

AGENDA



CITY OF HOPEWELL

Hopewell, Virginia 23860

SPECIAL MEETING AGENDA

(804) 541-2249

www.hopewellva.gov

info@hopewellva.gov

rarrington@hopewellva.gov

CITY COUNCIL

Jasmine E. Gore, Mayor, Ward #4
Patience Bennett, Vice Mayor, Ward #7
Debbie Randolph, Councilor, Ward #1
Arlene Holloway, Councilor, Ward #2
John B. Partin, Jr., Councilor, Ward #3
Janice Denton, Councilor, Ward #5
Brenda S. Pelham, Councilor, Ward #6

John M. Altman, Jr., City Manager
Sandra. Robinson, City Attorney
Ronnieye L. Arrington, City Clerk

February 20, 2020

**COUNCIL CHAMBERS
300 N MAIN ST. HOPEWELL VA**

**Closed Meeting: 6:30 PM
Work Sessions: 7:30 PM**

OPEN SPECIAL MEETING

6:30 p.m. Call to order, roll call, and welcome to visitors

SUGGESTED MOTION: Move to go into closed meeting pursuant to Va. Code §§ 2.2-3711 (A)(1) to discuss and consider personnel matters, including the appointment, performance, and assignment of specific appointees and employees; (A)(7) and (8) to consult with legal counsel and be briefed by staff regarding probable litigation and specific legal matters where such briefing and consultation in open meeting would adversely affect the City’s litigating posture; and to the extent that such discussion will be aided thereby; and (A)(4) for the protection of the privacy of individuals in personal matters not related to public business.

Roll Call

CLOSED MEETING

RECONVENE OPEN MEETING

CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call

7:30 p.m. WORK SESSIONS

SUGGESTED MOTION: To amend/adopt work session agenda

Roll Call

WS - 1 The Agenda Process

WS – 2 Review of Council Rules

ADJOURNMENT

Work Session

WS-1

The Agenda Process

From Creation to Distribution

John M. Altman, Jr., City Manager
Ronnieye L. Arrington, City Clerk

Items to be placed on the Agenda

▶ Council Rule 303

- ▶ All items to be placed on a regularly-scheduled Tuesday council meeting agenda are submitted to the clerk, along with all supporting materials, no later than noon on the Monday the week prior to the meeting.
- ▶ The items for the agenda are submitted by email directly to the City Manager and/or uploaded directly into the Agenda Software. The City Clerk should be copied on the email to the City Manager
- ▶ The backup documents for the agenda are submitted by email directly to the City Clerk and/or uploaded directly to the Agenda Software.

Items to be placed on the Agenda

- ▶ **Council Rule 305**

- ▶ **Non-Agenda Items** - Under the reports of council section of the agenda, councilors may introduce items that will be included on the next regular-meeting agenda unless (a) a majority of all members of council object to an item being placed on the agenda, or (b) at least two-thirds of all members of council vote to amend the agenda and place the item on the current agenda.
 - ▶ October 2016, Council confirmed that an action request could be added at the end of a “CCR” item in the form of a “motion” line and a “roll call”. After discussion and upon consensus of Council, Mayor Pelham requested that this format be used going forward, and that the rules be revised to show this change
 - ▶ In June 2017, this was changed to move Council requests under “Individual Councilors” as IR items to differentiate them from Councilor/Citizen Requests (CCR’s).

Closed Session Items

- ▶ **Council Rule 409**
- ▶ Section 2.2-3700, et seq., of the Code of Virginia, 1950, as amended, is hereby incorporated by reference. Whenever a closed meeting is contemplated, the City Attorney shall be advised of the proposed purpose. The City Attorney shall advise the presiding officer on the legality of a closed meeting.
 - ▶ Any Councilor, the City Manager, the City Attorney or Staff may request that something be placed as a Closed Session item on an agenda. Such requests generally occur during the Agenda Meeting.
 - ▶ The City Attorney, if not present at the Agenda Meeting, is sent the request along with appropriate backup documents for determination as to the legality of the item.
 - ▶ Upon her review and acceptance, the item is sent to the City Clerk for inclusion in Council's packet.

Closed Session Items

- ▶ Items included in Closed Packet by Clerk
 - ▶ Any items approved by the City Attorney.
 - ▶ Completed Talent Bank Resumes for open positions on boards, committees, commissions and authorities are provided to Council in its Closed Packet.
 - ▶ Correspondence related to boards, committees, commissions and authorities are provided to Council in its Closed Packet.
 - ▶ Interviews of potential commission, committee, board members are conducted in Closed Session.
 - ▶ Updated Clerk reports on boards, committees, commissions and authorities.

