptions/)

[MDL ORDERS \(/mdl-orders/\)](/mdl-orders/) [TRIBAL SETTLEMENTS \(https://www.tribalopioidsettlements.com\)](https://www.tribalopioidsettlements.com)

[FEE PANEL DOCUMENTS \(https://opioidfeepaneldocuments.com/\)](https://opioidfeepaneldocuments.com/)



Opioid Litigation Settlements Participation Overview

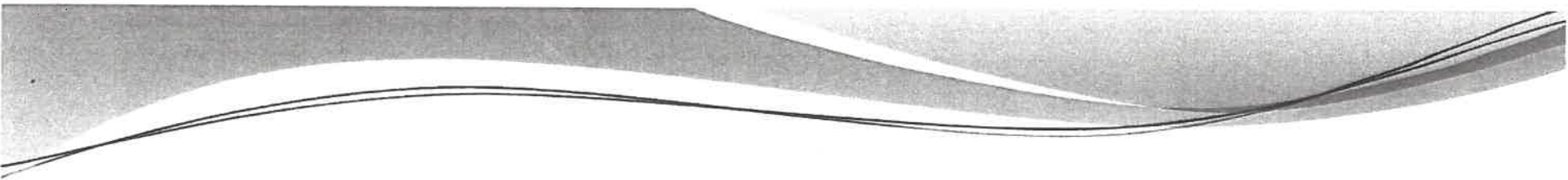
Presentation by the
Office of the Attorney General of Virginia

October 25, 2021

Distributors and Janssen Settlements

- \$26 Billion National Settlement
- Approximately **\$530 Million** available to Virginia and Localities
 - Amount Depends on Participation of Localities
- Funds Distributed over 18 and 9 years with sums front-loaded
- Join by January 2, 2022





Other Opioid Settlements and Litigation

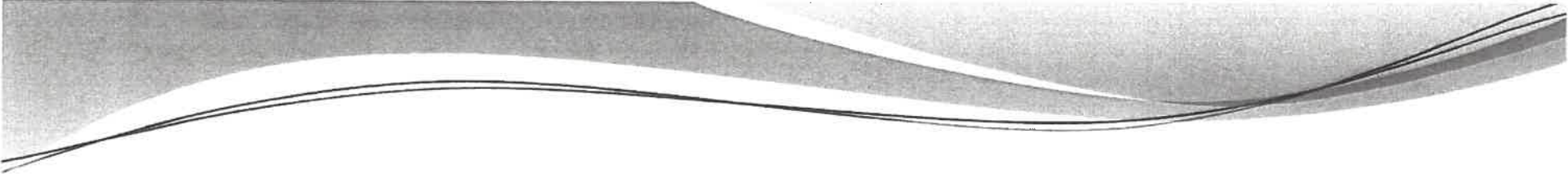
- McKinsey
- Bankruptcy Cases
 - Purdue Pharma
 - Mallinckrodt
- Teva/Cephalon Litigation
- Other Investigations



VA Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding

- Agreement Between Commonwealth and Localities Regarding Allocation of Settlement Proceeds
- Impetus for Creation of Virginia's Opioid Abatement Authority and Opioid Abatement Fund
 - Va. Code §§ 2.2-507.3, 2.2-2365 through 2.2-2376
- Provisions for Payment of Localities' Litigation Counsel



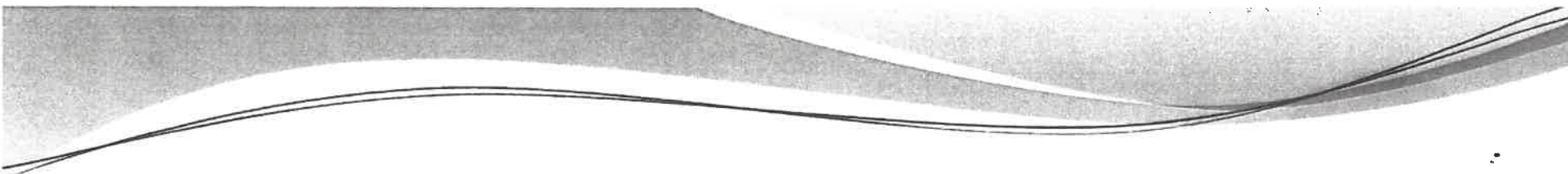


Allocation of Settlement Funds under MOU

- 15% to Participating Localities – Unrestricted*
- 15% to Participating Localities – Abatement Purposes
- 15% to Commonwealth – Unrestricted*
- 55% to Opioid Abatement Fund

