

INTRODUCED: May 24, 2021

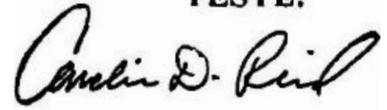
A RESOLUTION No. 2021-R031

To amend the Rules of Procedure adopted by Res. No. 2021-R005, adopted Jan. 4, 2021, for the purpose of conforming certain provisions concerning the electronic participation of Council members in Council meetings to Va. Code § 2.2-3708.2(A).

\_\_\_\_\_  
Patron – President Newbille

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

**A TRUE COPY:  
TESTE:**



**City Clerk**

PUBLIC HEARING: JUN 14 2021 AT 4:00 P.M.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That, effective upon adoption of this resolution, the Rules of Procedure for the City Council adopted by Resolution No. 2021-R005, adopted January 4, 2021, be and are hereby amended and adopted as set forth in the attachment to this resolution pursuant to section 4.06 of the Charter of the City of Richmond (2020), as amended.

BE IT FURTHER RESOLVED:

That this resolution shall be effective on July 1, 2021.

AYES: 9 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: JUN 14 2021 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

**RULES OF PROCEDURE  
CITY COUNCIL - CITY OF RICHMOND, VIRGINIA**

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**July 1, 2021**

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**Approved as to form and legality  
by the City Attorney**

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**RULES OF PROCEDURE  
CITY COUNCIL - CITY OF RICHMOND, VIRGINIA**

**I. OFFICERS AND COMMITTEES**

- A. President of the Council.** The President of the Council shall preside over the meetings of the Council and shall rule on interpretations of the rules of parliamentary procedure and these rules, subject to an appeal thereof to Council. The President of the Council shall have the same powers and duties as the other Members, with a vote, but no veto power. The President of the Council shall act as the presiding officer of Council and shall perform such other duties not inconsistent with the President's office as may be imposed by the Council or these Rules. The President of the Council shall serve for a term of two years as required by section 4.03 of the Charter.
- B. Vice President of the Council.** The Council shall elect, by a majority vote, a Member as Vice President of the Council for a term of two years. The Vice President of the Council, in the absence or disability of the President of the Council or upon request by the President of the Council, shall be invested with all the rights and duties of the President of the Council.
- C. Acting President of the Council.** In the absence of both the President of the Council and Vice President of the Council, the Council shall elect, by a majority vote, a Member as acting President of the Council, who shall preside over the meeting and shall, while acting as President of the Council, be invested with all the rights and duties of the President of the Council.
- D. Standing Committees.**
- 1. Purpose.** The Council shall create Standing Committees whose primary purpose shall be to consider and recommend to the Council action on ordinances and resolutions referred to such Standing Committees.
  - 2. Composition and Officers.** Each Standing Committee shall consist of at least three regular Council Members as well as one alternate Council Member. In addition, the President of the Council may serve as an ex officio member of each Standing Committee of which the President is not a regular or alternate member, with full voting rights, whenever fewer than three of the Committee's regular and alternate Council Members are present. Each Standing Committee shall have one Chairperson and one Vice-Chairperson selected from among the three regular Council Members. The Council shall appoint by resolution the Chairpersons,

Vice-Chairpersons and other regular or alternate members of all Standing Committees.

- 3. Committee Staff and Limitations.** Standing Committees shall have the power, if desired, to request citizens and representatives of the appropriate Council appointees and the Chief Administrative Officer to assist in their responsibilities. The Council, its members and Standing Committees shall deal with the administrative staff of any of its appointed officers or the Chief Administrative Officer solely through such appointed officers or the Chief Administrative Officer, respectively. Neither the Council nor any of its members or committees thereof shall give orders publicly or privately to any subordinate of the appointed officers of Council or the Chief Administrative Officer.
- 4. Meetings.**

  - a. Standing Committees shall hold such meetings and hearings as they deem necessary in order to carry out their functions. However, each Standing Committee shall hold at least one regular meeting, if practicable, during every month in which there is scheduled a regular meeting of the Council. Standing Committees should endeavor to schedule these required monthly meetings so that they meet regularly on the same date and at the same time every month.
  - b. The presiding officer at each Standing Committee meeting may apply any provision of these Rules to the conduct of the meeting, and for such purposes “Council” will be construed to mean the Standing Committee, “President of the Council” will be construed to mean the Chairperson of the Standing Committee, and “Council Member” will be construed to mean a member of the Standing Committee able to vote at that meeting of the Standing Committee.
  - c. Presentations or reports from the City Administration, the staff of the Council and its appointees, and any other parties not related to legislation pending at the Standing Committee meeting may be made during Standing Committee meetings, provided that the presenter, or the designee thereof, submits the presentation and any related materials to the City Clerk in an electronic format technologically suitable for uploading to the City’s computer network at least three working days prior to the date of the Standing Committee meeting at which the presentation is to be made. If, at least three working days prior to the Standing

Committee meeting at which the presentation is to be made, the presenter, or the designee thereof, fails to submit to the City Clerk the presentation or any related materials, either or both, or fails to submit such presentation or any related materials in an electronic format technologically suitable for uploading to the City's computer network, no such presentation shall be made at the Standing Committee meeting for which it has been scheduled, and the City Clerk shall schedule such the presentation for the next appropriate Standing Committee meeting.