Agenda Meeting

▶ Council Rule 303

- ▶ The clerk, city manager, city attorney, and other necessary staff thereafter hold a meeting to review the clerk's preliminary draft agenda.
 - ▶ The meeting is held Tuesday morning at 10:00 a.m. the week immediately preceding the council meeting
 - ▶ The Agenda Meeting is officiated by the City Manager
 - ▶ The City Clerk represents the interest of Council (i.e., the City Clerk presents Council's items at the meeting, and advises if there are too many items on the agenda).
 - ▶ All Staff who have an item to be considered for the Agenda **MUST** attend the Agenda meeting

Draft Agenda

▶ Council Rule 303

- ▶ The clerk then circulates an updated draft agenda to the city manager and city attorney in sufficient time for them to review and the clerk to finalize and publicly disseminate it, along with the agenda packet, by the end of the week prior to the meeting.

- ▶ Due to the Agenda Software, this rule has become obsolete. Both the City Manager and the City Attorney are able to view the agenda and its attachments at any and all points during its creation.

Nothing given to Council outside of the Agenda packet

▶ Council Rule 303

- ▶ Unless council waives the rules (see Rule 407), it does not vote on any item for which material was presented for the first time during the meeting, and the item is moved to the next regularly-scheduled meeting. Material for inclusion in the packet must be received no later than one week prior to the regularly-scheduled meeting by 10:00 a.m.
- ▶ The exception to this rule is budget documents. These items have historically been allowed to be distributed to Council on the dais due to time constraints

Placement of Items on the Agenda

- ▶ The Clerk places items on the agenda according to the format included in Council's rules:



CITY OF HOPEWELL

Hopewell, Virginia 23860

AGENDA

(804) 541-2249

www.hopewellva.gov
info@hopewellva.gov
rarrington@hopewellva.gov

CITY COUNCIL

Jasmine E. Gore, Mayor, Ward #4
Patience Bennett, Vice Mayor, Ward #7
Debbie Randolph, Councilor, Ward #1
Arlene Holloway, Councilor, Ward #2
John B. Partin, Jr., Councilor, Ward #3
Janice Denton, Councilor, Ward #5
Brenda S. Pelham, Councilor, Ward #6

John M. Altman, Jr., City Manager
Sandra Robinson, City Attorney
Romneye L. Arrington, City Clerk

December 10, 2019 COUNCIL CHAMBERS Closed Meeting: 5:30 PM
300 N MAIN ST. HOPEWELL VA Regular Meeting: 7:30 PM

OPEN MEETING

5:30 p.m. Call to order, roll call, and welcome to visitors

Roll Call

CLOSED MEETING

PROPOSED MOTION: Move to go into closed meeting pursuant to Va. Code Sections 2.2-3711 (A)(1) to discuss and consider personnel matters, including the appointment, assignment, and performance of specific public officers, appointees and employees of the City, and consideration/discussion of prospective candidates for employment and appointment; (A)(3) and (A)(6) to discuss the acquisition of real property for a public purpose and the investment of public funds where bargaining is involved, and discussion in open meeting would adversely affect the City's bargaining position and financial interest.

RECONVENE OPEN MEETING

CERTIFICATION PURSUANT TO VIRGINIA CODE § 2.2-3712 (D): Were only public business matters (1) lawfully exempted from open-meeting requirements and (2) identified in the closed-meeting motion discussed in closed meeting?

Roll Call

WORK SESSION

6:30 p.m.

REGULAR MEETING

7:30 p.m. Call to order, roll call, and welcome to visitors

Prayer by Pastor _____ of _____ Church, followed by the Pledge of Allegiance to the Flag of the United States of America led by Councilor Pelham.

SUGGESTED MOTION: To amend/adopt Regular Meeting agenda

Roll Call

Consent Agenda

All matters listed under the Consent Agenda are considered routine by Council and will be approved or received by one motion in the form listed. Items may be removed from the Consent Agenda for discussion under the regular agenda at the request of any Councilor.