*Unless settlement requires that all or more funds be used for abatement



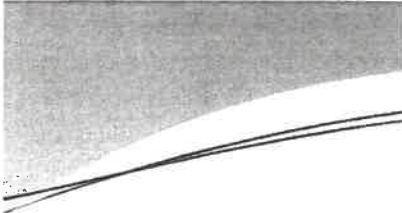


Opioid Abatement Fund Allocation

- 15% to Participating Localities*
- 35% to Participating Localities' Regional Partnerships*
- 15% to State Agencies
- 35% Unrestricted – Any of the above and administrative expenses*

*Up to 85% available for Participating Localities





VIRGINIA OPIOID ABATEMENT AUTHORITY

BOARD OF DIRECTORS

- **Joseph P. Baron**
Sheriff, City of Norfolk
- **Sharon H. Buckman**
Director of Clinical Services, Piedmont Community Service
- **The Honorable James Holland**
Chair, County Board of Supervisors, Chesterfield County
- **Victor McKenzie Jr.**
Executive Director, Substance Abuse and Addiction Recovery Alliance of Virginia
- **Sarah T. Melton, PharmD, BCPP**
Associate Professor of Pharmacy Practice, Gatton College of Pharmacy, East Tennessee State University
- **Timothy R. Spencer**
City Attorney, City of Roanoke
- **James Thompson**
Founder and Chief Medical Officer, Master Center for Addiction Medicine
- **Daryl Washington, LCSW**
Executive Director, Community Services Board, Fairfax-Falls Church
- **Corey Pleasants**
Assistant Secretary of Health and Human Resources
- **Todd Pillion, DDS**
Senator, 40th Senatorial District
- **Jay Jones**
Delegate, 89th District

VIRGINIA OPIOID ABATEMENT AUTHORITY
CURRENT SCHEDULE STATUS

- **First Meeting:** October 5, 2021
- **Next Meeting:** November 8, 2021 @ 1:00 p.m.
 - **Will adopt By-Laws**
 - **Election of Officers**

Participation Logistics

- Localities Must Join **Both** the Settlements and the Virginia MOU to Receive Funds
- Adopt Resolutions to Join the Settlements **and** the Virginia MOU
- Submit Required Documentation **by January 2, 2022**



Participation Logistics

STEP 1 – Join the Virginia MOU

- Adopt a resolution approving the MOU
 - Model resolution language can be provided
- Send copies of the resolution to:
 - Tom Beshere, Virginia Attorney General's Office:
tbeshere@oag.state.va.us
 - Ed Spivey, Kaufman & Canoles:
wespivey@kaufcan.com



Participation Logistics

STEP 2 – Sign on to the Settlement Agreements

- Adopt a resolution approving the settlements and delegating authority to enter/execute the settlements to the relevant subdivision officer.
- Go to <https://nationalopioidsettlement.com> and register with your assigned registration code to register. Provide the name and e-mail address of the person who will be authorized to sign formal and binding documents on your subdivision's behalf.
- Once you receive the settlement participation documents, use the DocuSign service to complete and execute the documents, and submit the completed and signed documentation via the website.

**Note: Steps 1 and 2 can be done concurrently.*



Participation Logistics

REMEMBER:

To maximize Virginia's share (and the share of Participating Localities) of money from the National Settlements . . .

Localities must complete all steps by:

January 2, 2022



National Opioids Settlement
P.O. Box 43196
Providence, RI 02940-3196

NPD

1111111111 1111 1111 11111111 11111111111111111111 111111111111
122810009281
Postal service: Please do not mark barcode
NPD AT-717-754
W. Edgar Spivey Kaufman & Canoles, P.C.
150 W. Main Street, Suite 2100
14040folk VA 23510



**TO LOCAL POLITICAL SUBDIVISIONS: IMPORTANT INFORMATION ABOUT THE NATIONAL
OPIOID SETTLEMENT. SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO
PARTICIPATE. THE DEADLINE FOR PARTICIPATION TO MAXIMIZE SETTLEMENT BENEFITS
IS JANUARY 2, 2022.**

If your subdivision is represented by an attorney with respect to opioid claims, please
immediately contact them.

SETTLEMENT OVERVIEW

After years of negotiations, two proposed nationwide settlement agreements ("Settlements") have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, "Janssen").

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the "Settlement Amount"). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the ~~impact~~ of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. Virginia has joined both Settlements. Second, the subdivisions within each participating state must then decide whether to participate in the Settlements. Generally, the more subdivisions that participate, the greater the amount of funds that flow to that state and its participating subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds.