- 5. Terms and Removals.** Terms of office for all Chairpersons, Vice-Chairpersons, regular members and alternate members shall be for a term not to exceed one term of Council. So long as they remain Council Members, Chairpersons, Vice-Chairpersons, regular members and alternate members shall continue in office unless and until their successors are appointed. However, should any regular member of a Standing Committee fail to attend three regular meetings of the member's Standing Committee as described in Rule I(D)(4) above without attempting to ensure that the alternate member attends and votes in the regular member's stead, the Chairperson shall report such unexcused absences to the President of the Council, who may introduce a resolution for the Council's action to remove such member from such Standing Committee.
- 6. Investigations.** In accordance with section 4.16(a) of the Charter of the City of Richmond, each Standing Committee shall be authorized to make such investigations relating to those municipal affairs of the city as it may deem necessary and to investigate any or all departments, boards, commissions, offices and agencies of the City government and any officer or employee of the city concerning the performance of their duties and the use of property of the City; provided, however, that such investigations shall fall within the subject matter area of such Standing Committee. In addition, each Standing Committee shall conduct such investigations pursuant to section 4.16(a) of the Charter of the City of Richmond as the Council may require of such Standing Committee. However, no Standing Committee shall order the attendance of any person as a witness or the production by any person of books and papers relevant to such investigation under the penalty of summons before the general district court, criminal division, for trial pursuant to section 4.16(c) of the Charter of the City of Richmond unless such order shall have been approved by adopted motion of the Council. In the case of such an order necessary to an investigation that the Council requires a Standing Committee to conduct, the Council may prospectively authorize by adopted motion such orders at the time it assigns the investigation to the Standing Committee.

7. **Organizational Development Standing Committee.** The Council shall establish and maintain an Organizational Development Standing Committee. All nine members of the Council shall be members of the Organizational Development Standing Committee. The President of the Council shall serve as the Chairperson, and the Vice President of the Council shall serve as the Vice-Chairperson. The Organizational Development Standing Committee shall meet once each month on the first Monday of the month or on a different day fixed by the Organizational Development Standing Committee. When the day fixed for a regular meeting in any month is a legal holiday, as prescribed by the rules of the Personnel Board, such meeting shall be held on the following day. No meeting of the Organizational Development Standing Committee shall be held in August unless five members of the Organizational Development Standing Committee notify the City Clerk in writing of their desire to hold a meeting in August no later than seven days before the first Monday in August, in which case the Organizational Development Standing Committee shall meet on the first Monday in August. The purposes of the Organizational Development Standing Committee are (i) to serve as a forum for discussion by the full Council of issues relevant to the Council not related to pending legislation, (ii) to receive any presentations or reports from the City Administration, the staff of the Council and its appointees, and any other parties not related to pending legislation, and (iii) to hold closed meetings as allowed by law concerning issues relevant to the Council. The President of the Council shall refer proposed ordinances and resolutions to the Organizational Development Standing Committee only in extraordinary circumstances. The order of the agenda at meetings of the Organizational Development Standing Committee shall be as follows, provided that the Chairperson may call items on the agenda out of order on a case-by-case basis:

- a. Reports from City Administration, Council Staff, and Other Parties.
- b. Reports of Standing Committees.
- c. Discussion Items.

E. **Ad Hoc Committees, Commissions, Authorities.** The Council may establish ad hoc or other standing committees of Council and may appoint members of such committees or provide for the appointment of members of such committees by the President of the Council. Committees may hold public hearings and perform such other duties as may be prescribed. A committee may be instructed concerning the

form of any report it shall be requested to make, and a time may be fixed for submitting any such report.

## II. TIME AND PLACE OF MEETINGS

- A. Regular Meetings.** Regular formal meetings of the Council shall be held at 6:00 p.m. at Council chambers or at other locations designated by Council. In the months of January, February, March, April, May, June and September, such meetings shall be held on the second and fourth Mondays of the month. In the months of October, November, and December, such meetings shall be held on the second Monday of the month. In the month of July, one such meeting shall be held on the fourth Monday of the month. In the month of August, no such meetings shall be held.
- B. Special Meetings.**
- 1. To Transact Specific Items of Business.** The time, place and agenda of special meetings of Council shall be determined by a majority vote of Council. In addition, special meetings of Council shall be held when requested by the Mayor, the President of the Council, or three or more Members. Such request shall be made to the Clerk, who shall contact each Member of Council at least twenty-four hours prior to the meeting in order to schedule it at a time which will be convenient for the largest number of Council Members. The Clerk shall deliver to each Member of Council, by hand, facsimile or electronic mail, written notice of any special meeting at least twenty-four hours before the time designated for such meeting. The notice shall contain the time, place and agenda item or items of business to be transacted at the meeting. No other business shall be transacted at such meeting except by the unanimous consent of all Members of Council. The Clerk shall notify the public of the time, place and agenda of all special meetings in advance thereof. Work sessions, public hearings and action concerning the annual budget shall be scheduled as special meetings pursuant to this Rule II(B)(1).
  - 2. For Emergency Introduction of Legislation.** The fourth Monday of October and November at 6:00 p.m. at Council chambers or at other locations designated by Council shall be reserved for any special meetings, as from time to time may be requested, for the purpose of the emergency introduction of legislation. For purposes of this Rule II(B)(2) only, the term “emergency introduction” means an ordinance or resolution that the Mayor, the President of the Council, or three or more Members determines to be too urgent to wait until the next regular meeting of the Council to introduce. No other business shall be conducted at any such

special meeting. Such special meeting shall be held when requested by the Mayor, the President of the Council or three or more Members. The Clerk shall provide each Member of Council with notice of such special meeting in the manner prescribed by Rule II(B)(1) and shall provide notice to the public in the manner required by the Virginia Freedom of Information Act.

- C. **Cancellation of Meetings.** Should the day established by the Council as the regular meeting day or as the day of a special meeting of the Council scheduled in accordance with Rule II(B)(2) fall on any legal holiday, as prescribed by the rules of the Personnel Board, the regular meeting of the Council or the special meeting of the Council scheduled in accordance with Rule II(B)(2) shall be held on the next following regular business day, without action of any kind by the Council. If the President of the Council, or the Vice President of the Council if the President of the Council is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend a regular meeting, (i) such regular meeting shall be continued to the next following Monday, subject to the application of the first sentence of this subsection (C), (ii) such finding and declaration shall be communicated to the Members and to the press as promptly as possible, and (iii) all hearings and other matters previously advertised shall be conducted at such continued regular meeting and, in accordance with section 15.2-1416 of the Code of Virginia, no further advertisement is required.
- D. **Open Meetings.** All meetings shall be open to the public, provided that Council may, for the purposes provided for in the Virginia Freedom of Information Act, upon motion made, seconded and duly adopted, meet in a closed meeting. Council may not take any official action in a closed meeting; and if official action is required on any matter discussed in a closed meeting, that official action may be taken only by recorded vote of Council in an open meeting.

