

**DANVILLE CITY COUNCIL
RULES OF PROCEDURE**

(Adopted February 16, 2016)

Introduction

These rules of procedure were designed and adopted for the benefit and convenience of the Danville City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. The rules of procedure do not create substantive rights for third parties or participants in proceedings before City Council. Procedural issues shall be governed by the most recent edition of *Robert's Rules of Order*. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.
(Charter 1986, § 2-11) (Code 1986, § 2-69)

SECTION 1 - PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of Rules of Procedure

- A. To enable the Danville City Council to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of their government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of City Council on any matter.

Section 1-2. Basic Principles Underlying Rules of Procedure

- A. The business of the City Council should proceed in the most efficient manner possible;
- B. City Council's rules of procedure must be followed consistently;
- C. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of City Council at one time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body.

SECTION 2 -- MEETINGS

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

- A. Regular meetings of the Council shall be held in the Council Chamber at 7:00 p.m. on the first and third Tuesdays of each month; provided, however, that whenever the day for a regular meeting of the Council falls on the first day of January, the third day or fourth day of July or on the date of a general election, then such meeting shall be held on the following Thursday at the same hour and place.
- B. When it reasonably appears that a quorum will not be present at a subsequent regular meeting of Council, Council may by resolution adopted at any prior regular meeting cancel such subsequent regular meeting. The City Clerk shall publish notice of the cancellation of the meeting in a local newspaper not less than seven (7) days prior to the date on which the meeting was to be held. However, no more than one (1) regular meeting in any calendar month may be cancelled.

(Code 1986, § 2-50)

Section 2-2. Special Meetings

- A. The Council may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950) and Section 2-51 of the City Code.
- B. The Mayor or any three (3) members of the Council may call a special meeting of the Council to be held at any time, date or place and for any purpose.
- C. Written notice of each special meeting of the Council shall, except in the case of an emergency, be given to each member of the Council, to the City Manager and to the City Attorney at least three (3) business days before the time designated for such special meeting. The notice shall specify the time, date and place for and the purposes of the special meeting. If any person to whom such notice is required to be given may not be found at his or her residence or place of business, then it shall constitute sufficient notice if the written notice of the special meeting is delivered to a member of the family, a business associate or an employee of that person.

(Code 1986, § 2-51)

Section 2-3. Inaugural or organizational meeting; mayor and vice mayor generally

- A. An inaugural or organizational meeting of the Council shall take place in the Council Chamber in the municipal building at twelve o'clock noon on the first day of July of each even-numbered year, or if such day shall fall on Saturday or Sunday, then on the following Monday. The meeting shall be called to order by the City Clerk, who shall administer the oath of office to the newly elected

members of the Council. In the absence or inability of the City Clerk, the meeting may be called to order and the oath administered by the City Attorney. The first business of the Council shall be the election of a Mayor and Vice Mayor pursuant to subsection B below. Until this business has been completed, the Council shall not adjourn for a period longer than forty-eight hours.

- B. At the inaugural or organizational meeting provided for in subsection A above, the Council shall choose, by majority vote of all members thereof, one of its members to be Mayor and one to be Vice Mayor for the ensuing two years. The Mayor shall act as president of the Council, shall preside at meetings of the Council and shall perform such other duties consistent with his office as may be imposed by the Council. He shall be entitled to vote and speak as other members, but shall possess no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. He may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the State, may so require, but this shall not be construed as conferring upon him the administrative functions or other powers or functions of a Mayor under the general laws of the State.
- C. The Vice Mayor shall, in the absence or disability of the Mayor, perform the duties of Mayor, and if a vacancy shall occur in the office of Mayor, shall become Mayor for the unexpired portion of the term. In the absence or disability of both the Mayor and Vice Mayor, the Council members shall, by majority vote of those present, choose one of their number to perform the duties of Mayor.

(Charter 1986, § 2-5)

Section 2-4. Procedure for Election of Mayor and Vice Mayor

- A. The City Attorney shall preside over the election of the Mayor and Vice Mayor.
 - 1. The City Attorney shall call for nominations from the membership.
 - 2. Any Council member, after being recognized by the City Attorney, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
 - 3. After all nominations have been made the City Attorney shall close the nominating process and open the floor for discussion.
 - 4. After discussion the City Attorney shall call for the vote.
 - 5. The membership shall vote by stating the last name of the nominee he or she wishes to be elected Mayor/ Vice Mayor.
 - 6. In the case of 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.
 - 7. A majority vote of all members shall be required to elect the Mayor and Vice Mayor.

- B. The Mayor and Vice Mayor shall each serve for a two year term.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

- A. The Mayor, while the Council is in session, shall have general supervision of the Council Chamber, with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Stenographers and reporters for the press, wishing to take down the proceedings of the Council, may be admitted by the Mayor, who shall cause to be assigned them such places on the floor as shall not interfere with the convenience of the members, and no person, except officers of the City or their deputies or clerks in the exercise of an official duty, shall be admitted within the bar unless by permission of the Mayor. No person, other than members, shall be permitted to occupy the seat of any member during a session of the Council. The Mayor shall have the right to invite to the floor such persons as he shall deem deserving of the privilege, but the right of admission under such invitation shall not be extended beyond the day on which it shall be given.
- B. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.