This letter is part of the formal notice required by the Settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because Virginia has elected to participate in both of the two national Settlements against (1) the Distributors, and (2) Janssen, and your subdivision may participate in the Settlements. This notice is being sent directly to subdivisions and also to attorneys for subdivisions that we understand are litigating against these companies. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlements.

WHERE CAN YOU FIND MORE INFORMATION?

This letter is intended to provide a brief overview of the Settlements. Detailed information about the Settlements may be found at <https://nationalopioidsettlement.com/>. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state. This website will be supplemented as additional documents are created.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

You must go to the national settlement website to register to receive in the coming weeks and months the documentation your subdivision will need to participate in the Settlements (if your subdivision is eligible). All required documentation must be executed and submitted electronically through the website and must be executed using the "DocuSign" service. As part of the registration process, your subdivision will need to identify, and provide the email address for, the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

Your unique Subdivision Identification Number to use to register is: _____

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN EACH STATE?

The settlement funds are first divided among the participating states according to a formula developed by the Attorneys General that considers population and the severity of harm caused by the opioid epidemic in each participating state. Each state's share of the abatement funds is then further allocated within each state according to agreement between the state and its subdivisions, applicable state allocation legislation, or, in the absence of these, the default provisions in the agreements.

Many states have or are in the process of reaching an agreement on how to allocate abatement funds within the states. Allocation agreements, legislation, and other information about Virginia's allocation agreement or legislation can be found on the national settlement website. The allocation section of the website will be supplemented as more intrastate allocation arrangements are finalized.

In reviewing allocation information, please note that while all subdivisions may participate in the Settlements, not all subdivisions are eligible to receive direct payments. To promote efficiency in the use of abatement funds and avoid administratively burdensome disbursements that would be too small to add a meaningful abatement response, certain small subdivisions do not automatically receive a direct allocation. However, participation by such subdivisions will help maximize the amount of abatement funds being paid in the Settlements, including those going to counties, cities, parishes, and other larger subdivisions in their communities.

Questions About Subdivision Identification Number?

Email:

registration@nationalopioidsettlement.com



National Opioids Settlement

Update: Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

[Please use Google Chrome, Microsoft Edge, or another Modern Browser]

On Wednesday, July 21, 2021, the National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee, several State Attorneys General, and four main defendants announced agreement on terms of proposed nationwide settlements to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmeriSourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These settlements, if agreed and adopted, will provide substantial funds to states and subdivisions for abatement of the Opioids epidemic across the country and will impose transformative changes in the way the settling defendants conduct their business.

This website provides copies of the agreements, as well as additional documents and information concerning these historic proposed settlements. The agreements themselves control the terms of the settlements and entities eligible to participate in the settlements should consult with counsel about participation.

- [Distributor Master Settlement Agreement](#)

STATE-SPECIFIC DOCUMENTS

[Arizona](#)
[California](#)
[Colorado](#)
[Florida](#)
[Illinois](#)
[Indiana](#)
[Michigan](#)
[Minnesota](#)
[Mississippi](#)
[New York](#)
[North Carolina](#)
[Ohio](#)
[Pennsylvania](#)
[Texas](#)
[Virginia](#)
[Washington](#)

This site will be supplemented and updated as new information becomes available.

Virginia Documents

- [Allocation Deal – Virginia](#)

STATE-SPECIFIC DOCUMENTS

Arizona
Colorado
Delaware
Florida
Kansas
Kentucky
Massachusetts
Minnesota
Nebraska
Nevada
New Jersey
New York
North Carolina
Ohio
Tennessee
Texas
Virginia
Wisconsin

**VIRGINIA OPIOID ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

This site will be
supplemental and
updated as new
information becomes
available.

National Opioids Settlement

Update: Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

[Please use Google Chrome, Microsoft Edge, or another Modern Browser]

On Wednesday, July 21, 2021, the National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee, several State Attorneys General, and four major defendants announced agreement on terms of proposed nationwide settlements to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These settlements, if agreed and adopted, will provide substantial funds to states and subdivisions for abatement of the Opioids epidemic across the country and will impose transformative changes in the way the settling defendants conduct their business.

This website provides copies of the agreements, as well as additional documents and information concerning these historic proposed settlements. The agreements themselves control the terms of the settlements and entities eligible to participate in the settlements should consult with counsel about participation.