### III. QUORUM AND ACTIONS

- A. **Quorum.** A majority of all the Members of Council, including the President of the Council and Vice President of the Council, shall constitute a quorum.
- B. **Temporary Absence.** No action shall be taken by Council unless there shall be present at least a quorum, provided, however, that the temporary absence from the meeting room of Members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters submitted to the Council. The City Clerk or the President of the Council shall suggest the absence of a quorum prior to the taking of any action by Council, if appropriate. Failure of the City Clerk, the President of the Council, or any Member to suggest

the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any action.

**C. Actions of Council.**

- 1. Ordinances.** Where required by law, action shall be by the adoption of ordinances; ordinances shall be proposed for adoption, notice given, and adoption accomplished in the manner required by law.
- 2. Resolutions.** Where it is not required by law or desired by Council to act by ordinance, action may be by resolution. Resolutions shall be proposed in writing, and a copy shall be delivered to the City Clerk and all Members of Council prior to proposing of adoption.
- 3. Introduction Deadlines.** A Council Member who desires to patron an ordinance or resolution for introduction shall submit an O&R request, on a form and pursuant to a procedure established by the Council Chief of Staff, to the Office of the City Attorney no later than 5:00 P.M. on the second Friday preceding the formal Council meeting, and the Office of the City Clerk shall submit requests for appointment resolutions to the Office of the City Attorney by this same deadline. If that day is a holiday, then the Office of the City Attorney must receive the O&R request no later than the close of business on the last working day before that Friday. The Mayor shall submit all requests for ordinances, resolutions or amendments thereto to the Office of the City Attorney within deadlines established by agreement between the City Attorney and the Mayor. To enable the provision of copies as required by Rule V(B) for resolutions to be heard under expedited consideration and by Rule V(D) for motions to amend a pending resolution that is intended to be heard as amended on the same day that it is amended, the request for such resolution or motion must be made to the Office of the City Attorney in accordance with the deadlines established by or pursuant to this Rule III(C)(3) and the patron must indicate the patron's approval of the draft resolution or motion in writing to the Office of the City Attorney no later than 5:00 P.M. on the last working day before the day of the meeting at which such resolution is to be introduced or such motion is intended to be made.
- 4. Fiscal Impact Statement Required.** A fiscal impact statement shall be required for every ordinance or resolution, except appointment resolutions, of which a Council Member is the chief patron. The fiscal impact statement shall be an assessment of the costs involved with the adoption of the ordinance or resolution and shall include, but need not be limited to, (i) the projected number of departments, boards, commissions and other

agencies to which the ordinance or resolution would apply, (ii) the identity of departments, boards, commissions and other agencies that the ordinance or resolution would particularly affect, (iii) the projected number of persons and employment positions to be affected by the ordinance or resolution, (iv) the estimated fiscal impact on the City government, and (v) sources of potential funds to implement and comply with the ordinance or resolution. The Council Chief of Staff shall prepare the fiscal impact statement prior to the introduction of the ordinance or resolution and shall establish a process for Council Members to obtain such fiscal impact statements. After the introduction of such ordinance or resolution but no later than the meeting of the standing committee at which the ordinance or resolution will be heard, the City Administration shall have the opportunity to offer such additional or conflicting fiscal impact information as it may choose to offer.

5. **Motion.** Where action of Council is desired on matters that can be simply stated, and for which neither an ordinance nor a resolution is required by law, action may be upon oral motion.
6. **Unanimous Consent.** Where no formal action is required, and no objection is heard, a request of a Member shall be deemed a request of Council without further action, when such request is made at a meeting with a quorum present, and the President of the Council states that such a request shall be deemed a request of Council.
7. **Majority Vote and Abstentions.** Unless otherwise required by law, a majority vote of the Council shall mean the affirmative votes of at least five members, except that for motions to adjourn, motions to fix the time and place of adjournment, and other motions of a purely procedural nature, a majority vote shall mean the affirmative votes of more than half of those Council members present and voting. An abstention shall not be counted as a vote.

**D. Participation by Electronic Communication Means.**

1. **Purpose.** The purpose of this Rule III(D) is to comply with the requirements of section 2.2-3708.2(C)(1) of the Code of Virginia to allow for and govern participation by one or more Council Members in meetings of the Council by electronic communication means, and all proceedings pursuant to this Rule III(D) shall be performed in accordance with section 2.2-3708.2 of the Code of Virginia, as that statute may hereafter be amended.

**2. Application and Limitations.**

- a. The policy established by this Rule III(D) shall be applied strictly and uniformly, without exception, to all Council Members and without regard to the identity of the Council member requesting remote participation or the matters that will be considered or voted on at the meeting.
- b. Participation by a Council Member in a meeting by electronic communication means due to a personal matter shall be limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up the next whole number, whichever is greater, of the Council or the particular standing committee, as applicable.
- c. The policy established by this Rule III(D) shall also apply to any standing committee of the Council. For purposes of a meeting of a standing committee of the Council, the term “Council,” when used in this Rule III(D), means the standing committee holding the meeting in which a Council Member desires to participate by electronic communication means. For purposes of any standing committee other than the Organizational Development Standing Committee, the term “President of the Council,” when used in this Rule III(D), means the Chairperson of the standing committee.

**3. Electronic Communication.** When used in this Rule III(D), the term “electronic communication” has the meaning ascribed to it by section 2.2-3701 of the Code of Virginia, as that statute may hereafter be amended.

**4. Approval Process.**

- a. No Council Member may participate in a meeting by electronic communication means unless the Council Member requests and the Council approves the participation in accordance with the provisions of this Rule III(D)(4).
- b. A Council Member may request to participate in a meeting by electronic communication means if the Council Member notifies the President of the Council on or before the day of the meeting that the Council Member is unable to attend due to [~~either~~] (i) a personal matter, provided that the Council Member identifies with specificity the nature of the personal matter, [~~or~~] (ii) a temporary or permanent disability or other medical condition that prevents the

Council Member's physical attendance or (iii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The Council Member must also notify the President of the Council of the remote location from which the Council Member would participate by electronic communication means.