C-1 **Minutes:** Council minutes - November 12, and November 25, 2019

1. Attached

C-2 **Pending List:**

C-3 **Routine Approval of Work Sessions:**

C-4 **Personnel Change Report & Financial Report:**

1. Personnel Change Report attached

C-5 **Ordinances on Second & Final Reading:**

C-6 **Routine Grant Approval:**

C-7 **Public Hearing Announcement:**

C-8 **Information for Council Review:** Minutes

1. **Minutes:** Architectural Review Board 9-23-19; Board of Zoning Appeals 4-8-19, 2-20-19, 3-15-19, and 11-20-19; Hopewell Redevelopment & Housing Authority 9-9-19; Keep Hopewell Beautiful 10-9-19; and Petersburg Area Regional Tourism Board 8-16-19

C-9 **Resolutions/Proclamations/Presentations:**

C-10 **Public Hearing Announcement:**

SUGGESTED MOTION: To amend/adopt consent agenda

Public Hearings

CITY CLERK: All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to five minutes. No person shall be permitted to address the Council a second time until all others have been heard, and no one may speak more than twice on any subject in any one meeting. All remarks shall be addressed to the Council as a body, any questions must be asked through the mayor only, and there shall be no discussion without permission of the mayor. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers may be barred by the mayor from further audience before Council and removed, subject to appeal to a majority of Council. (See Rules 405 and 406)

PH-1 **Public hearing to consider citizen comments regarding a request to vacate a portion of an alley**

ISSUE: Barbara J. Pittman-Burgess and Gerry W. Leech Jr. have requested the vacation of a portion of an alley between 511 Sherman Avenue, 2606 Bristol Street, and Sub-Parcel #014-2510.

MOTION: _____

Roll Call

Placement of Items on the Agenda

The Clerk places items on the agenda according to the format included in Council's rules:

Unfinished Business

UB-1 New City-Wide Pavement Program

ISSUE: Approve and place \$1.5 million in the FY20/21 Capital Improvement Program to jump start the new 15-year road repaving program.

MOTION: _____

Roll Call

Communications from Citizens

CITY CLERK: *A Communications from Citizens period, limited in total time to 30 minutes, is part of the Order of Business at each regular Council meeting. All persons addressing Council shall approach the microphone, give name and, if they reside in Hopewell, their ward number, and limit comments to **three minutes**. No one is permitted to speak on any item scheduled for consideration on the regular agenda of the meeting. All remarks shall be addressed to the Council as a body, any questions must be asked through the mayor only, and there shall be no discussion without permission of the mayor. Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in Council Chambers, may be barred by the mayor from further audience before Council and removed, subject to appeal to a majority of Council. (See Rules 405 and 406.)*

Regular Business

Reports of City Manager:

R-1 FY 20 VDOT Revenue Sharing Program Reimbursements

ISSUE: In the current Fiscal Year 2020, the City will receive reimbursements payments from VDOT for completing eligible projects under the terms and conditions of the current agreement between the City and VDOT.

MOTION: _____

Roll Call

Reports of City Attorney:

Reports of City Clerk:

Reports of City Council:

Committees:

Individual Councilors

IR-1 Gore Request that Council...

Citizen/Councilor Requests

CCR-1

Presentations from Boards and Commissions
Other Council Communications
Adjournment

Order of the Agenda

▶ **Council Rule 303**

- ▶ Call to Order, Roll Call and Welcome to Visitors
- ▶ Amendments to the Amend before Closed Session
- ▶ Closed Meeting
- ▶ Prayer and Pledge of Allegiance to the Flag of the United State of America
- ▶ Consent Agenda
- ▶ Public Hearings
- ▶ Communications from Citizens

Order of the Agenda

- ▶ **Council Rule 303**
 - ▶ Regular Business
 - ▶ Reports of Boards and Commissions
 - ▶ Reports of the City Manager
 - ▶ Reports of City Attorneys
 - ▶ Reports of City Clerk
 - ▶ Reports of Council:
 - ▶ Committees
 - ▶ Individual Requests
 - ▶ Any Other Councilor

Order of the Agenda

- ▶ **Council Rule 303**
 - ▶ Regular Business
 - ▶ Reports of Boards and Commissions
 - ▶ Reports of the City Manager
 - ▶ Reports of City Attorneys
 - ▶ Reports of City Clerk
 - ▶ Reports of Council:
 - ▶ Committees
 - ▶ Individual Requests
 - ▶ Any Other Councilor

Order of the Agenda

- ▶ **Council Rule 303**
 - ▶ Citizen/Councilor Requests
 - ▶ Presentations of Boards & Commissions
 - ▶ Council Communications
 - ▶ Adjournment

Distribution of Agenda Packet

▶ Council Rule 303

- ▶ The agenda shall be posted and circulated by the end of the week immediately preceding the regularly scheduled meeting
 - ▶ An email with the full agenda packet is sent to the FOIA list on the Thursday immediately preceding the regularly scheduled meeting.
 - ▶ The agenda packet is also posted on the website that same day.
 - ▶ The agenda packet is also placed in Council's mailboxes that same day.
 - ▶ A copy of the agenda packet is placed on the public board, as well.