- **Distributor Master Settlement Agreement**

STATE-SPECIFIC DOCUMENTS

Arizona

Colorado

Delaware

Florida

Kansas

Kentucky

Massachusetts

Minnesota

Nebraska

Nevada

New Jersey

New York

North Carolina

Ohio

Tennessee

Texas

Virginia

Wisconsin

Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

Step 1: Verify Registration Code

Select your state, your political subdivision, enter your Subdivision's unique registration code, and click "Verify Registration Code"

State

Political Subdivision

Registration Code

Verify Registration Code

Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

Registration Code Verified

State: Virginia

Political Subdivision: PRINCE WILLIAM COUNTY | PRINCE WILLIAM COUNTY

Step 2: Complete the required information below

Fill in the information for the person authorized to sign the settlement documents for your Political Subdivision and click "Submit"

First Name

Last Name

Note: Please provide the email address that the person who will be signing regularly uses for their government work

Email

Street Address

Suite (optional)

City

State

Zip

Phone Number

(000) 000-0000

Will your political subdivision be executing your settlement participation form via DocuSign or paper signature?

☐ DocuSign ☐ paper signature

Type the name of the person submitting this form

Name

Submit

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS [CITY COUNCIL] APPROVING OF THE COUNTY'S [CITY'S] PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY [CITY] ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S [CITY'S] PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors [City Council], this ___ day of ___, 2021, approves of the County's [City's] participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County [City] Attorney to execute the documents necessary to effectuate the County's [City's] participation in the settlements, including the required release of claims against settling entities.

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS [CITY COUNCIL] APPROVING OF THE COUNTY'S [CITY'S] PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE COUNTY [CITY] ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S [CITY'S] PARTICIPATION IN THE MOU

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors [City Council], this ____ day of __, 2021, hereby authorizes and approves of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A," and directs the County [City] Attorney to execute the MOU.



Questions?

Office of the Attorney General Contacts:

Samuel T. Towell
Deputy Attorney General

Richard S. Schweiker, Jr.
Senior Assistant Attorney General and Section Chief

Thomas M. Beshere
Assistant Attorney General
(804) 823-6335
tbeshere@oag.state.va.us

AGENDA ITEM SUMMARY**MEETING DATE**

August 26, 2025

PRESENTED BYMatthew Freedman, City Attorney, Alicia
Finney, Clerk of Council**AGENDA ITEM # IV.3**

Lynchburg City Council Rules of Procedure Discussion

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 attached hereto.

The red and yellow highlighted items are staff-recommended changes and the remaining red changes are various Councilmember-recommended changes. Since July 8, 2025, administrative and technical changes have been made to the draft resolution, and a staff-recommended change to Rule 6-7 has been removed.

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. Draft Resolution - Amendment to the LCC Rules of Procedure (2025) (revised 8-25-25)
3. Timmer Presentation on Rules
4. Timmer Proposed Ordinance to Change Rules

REVIEWED BY

A handwritten signature in black ink that reads "Alicia L. Finney". The signature is written in a cursive style with a large, stylized "F" and "A".

Alicia Finney, Clerk of Council

Date: August 21, 2025

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 2-1.1:

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 **(i) the time surpasses 11:59 p.m., or (ii)** 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.

Commented [FM2]: Requested by Councilman Faraldi

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

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.

C. Once a special meeting has been called, no other special meeting(s) may be called on the same day unless the first called special meeting has been cancelled or adjourned.

Commented [FM3]: Requested by Councilman Faraldi

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

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, interrupt, or belittle one another or the City's staff while a meeting of the Council is in session.

5. 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)~~ (8) 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. [Alternative to the previous sentence: All items must be reviewed at a Council Work Session prior to being added to and voted on at a meeting.] Such items ~~requested to be placed on the agenda shall first~~ will then 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 at a regular meeting, 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 the addition is approved by a two-thirds majority vote of the Council, and has been reviewed by the Council at a Council Work Session within the last six (6) months or is a pressing matter that requires immediate consideration. The addition of speakers under the Public Comment section of an agenda are excluded from the aforesaid requirements. Councilmembers are to use discretion in requesting items be added to an agenda. It is 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.

Commented [FM4]: Requested by Councilman Faraldi

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Commented [FM6]: Requested by Councilman Faraldi

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Commented [FM8]: Requested by Councilman Faraldi

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.

6. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-1:

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. ~~Roll Call~~
9. Public Hearings
10. Public Comment (if requested)
11. General Business
12. Closed Meeting (if necessary)
13. Adjournment

Commented [FM9]: Requested by Councilman Faraldi

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

7. 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 [FM10]: Requested by Councilman Misjuns

8. 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.
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 for each speaker.
7. A representative of a group may have up to five (5) minutes to make a presentation. The A group representative shall identify the group they represent at the beginning of his or her their 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.
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

Commented [M11]: Requested by Councilman Misjuns and Vice Mayor Diemer.