- c. The Council may consider a request for participation by electronic communication means only if a quorum of the Council is physically assembled at the primary or central meeting location.
- d. At the meeting, the President of the Council shall announce the information received from the Council Member pursuant to Rule III(D)(4)(b) above. If the Council Member's request is in all other respects in compliance with this Rule III(D)'s requirements, the President of the Council shall solicit a motion to approve or disapprove the Council Member's request from the Council Members physically assembled at the primary or central meeting location. Upon adoption of a motion to approve the Council Member's participation by electronic communication means, the Council Member shall be allowed to participate in the meeting by electronic communication means.
- e. If the Council Member's participation by electronic communication means is approved, the City Clerk shall record in the meeting minutes (i) the motion, (ii) the vote thereon, (iii) ~~either~~ a statement (a) of the specific nature of the personal matter ~~[ø]~~, (b) that a temporary or permanent disability or other medical condition prevents the Council Member's attendance, or (c) that a family member's condition requires the member to provide care for such family member, thereby preventing the member's physical attendance, and (iv) the remote location from which the Council Member participates in the meeting.
- f. If the Council Member's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the City Clerk shall record in the meeting minutes (i) the motion, (ii) the vote thereon, ~~and~~ (iii) ~~either~~ a statement (a) of the specific nature of the personal matter identified by the Council Member ~~[ø]~~, (b) that the Council Member stated that a temporary or permanent disability or other medical condition prevents the Council Member's attendance, or (c) that a family member's

condition requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iv) the remote location from which the Council Member sought to participate in the meeting, and (v) the specific aspect of the policy established by this Rule III(D) that would be violated by the Council Member's proposed participation by electronic communication means, as summarized by the President of the Council.

#### IV. CONDUCT OF BUSINESS

- A. Robert's Rules of Order.** The rules of parliamentary procedure set forth in the current edition of *Robert's Rules of Order* shall govern the conduct of meetings of Council, except where otherwise specified by these rules or otherwise mandated by the Charter of the City of Richmond, Virginia or state law. Any rules of parliamentary procedure may be suspended by five votes. Any standing rule set forth here (e.g. the length of time permitted for public hearings, amount of time allotted to each speaker, etc.) may be suspended or modified by five votes unless a contrary intent is manifested by these rules.
- B. Informal Meeting; Order of the Agenda.** At 4:00 p.m. on each regular meeting day, the President of the Council shall call the Informal Meeting to order. The order of the agenda at the Informal Meeting shall be as follows:
- 1. Referral of Service Delivery Issues to City Administration.** At this time, the President of the Council shall inquire of each Council Member present as to whether such Council Member has any service delivery issues to refer to the City Administration. Each Council Member shall be afforded an opportunity to state any such issues, which shall be limited to service delivery problems already reported to the City Administration to which the Council Member has not received a satisfactory response. The City Attorney shall prepare a resolution, with all Members of Council as the patrons, incorporating a list of service delivery issues and requesting the Chief Administrative Officer to address these issues with greater priority and furnish all Council Members with a written report on the Administration's response to each service delivery issue within two weeks of the date on which such resolution is adopted. In order for a Council Member's service delivery issues to be made a part of this resolution, the Council Member must submit a list of such issues, preferably in electronic format, to the City Attorney or the designee thereof no later than 12:00 p.m. on the Friday before the Council meeting at which such issues are to be included in the service delivery issues resolution. Such resolution shall be called by the City Clerk and considered for adoption by the Council

during the Business Meeting portion of the Formal Meeting of the Council that night. Notwithstanding any provision of these Rules to the contrary, such resolution shall not be subject to any requirements for expedited consideration as set out in Rule V(B) or for referral of ordinances and resolutions to standing committees of the Council as set out in Rule VI.

Also during this time, the Chief Administrative Officer shall distribute the Chief Administrative Officer's written report on the Administration's response to service delivery issues referred to him at the prior regular meeting of the Council.

2. **Docket Review.** At this time, the Council will engage in a preliminary review of the agenda, including motions to amend, continue or strike ordinances or resolutions thereon and the removal of ordinances or resolutions from the consent agenda.
3. **Other Discussion Items.** If sufficient time remains prior to the commencement of the Formal Meeting, the Council will discuss other items of business that at least five members of the Council vote to discuss.
4. **Presentations.** Presentations or reports from the City Administration, the staff of the Council and its appointees, and any other parties not related to legislation pending at the Formal Meeting immediately following the Informal Meeting may be made during Informal Meetings, provided that the presenter, or the designee thereof, submits the presentation and any related materials to the City Clerk in an electronic format technologically suitable for uploading to the City's computer network at least three working days prior to the date of the Informal Meeting at which the presentation is to be made. If, at least three working days prior to the Informal Meeting at which the presentation is to be made, the presenter, or the designee thereof, fails to submit to the City Clerk the presentation or any related materials, either or both, or fails to submit such presentation or any related materials in an electronic format technologically suitable for uploading to the City's computer network, no such presentation shall be made at the Informal Meeting for which it has been scheduled, and the City Clerk shall schedule such presentation for the next appropriate Informal Meeting.

- C. **Commencement of Formal Meeting.** At 6:00 p.m. on each regular meeting day and at the specified hour for adjourned or special meetings, the President of the Council shall call the formal meeting to order.

**D. The Order of the Formal Meeting Agenda.** The order of business at a regular meeting of Council shall be as follows:

**Order of Business**

1. Invocation.
2. Pledge of Allegiance.
3. Chamber Emergency Evacuation Plan Announcement and Citizen Speakers' Guidelines.
4. Roll Call.
5. Action on Appointments and Reappointments.
6. Awards and Presentations.
7. Citizen Comment.
8. Agenda Review and Amendments.
9. Action Items—Consent Agenda.
10. Action Items—Regular Agenda and Motions.
11. Approval of Minutes of Previous Meetings.
12. Introduction of Ordinances and Resolutions.
13. Reports or Announcements by Members of the Council.
14. Adjournment.