(Code 1986, § 2-26)

Section 3-2. Clerk

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

(Code 1986, § 4-1)

Section 3-3. Preservation of Order and Decorum; Right of Mayor to Speak to and Decide Questions of Order

The Mayor shall preserve order and decorum at Council meetings. He may speak to points of order in preference to other members, and shall decide questions of order without debate, subject to an appeal to the Council. On every appeal, the Mayor shall have the right to assign reasons for his decision.

(Code 1986, § 2-55)

SECTION 4 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 4-1. Order of Business

- A. At every regular meeting of the Council the order of business shall be as follows:
1. Meeting called to order.

2. Roll call.
 3. Invocation.
 4. Pledge of allegiance.
 5. Special recognitions and announcements.
 6. Communications from visitors.
 7. Old business.
 8. Appointments.
 9. New business.
 10. Consent agenda.
 11. Communications from the City Manager, City Attorney, City Clerk and members of the Council.
 12. Adjournment.
- B. The above order of business may be modified to facilitate the business of the Council.
- C. Council work sessions are less formal meetings and the agenda may be as determined by the City Manager and Council to best facilitate the business of the Council.

(Code 1986, § 2-52)

Section 4-2. Communications from Visitors

- A. At any regular meeting of the Council, visitors who desire to speak upon matters other than those on the agenda for such meeting may do so only at the time for communications from visitors. Matters brought to the attention of the Council at that time, which require action by the Council, shall be referred to the City Manager for a report at a subsequent meeting of the Council. Persons who desire to speak upon a matter of business which is on the agenda of the meeting may do so only at the time the matter is considered by the Council.

(Code 1986, § 2-55.1)

- B. The following rules shall govern Communications from Visitors:
1. Communications from Visitors 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.
 2. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.
 3. Each speaker shall clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking.
 4. There shall be a time limit for each individual speaker of five (5) uninterrupted minutes.

5. A representative of a group may have up to ten (10) uninterrupted minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.
 6. Speakers are not permitted to donate time to other speakers.
 7. There shall be no comment during Communications from Visitors on a matter for which a public hearing is scheduled during the same meeting.
 8. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting or work session by a majority consensus of the Council.
 9. The above rules notwithstanding, members of the public may present written comments to the Council at any meeting. Such written comments shall be submitted through the Clerk of Council.
- C. No speaker's time shall be extended except by consent the Mayor.

Section 4-3. Prohibited Conduct

Persons appearing before the Council will not be allowed to:

1. Campaign for public office;
2. Use profanity or vulgar language or gestures;
3. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
4. Make non-germane or frivolous statements;
5. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
6. Engage in behavior that intimidates others;
7. Address the Council on issues that do not concern the services, policies or affairs of the city.

Section 4-4. 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. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.
 3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s).
 4. There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.
 5. 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 address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking. There shall be a time limit of 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.
 6. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing.
 7. 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.
 8. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.
- D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.
- E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

SECTION 5 – RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 5-1. Quorum

As provided by Section 15.2-1415 of the Code of Virginia and Section 2-10 of the City Charter, a majority of all members of the shall constitute a quorum to do business, but a smaller number may adjourn from time. A quorum is a majority of the entire membership of the Council, including any vacant seats.

(Charter 1986, § 2-10)

Section 5-2. Adoption of Ordinances, Resolutions, etc., Generally; Effective Date of Ordinances and Resolutions

- A. No ordinance, resolution, motion or vote shall be adopted by the council, except at a meeting open to the public and, except motions to adjourn, to fix the time and place of adjournment, and other motions of a purely procedural nature, unless it shall have received the affirmative votes of at least five members.
- B. All ordinances and resolutions shall become effective upon passage unless otherwise provided by the council.

(Charter 1986, § 2-14)

Section 5-3. Speaking by Members Generally

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

- A. A member of the Council desiring to speak shall respectfully address "Mr. Mayor." No member shall proceed until he has been recognized by the Mayor, and during the time allowed him he shall confine himself strictly to the question before the Council. No member, while speaking, shall be disturbed in any manner by private conversation or otherwise.
- B. In any one debate on the same question, no member shall speak more than once until all others have spoken who have a desire to do so, nor more than twice without the consent of a majority of the members present. No member shall speak more than ten (10) minutes at one time. These limitations shall not apply to the chairman or acting chairman of a committee, when explaining a report or ordinance.

(Code 1986, § 2-56)

Section 5-4. Duty to Vote

- A. Every member present at a Council meeting shall be required to vote on all questions as presented, unless he shall have such an interest therein as would disqualify him under the provisions of the Comprehensive Conflict of Interests Act.

- 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.

(Code 1986, § 2-28)

Section 5-5. Method of Voting

The yeas and nays on any question may be called for at any time before proceeding to another question or proposition by a call of one member. When voting has commenced by call of the roll, members shall respond only a "yea" or "nay" vote, or in a proper case, an abstention.

(Code 1986, § 2-58)

Section 5-6. Suspension of Rules

No rule shall be suspended by the Council, unless two-thirds of the whole number of members elected to the Council shall vote in the affirmative. This power of suspension shall only apply to rules adopted by the Council for the convenient transaction of business and set out in these rules of procedure.

(Code 1986, § 2-70)