Questions

WS-2

HOPEWELL CITY COUNCIL RULES OF PROCEDURE

These rules are authorized by the Hopewell Charter, Chapter IV, Section 4

CONDUCT OF MEETINGS— ROLES OF PRESIDING OFFICER, CITY CLERK, AND CITY ATTORNEY

101. Robert’s Rules of Order; Parliamentarian; Presiding Officer –

Where these rules are silent, *Robert’s Rules of Order* prevails (Charter IV.4). The city attorney is parliamentarian, whose ruling, when requested by or through the presiding officer, is final and binding, subject only to appeal to and a two-thirds vote of all council members. The presiding officer is the council president (mayor) or, in the mayor's absence, the vice-president (vice mayor) (Charter IV.5). If the mayor and vice mayor are absent, the temporary chair (see Rule 103) is the presiding officer.

[Approved 6.26.18 (this and other rules are to be adopted once all rules are approved); for consistency and gender-neutrality, "chairman" subsequently changed to "chair"]

102. Roll Call; Quorum –

The presiding officer takes the chair at the appointed meeting hour, and immediately calls council to order. The city clerk then calls the roll, and enters in the meeting minutes the names of the councilors as present or absent. In the absence of a quorum, the city clerk attempts to procure the attendance of absent councilors. A quorum exists when a majority of all councilors is present (Charter IV.4).

(Approved 9-11-18)

103. Temporary Chair – In the absence of the mayor and vice mayor, the city clerk calls council to order, and calls the roll. If a quorum exists, council elects by majority vote of those present one of its members to be temporary chair until the mayor or vice mayor appears.

104. Appeals – See Rule 101.

[Rules 102 - 104 approved 9.11.18; addition of "city" before "clerk" per 1.22.19 council meeting; for consistency and gender-neutrality, "chairman" subsequently changed to "chair"]

105. Voting Methods – Votes upon a motion to adopt an ordinance or resolution are by roll call. All other votes are recorded by “ayes” and “nays” (Charter IV.8), unless the presiding officer requests a roll call. No councilor is excused from voting except on items that consider the councilor's official conduct, or involve the councilor's financial or personal interests (Charter IV.8). Although one cannot be compelled to vote (*Robert's Rules*), a councilor (a) who is present but fails to vote without having been excused under this rule, or (b) who, in violation of Rule 209, excused himself or herself from the meeting to avoid voting, may be disciplined (Charter IV.4; Va. Code § 2.2-3711).

[Approved 10.9.18]

106. Presiding Officer's Designee

The presiding officer may designate another councilor to preside for a single issue. If the mayor is the presiding officer, the vice mayor is designated. If the vice mayor is unavailable, the presiding officer may designate any other councilor.

[Approved 9.11.18]

**CONDUCT OF MEETINGS—
MEMBERS OF COUNCIL**

201. Seating – Councilors are seated at the council chamber dais as follows. Mayor: center; vice mayor: immediate left of mayor; immediate past mayor, if any: immediate right of mayor; remainder of members: in increasing numerical order by ward, starting at the far left of the mayor and the immediate right of the city manager. The remaining seats are occupied, from the far left, by the city attorney, the city manager, the city clerk, and the assistant city clerk, respectively.

Sample Seating Chart

Asst City Clerk	City Clerk	Councilor Ward 5	Councilor Ward 3	Most Recent Past Mayor	Mayor	Vice Mayor	Councilor Ward 2	Councilor Ward 1	City Manager	City Attorney
-----------------------	---------------	---------------------	---------------------	---------------------------------	-------	---------------	---------------------	---------------------	-----------------	------------------

[podium]

[Approved 2-26-19]

202. Addressing Council – Councilors and others are addressed or referred to as Mr., Mrs., Miss, Ms., Madam, and/or by title. For example, "Madam Mayor," "Vice Mayor Jones," "Councilor Smith," "Mr. Williams," or "the City Manager."

[Approved 10.9.18]

203. Discussion Limitation – No member speaks for longer than ten minutes on any item or more than twice on any item (*Robert's Rules*), and not until every other councilor has had an opportunity to speak.

[Approved 1-22-19]

204. Voting Requirement; Order – Roll call for voting is by ward number. At the first meeting in January, the roll call starts with the Ward 1 councilor, and proceeds numerically, through the Ward 7 councilor. At each meeting thereafter, the roll call is rotated by beginning with the Ward 2 councilor at the second meeting, and so on until each councilor has voted first. Once all councilors have voted first, the process repeats.