The President of the Council may call items in the order of business in a different order than that set forth in this section on a case-by-case basis, provided that the Council may, by adopted motion, overrule such a decision by the President of the Council. Any Council member may make a motion to act on items in the order of business in a different order than that set forth in this section.

**E. Preparation of the Agenda.**

1. The title and assigned number of each ordinance or resolution on which action is to be taken at that meeting shall appear on the agenda. The Agenda for each regular meeting shall (a) be prepared at least five days prior to the meeting at which the ordinances and resolutions to appear thereon are to be considered, (b) be sent by electronic mail as soon as possible after preparation to each Member of the Council, or, if so instructed by any Member of Council, be mailed to that member or placed in the repository assigned to such Council Member, and (c) be distributed to officers and employees of the city government and members of the public requesting copies thereof. The following provisions shall also apply.
2. Resolutions or ordinances may be introduced and presented to Council by any Member of Council or by the Mayor.
3. The City Clerk shall prepare the agenda and review same with the President of the Council.
4. The order and scheduling of agenda items shall be decided by the President of the Council, subject to appeal thereto to Council, in consultation with the Chief Administrative Officer and the City Clerk, taking into account strategic planning, time management, administrative and other considerations.
5. Requests by Members of Council for information or reports concerning the administration of the City or matters having to do with actions of or failure to act by the administrative staff or amenable to administrative disposition shall not be placed on the agenda of any Council Meeting until the Chief Administrative Officer shall have been given a reasonable opportunity to furnish the interested Member or Members with an explanatory statement.
6. The agenda for Special Meetings shall be prepared and distributed as provided in Rule II(B).

**F. Consent Agenda.** The City Clerk, with the approval of the President of the Council, is authorized to prepare a consent agenda for matters of a routine, non-controversial nature. The purpose of the consent agenda is to provide a method for the expeditious handling of items which, in the opinion of the City Clerk and the President of the Council, will not require discussion and will be approved unanimously by the Council. Prior to the consideration of a motion to approve the agenda, the President of the Council shall ask if any Member of Council would like to have an item removed from the consent agenda for discussion, for

further information, or in order that there might be a separate vote on that item. The public will be able to speak on any item on the consent agenda. Matters shall be removed from the consent agenda and placed on the regular docket for debate at the request of any Council Member, with the approval of the patron, or the President of the Council. Further, the Council may, upon the motion of any Council Member, vote to remove any item from the regular agenda and place it on the consent agenda. In the discretion of the President of the Council, any item on the docket may be called out of the order as listed thereon.

- G. Citizen Comment.** A time shall be established during each meeting of Council for citizens to address the Council on any item which is not on the agenda for that meeting. Citizen Comment is an opportunity for citizens to present comments and information to the Council. Council may request that the Chief Administrative Officer or a Council appointee prepare or cause to be prepared a report or take other action in response to any citizen's comments; or Council may instead decide to put the matter on a subsequent agenda for further discussion or action or both.

The hearing of citizens concerning the services, policies and affairs of the City shall not exceed thirty minutes. Each citizen desiring to present any matter concerning such services, policies and affairs shall be allotted such time within the thirty-minute period as determined and allotted by the President of the Council, but not to exceed three minutes. Every citizen desiring to present a matter to the Council as herein specified shall, no later than 12:00 noon on the date of the meeting at which such citizen desires to be heard, make request to the City Clerk for an allotment of time. No citizen shall speak on any matter of business which is the subject of an ordinance or resolution included on Council's docket for that day.

Speakers shall supply the Clerk, when requesting time, a description of what their topic will be, their full legal name and address (including street name and zip code), and home and business telephone numbers, if applicable, and then they shall speak on that subject. Failure to stay on that topic will result in forfeiture of the remaining time that had been allotted to the speaker. No person who refuses to provide any of the information required by this paragraph shall be permitted to speak during the Citizen Comment period.

An individual may appear before the Council during the Citizen Comment period no more than four times per year and no more than once within a three-month period.

- H. Awards and Presentations.** The presentation of awards, proclamations, and other recognitions, etc. will be limited to a fifteen-minute period during each

Council meeting. Only Members of the Council and members of the City Administration may make awards and presentations during this period. Such presentations shall be allotted such time within the fifteen-minute period as determined and allotted by the President of the Council, but not to exceed five minutes. Awards and presentations will be scheduled if the Council Public Information Manager has received the information necessary for the preparation and production of the award or presentation by 12:00 p.m. of the seventh day before the day on which the award or presentation is to be made, and the Council Public Information Manager shall send to all Council Members by electronic mail a docket listing all awards and presentations to be made at a particular meeting by 5:00 p.m. on the Friday before the meeting.

**I. Improper Comments and Conduct.** Persons appearing before the Council will not be allowed to:

1. Campaign for public office,
2. Promote private business ventures, or
3. Use language of a personal nature which insults or demeans any person, or which, when directed at a public official, is not related to that official's official duties.

**J. Debate of Action Items.** The President of the Council may call ordinances, resolutions, motions or other matters singly or in groups. The patron of an ordinance, resolution, motion or other matter, when the same is called on the agenda of the Business Meeting, may speak to it. Such patron or the designee thereof will be allotted a period no longer than ten minutes for introductory remarks.

Following the patron's remarks, the public may speak on any ordinance or resolution or groups thereof called by the President. The maximum time allotted to persons speaking as proponents of or in opposition to any matter under consideration by the Council shall not exceed thirty minutes for the proponents and thirty minutes for the opposition. Any person speaking to one or more items on the consent agenda shall have no more than three minutes irrespective of the number of items on which the person desires to speak. Any person speaking to a matter other than the consent agenda shall be limited to three minutes per ordinance or resolution or, if the President of the Council has called for a public hearing on a group of ordinances or resolutions, per group of ordinances or resolutions. Specific questions should be resolved prior to the meeting by contacting a Council representative, the President of the Council, or the appropriate person in the administration. Persons speaking shall not be permitted

to address or question the Mayor, City Attorney, City Clerk or any other staff member directly. Questions shall be presented to the President of the Council, who may, at the President's discretion, solicit the appropriate response. No individual from the public may speak for more than ten minutes total during any Business Meeting.