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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 [FM15]: 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.

9. 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 [FM16]: 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.

10. 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.

Commented [M17]: Requested by Councilman Misjuns and Vice Mayor Diemer.

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. [Incorporate text box submissions not read at a meeting into the record – limit 3,000 characters]~~

Commented [FM18]: Requested by Councilman Faraldi

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.

11. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-7:

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. Omitted.~~

Commented [FM19]: Requested by Councilman Faraldi

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

Section 6-5. Motions

Commented [FM20]: Requested by Councilman Faraldi

A. Informal discussion of a subject is permitted while no motion is pending. No motion shall be made while informal discussion between Councilmembers is occurring.

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. A Councilmember shall not make a motion unless it is at the outset of their obtaining of the floor. Otherwise, a Councilmember must re-obtain the floor to make a motion.

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.

F. Debate is not permitted on a motion until it has been seconded.

13. 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 per motion properly on the floor. If a substitute motion

Commented [FM21]: Requested by Councilman Faraldi

passes and replaces the main motion, no further substitute motions maybe made. A substitute motion that passes and replaces the main motion shall not be amended.

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.

Commented [FM22]: Requested by Councilman Misjuns

14. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-8:

Section 6-8. Debate

Commented [FM23]: Requested by Councilman Faraldi

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according with strict adherence to the following general principles:

1. The maker of the motion is entitled to speak first Debate on a motion shall be limited to no more than thirty (30) minutes in total;

~~2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken. Councilmembers are not to speak for more than three (3) minutes at a time on a pending motion;~~

~~3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure. The maker of the motion is entitled to speak first followed by the Councilmember who seconded the motion;~~

~~4. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion. A Councilmember who has not spoken to a motion shall be recognized before a Councilmember who has already spoken to a motion;~~

~~5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote. To the extent possible, debate on a motion shall alternate between proponents and opponents of the measure before the Council; and~~

~~6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate. A Councilmember may vote against their own motion, but may not speak against their own motion; and~~

~~7. The presiding officer may participate in the debate prior to calling for a vote.~~

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

~~C. Three (3) minutes of the debate shall be permitted for substitute motions and motion to amend.~~

~~D. A vote shall be called after thirty (30) minutes of debate has passed on a motion, including any substitutions or amendments thereto, or after all Councilmembers have had the opportunity to speak on the motion, whichever occurs first.~~

15. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-11:

Section 6-11. Decisions on Points of Order

Commented [FM24]: Requested by Councilman Faraldi

Any Councilmember may raise a point of order without being recognized by the presiding officer. ~~A Councilmember is not permitted to raise a point of order as a form of debate or belabor; however, raising a point of order must specifically cite a Rule(s) of Procedure violated (e.g. "Point of Order: Germaneness").~~ 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 ~~without debate and~~ by majority decision ~~vote~~.

16. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 7-1:

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

Commented [FM25]: Requested by Councilman Faraldi

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~~ three standing committees, Finance, Lifelong Learning, 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.

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

Commented [FM26]: Requested by Councilman Misjuns

18. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 8-4:

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)~~ two-thirds of the members of the Council.

19. 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.

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

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

Adopted: _____

Certified: _____
Clerk of Council

DRAFT

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.

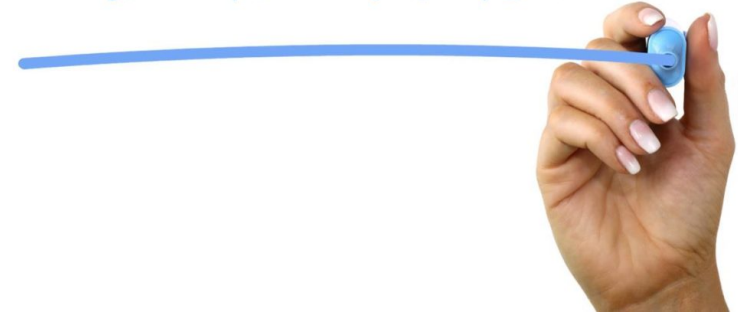
Provides that notice of resignations that require council attention must be made in writing and distributed to all members of council before they may be discussed by councilmembers in public hearing and prior to acceptance, if any is required, and establishes a procedure for providing such notice.



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.)