Any person speaking at a public hearing held by Council, as it considers action on any ordinance or resolution before it, shall identify any economic or professional relationship he or she has with the person, association, corporation, or other entity that would benefit by the subsequent adoption of the ordinance or resolution.

Citizens shall not be required to express their views on action items orally, and any citizen shall have the right to express his or her views on any action item in writing, which may be delivered to any Member of Council or to the Clerk.

Following the public hearing on an ordinance, or discussion by the public of a resolution, no Member of the Council, including the patron, may speak more than a total of five minutes concerning any such ordinance or resolution, or any motion or other matter related thereto. Each Member of Council shall be afforded an opportunity to speak before any Member of Council may speak a second time. At the conclusion of this debate the question shall be called, and no further debate or statements shall be in order.

**K. Order of Business at Special Meetings.** The order of business at a special meeting shall follow that of a regular meeting as far as possible and as applicable.

**L. Maintenance of Order.** The President of the Council shall preserve order and decorum. The President of the Council may order the expulsion of any person for violation of these rules, disruptive behavior, or any works or action which incite violence or disorder, subject to appeal to Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in words or actions justifying expulsion may also be barred from attendance at future meetings of Council for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion for a period not to exceed one year either by the President of the Council, subject to appeal to Council, or by motion passed by Council. In case of disturbance or disorderly conduct, the President of the Council may have the chamber cleared.

To preserve the order and decorum of the Council meeting, the audience will not be permitted to applaud in support of or in opposition to any matter during the Business Meeting. Applause will be permitted during the Awards and Presentations portion of the meeting.

## V. PROCEDURAL RULES

- A. Resolutions.** No resolution shall be passed or adopted at any regular or special meeting on the day of its introduction except as provided in Rule IV(B)(1) or V(B).
- B. Expedited Resolutions.** Notwithstanding any provision of Rule VI to the contrary, a resolution may be heard on the day of its introduction only if a motion for expedited consideration is made and seconded and the motion is adopted by a vote of at least six Members of Council. As a requisite for such motion, copies of the resolution must be provided to the City Clerk and to each Member of Council and made available for public inspection no later than the beginning of the Informal Meeting or special meeting. If a motion for expedited consideration passes, action on the resolution may be taken by a simple majority unless otherwise required by law.
- C. Appointments.**
1. The Council shall make appointments to Standing Committees of the Council and of Members of Council to authorities, boards, commissions and similar collegial bodies by resolutions adopted by the Council.
  2. Any appointments that the President of the Council or that the Mayor is authorized to make shall be in writing and filed with the Office of the City Clerk.
  3. The Council will make appointments to authorities, boards, commissions and similar collegial bodies as set forth herein.
    - a. No nomination of a person for appointment by the Council to an authority, board, commission or similar collegial body may be voted on unless (i) the nominee has first filed with the Office of the City Clerk a completed application in a form prescribed by the City Clerk and (ii) a copy of that application has been provided to all Members of Council.
    - b. The Office of the City Clerk will submit all applications for membership on a particular authority, board, commission or similar collegial body to the Standing Committee of the Council to which that authority, board, commission or similar collegial body is assigned to report.

- c. The Standing Committee of the Council will review each application and recommend to the Council the applicant the Standing Committee deems most appropriate for each particular position on an authority, board, commission or similar collegial body.
  - d. Once the Standing Committees have made their recommendations of applicants for available positions on authorities, boards, commissions and similar collegial bodies, the Office of the City Clerk will present the recommendations to the Council at the next regular meeting of the Council.
  - e. At any time after the Office of the City Clerk has presented the recommendations of the Standing Committees to the Council, any Member of Council may make a motion to appoint any or all of the recommended applicants.
  - f. Once the Council has adopted this motion, the applicants whom the motion concerned are deemed appointed, provided that they take the requisite oath of office administered by a qualified member of the Office of the City Clerk no later than the next regular Council meeting following their appointment.
  - g. If an appointee has not taken the requisite oath of office administered by a qualified member of the Office of the City Clerk by the next regular Council meeting following the appointee's appointment, the Council may reconsider the motion pursuant to Rule V(G), reject that appointee's appointment, and at any time thereafter, appoint a replacement in accordance with this Rule V(C)(3).
4. The provisions of this section shall apply both to initial appointments and to reappointments.

**D. Form of Motions.** When a motion is made, it shall be stated by the President of the Council and the Clerk; and, if made in writing, shall be read before being debated. Every motion to amend an ordinance or resolution shall be reduced to writing. As a requisite for a motion to amend a pending resolution that is intended to be heard as amended on the same day that it is amended, copies of the motion must be provided to the City Clerk and to each Member of Council and made available for public inspection no later than the beginning of the Informal Meeting or special meeting. Every other motion shall be reduced to writing if the President of the Council or any Member of Council so requests.

- E. Motions Allowed During Debate.** When a question is under debate, no motion may be made except a motion to adjourn, to table, to call for the previous question, to postpone or continue the matter to a subsequent meeting, to refer the matter to a committee, or to amend, which several motions shall take precedence in the above order.

A motion to table, if requested by a Member, shall be by roll call vote, and the ayes and noes thereon shall be recorded in the journal.

- F. Motions to Approve Agenda.** A motion to approve the agenda and/or strike from or add to the agenda any ordinance, resolution or motion shall be made at the time provided in the agenda, except as may be otherwise provided in Rule IV(F), concerning approval of the consent agenda. The motion shall be debatable and shall be determined by simple majority vote. Any ordinance or resolution struck from the agenda may be again introduced and considered at any time notwithstanding the provisions of Rule V(G), but when introduced again must be deemed and considered as a new ordinance or resolution.

- G. Reconsideration of Ordinances, Resolutions and Motions.** No ordinance, resolution or motion acted upon by the Council shall be again brought forward during the same term of Council other than for amendment or repeal. Provided, however, a motion may be made no later than the next following regular meeting for reconsideration of the vote on any ordinance, resolution or motion by a Member who voted with the prevailing side. If the motion to reconsider is adopted by the vote of at least six Members, the ordinance, motion or resolution shall be reconsidered.

- H. Journal.** The City Clerk shall prepare and maintain an adequate journal of the proceedings of the Council, the contents of which journal shall comply with all requirements of section 2.2-3707(I) of the Code of Virginia concerning the keeping of minutes of open meetings. The City Clerk shall not be required to include the text of speeches in the journal.

- I. Patrons of Papers.** Every ordinance or resolution shall identify the name or names of the patrons. The chief patron's name shall be listed first, and no other person shall be listed as a patron without both the chief patron's permission and the person's permission.

- J. Withdrawal of Paper by Chief Patron.** The chief patron of an ordinance or resolution shall have the right to withdraw such ordinance or resolution at any time after introduction but prior to a motion to adopt, reject or strike by the Council. The City Clerk shall develop a withdrawal form for chief patrons to use

in withdrawing ordinances or resolutions. In order for an ordinance or resolution to be withdrawn, the chief patron (not a designee thereof) must sign a completed form, and the form must be submitted to the City Clerk. After receiving a form, the City Clerk shall (i) furnish all Council Members and the Mayor or the designee thereof with a copy of any such withdrawal forms received by electronic mail message or another method acceptable to the City Clerk, (ii) cease all future efforts to advertise the withdrawn ordinance or resolution or to place the same on any agenda of the Council or a committee thereof and (iii) take such other action as the City Clerk may deem necessary to ensure that the ordinance or resolution is withdrawn from the Council's consideration.

## **VI. PROCEDURES FOR COMMITTEE REFERRAL**

- A. Referral to Committee.** Prior to the "introduction of ordinances and resolutions" portion of each Business Meeting of the Council, the President of the Council shall refer each ordinance or resolution to be introduced at that Business Meeting to a Standing Committee for consideration and recommendation as provided herein. During the "introduction of ordinances and resolutions" portion of every Business Meeting of the Council, the City Clerk shall read the heading of each ordinance and resolution introduced and announce the Standing Committee to which it has been referred along with the date and time of the public meeting at which the Standing Committee will consider the ordinance or resolution.
- B. When Referral Excused.**
1. Each ordinance and resolution shall be referred to the appropriate Standing Committee for consideration and recommendation by that Standing Committee prior to any vote by the Council on that ordinance or resolution.
  2. However, if both the President of the Council and the Chairperson of the appropriate Standing Committee agree prior to the "introduction of ordinances and resolutions" portion of the Business Meeting, an ordinance or resolution shall not be referred to a Standing Committee as provided in this Rule VI, and the City Clerk shall instead schedule such ordinance or resolution for the next appropriate Business Meeting of the Council and announce such during the "introduction of ordinances and resolutions" portion of the Business Meeting.
  3. The requirements of this Rule VI(B) shall not apply to:
    - a. appointments and reappointments to Standing Committees of Council and to authorities, boards and commissions;

- b. resolutions authorizing the expenditure of Council Districts Funds in accordance with the City Council Expenditure and Reimbursement Guidelines or any succeeding guidelines; and
- c. ordinances appropriating funds other than to the capital budget.

However, the Council may refer such papers to an appropriate Standing Committee of Council by adopting a motion to refer the matter to a committee.

- 4. Should the President of the Council indicate that an ordinance or resolution is to be referred to the City Planning Commission, such referral shall be in lieu of referral to a Standing Committee of Council. Under this paragraph, the President of the Council shall refer to the City Planning Commission only ordinances and resolutions that are appropriate for review by the City Planning Commission pursuant to other applicable law. Notwithstanding this paragraph, the Council may at any time after such referral provide by motion for the referral of such ordinances or resolutions to a Standing Committee in addition to review by the City Planning Commission.

**C. Consideration by Committee.** Each Standing Committee shall consider each ordinance and resolution referred to it, holding such public hearings as it deems appropriate, and make a recommendation to the Council as provided by Rule VI(D) within sixty (60) days of the referral of that ordinance or resolution to such Standing Committee.

**D. Recommendation by Committee.** Following its consideration of an ordinance or resolution referred to it, each Standing Committee shall vote to recommend that the Council adopt, amend or strike the ordinance or resolution. In the alternative, the Standing Committee may vote to make no recommendation. The Standing Committee shall compile a report of all such recommendations, which shall include, for each ordinance or resolution considered, (i) the recommendation, (ii) the vote and (iii) the text of any recommended amendment, if any. The Standing Committee shall issue such report to the Council, the City Clerk, the City Attorney and such other parties as may be appropriate. If a majority of the Standing Committee's members recommend that the Council strike the ordinance or resolution, a motion to strike the ordinance or resolution shall be included with the amendments to the agenda considered at the next appropriate Business Meeting of the Council. If the Standing Committee fails (i) to make a recommendation by majority vote, whether due to the absence of one or more of its members or otherwise, or (ii) to make a recommendation by any vote

within the sixty-day period as required by Rule VI(C), the affected ordinance or resolution shall be scheduled for consideration by the Council at the next appropriate Business Meeting of the Council.

- E. Advertisement by City Clerk.** Upon the introduction of an ordinance or resolution, the City Clerk shall schedule the ordinance or resolution for the next Business Meeting of the Council following the meeting of the Standing Committee to which the ordinance or resolution is referred and shall publish such advertisements as section 4.10 of the Charter of the City of Richmond or other applicable law requires for such ordinance or resolution.
- F. Override of Recommendation to Strike.** Any Council Member may move to override a Standing Committee's recommendation to strike an ordinance or resolution. Such motion shall require five (5) votes to prevail. If such motion prevails, the ordinance or resolution shall not be stricken, and the Council shall consider such ordinance or resolution at the Business Meeting of the Council for which it is scheduled.

## **VII. AMENDMENT OF RULES**

Proposed amendments to these rules shall be submitted by resolutions, and amendment shall be made by the adoption of amendatory resolutions.

## **VIII. PRIVATE/PUBLIC AREAS**

- A.** Only Members of the City Council and persons expressly invited by Council Members shall be entitled to enter the Council Lounge.
- B.** No person shall be permitted to stand in the back of Council Chambers during meetings, as long as there are sufficient seats available, except police personnel assigned to cover the meetings and Media Representatives.
- C.** For purposes of this Rule VIII, (i) the term "Media Identification Card" means a valid media identification card applicable to the holder of the card, signed by the Virginia State Police Superintendent, and obtained through the Virginia Association of Broadcasters, the Virginia Press Association, or the Virginia State Police, (ii) the term "Media Representative" means a person holding a Media Identification Card, (iii) the term "Press Area" means the raised, boxed area in Council Chambers on the side of the dais closest to North 9<sup>th</sup> Street, and (iv) the term "Security Officer" means a law enforcement officer or security guard contracted by the City who is assigned to provide security at a meeting. Access by Media Representatives to the Press Area will be allowed only in accordance with the following rules:

1. Seats available for Media Representatives include all but the last two seats in the Press Area. The two seats farthest from the entrance to the Press Area are reserved for personnel associated with the Council's broadcast production of Council meetings.
2. To gain access to the Press Area, a Media Representative must present the Media Representative's Media Identification Card to the Security Officer assigned to verify the Media Representative's identification and control access to the Press Area.
3. Access to the Press Area will be limited to the number of seats available, and seats will be available only on a first-come, first-served basis. No additional seats or space will be provided in the Press Area.
4. Media Representatives will not have access to those portions of the dais outside of the Press Area or to any other restricted areas in Council Chambers.
5. Media Representatives shall not interfere with any equipment or other personnel in the Press Area or with the proceedings of any meeting occurring in Council Chambers. No person shall be permitted to stand in the Press Area.
6. The presiding officer of the meeting may
  - a. Revoke a Media Representative's access to the Press Area for a violation of any rule applicable to the meeting, for behavior that tends to disrupt the meeting, or for any act that tends to incite disorder or violence.
  - b. Order all people to leave the Press Area immediately at any time if a law enforcement officer or other person responsible for security at City Hall determines that an imminent threat to health or safety or another security concern exists.

Any Security Officer shall enforce the instructions of the presiding officer with regard to the preceding.

## **IX. ELECTIONS AND APPOINTMENTS**

- A. The election of the President of the Council and Vice President of the Council and all appointments made by the Council shall be made upon the nomination of any Member of the Council, for which a second is not required.
- B. The President of the Council shall open the floor for nominations for any election or appointment, and the Clerk shall note the nominations in the order in which they are made. Nominations may be closed by the President of the Council only after assuring that there are no further nominations to be made. If more than one person has been nominated for any office or appointment, then the Clerk shall poll the Members of the Council by roll call on each nominee in the order of the nominations. The first nominee for a given office or appointment to receive an affirmative majority vote of the Members of Council present and voting shall be deemed to have been elected or appointed accordingly. In case of appointments, where there is only one nominee for each of several appointments, the Council may vote on the nominations as a group.
- C. The City Clerk shall preside over any initial meeting of Council until a President of the Council has been elected.



# Richmond City Council

The Voice of the People

Richmond, Virginia

## Office of the Council Chief of Staff

### Council Ordinance/Resolution Request

**TO** Haskell Brown, Interim Richmond City Attorney

**FROM** Joyce L. Davis, Interim Council Chief of Staff  
Office of the Council Chief of Staff

**COPY** Cynthia Newbille, Council President  
Tabrica Rentz, Interim Deputy City Attorney  
Candice Reid, City Clerk  
Sam Patterson, 7th District Liaison

**DATE** May 12, 2021

**PAGE/s** 1 of 2

**TITLE** Resolution to Amend Rules of Procedure for changes to Rule III (D)

This is a request for the drafting of an **Ordinance**  **Resolution**

**REQUESTING COUNCILMEMBER/PATRON**

Cynthia Newbille, Council President

**SUGGESTED STANDING COMMITTEE**

Government Operations

**ORDINANCE/RESOLUTION SUMMARY**

Resolution to amend City Council's Rules of Procedure under Rule III (D), Quorums and Actions regarding electronic communication means and participation in electronic meetings.

**BACKGROUND**

This Resolution is to amend City Council's Rules of Procedure for changes to provisions of the Virginia Freedom of Information Act concerning participation in electronic meetings. Effective July 1, 2021, certain provisions of the Virginia Freedom of Information Act with regard to participation in electronic meetings will change.

Chapter 33 of the 2021 Special Session I of the Acts of Assembly will allow the members of public bodies to participate in a public meeting electronically due to a family member's medical condition that requires the member to provide care for such family member and prevents the member's physical attendance. This O&R is requesting Rule III(D) of the Council's Rules of Procedure be amended to reflect these changes, with the goal of adopting such amended rules by no later than June 28, 2021, before these new provisions become effective.

In addition, effective July 1, 2021, Chapter 490 of the 2021 Special Session I of the Acts of Assembly will permit public bodies to conduct meetings electronically when either the Governor or the locality in which the public body is located has declared a local state of emergency pursuant to Va. Code § 44-146.21, provided that the nature of the emergency makes it impracticable or unsafe to assemble a quorum and the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful

purposes.

The requested changes to Rules III (D), Quorums and Actions are contained in the attached document, Resolution to Amend the Rules of Procedure, PDF pages 10-15.

This O&R is requested for introduction at the May 24, 2021 meeting.

**FISCAL IMPACT STATEMENT**

Fiscal Impact Yes  No

Budget Amendment Required Yes  No

Estimated Cost or Revenue Impact \$

**Attachment/s** Yes  No