[Approved 9.11.18]

205. Motions – All motions, except those to adopt ordinances making appropriations, authorizing the contracting of indebtedness, or relating to the issuance of bonds or other evidences of debt, are confined to one subject (Charter IV.8).

[Approved 1.22.19]

206. **RESERVED**

[Approved 1.22.19, with this notation: No changes proposed at this time. Council would continue to reserve this number for a future rule. The familiar numbering of current rules would remain.]

207. **Dissent or Protest** – During debate, a councilor has the right to express dissent from or protest against the adoption of any ordinance or resolution.

Approved 1.22.19

208. **Attendance** – Councilors notify the city clerk of absence from a scheduled meeting, at least 12 hours in advance if possible. The city clerk promptly notifies all councilors of the absence, if a quorum might not be present.

[Approved 1.22.19]

209. **Excuse During Meeting** – Any councilor may excuse himself or herself during a meeting, except to avoid voting.

[Approved 10.9.18]

REGULAR AND SPECIAL MEETINGS; AGENDA

301. **Regular Meetings** – Regular meetings are held in the council chamber, third floor of the Municipal Building, beginning at 7:30 p.m., at least once each month (Charter IV.6), on such days and at other times or places established at council's annual meeting (Va. Code § 15.2-1416).

[Approved 2.26.19]

302. **Special Meetings** – Special meetings are called by the city manager, the mayor, or any councilor (Charter IV.6), upon 12 hours' notice. The clerk immediately notifies the city manager, the city attorney, and each councilor, by electronic mail or other writing if previously requested by the councilor, of the meeting time and place, and the specific items of business. No other items are considered unless all councilors are present and unanimously consent. Notice is waived if all councilors attend the meeting or sign a waiver (Va. Code § 15.2-1418).

[approved 2.26.19]

303. **Agenda** – **The regular business of Council shall be as follows unless altered by a vote of the Council:** (See Minute Book 25, Page 411, dated March 28, 2000.) All matters to be placed on the agenda shall be submitted no later than the Monday one week prior to a regularly scheduled meeting, and all backup and supporting materials shall be submitted no later than one week prior to the regularly scheduled meeting by 10:00 a.m. Any supporting documentation missing the deadline will force the item to the next agenda. All Citizen Councilor Requests and supporting

documentation shall be submitted no later than 5:00 PM on the Monday one week prior to the regularly scheduled meeting. Agenda meeting can be held at 10:00 AM on Tuesday one week prior to the regularly scheduled meeting. The final draft shall be prepared and submitted to the City Manager and City Attorney for review no later than 10:00 AM on Wednesday one week prior to the regularly scheduled meeting. Their review shall be completed no later than 5:00 PM on the same Wednesday. The final agenda and packet will be given to the paralegal no later than 3:00 PM on the Thursday prior to the regular scheduled meeting. All material to be presented to Council at the Tuesday meeting that is not part of the actual agenda packet (outside agency request for funding, financial data supplied by our bond attorney, etc.) must be available to Council with the publication of the agenda. Council will not vote on any material presented during the course of the meeting, this item will move to the next regular scheduled meeting. The agenda shall be posted and circulated on the Thursday immediately preceding the regularly scheduled meeting no later than 5 p.m. The order of the agenda may be amended by the majority vote of Council at any time.

Call to order, roll call and welcome to visitors

Amendments to Agenda Before Closed Session (by 2/3 vote of Council)

Closed Meeting – (See Minute Book 24, Pages 474 & 475, 7/14/98.) (See Minute Book 25, Page 411, dated 3/28/00.)

Prayer and Pledge of Allegiance to the Flag of the United States of America

Amendments to Agenda After Closed Session (by 2/3 vote of Council)

Consent Agenda (See Minute Book 25, Page 411, dated 3/28/00.)

City Council Meeting Minutes

Pending List

Information for Council Review

Personnel Change Report

Financial Report (regularly scheduled monthly meeting) (See Minute Book 25, Page 411,

dated 3/28/00.)

Set Public Hearing(s) Set date(s) for routine Public Hearing(s) and list subject

(See Minute Book 28, Page ___, 3/23/04)

Set Routine Work Sessions

Ordinances on second reading (See Minute Book 25, Page 411, dated 3/28/00.)

Proclamations/Resolutions/Presentations (See Minute Book 25, Page 411, dated 3/28/00.)

Public Hearings

Communications from Citizens (See Minute Book 26, Page 211, dated March 27, 2001;
See Minute Book 31, Page ___ dated January 22, 2008)

Unfinished Business

Regular Business:

Reports of Boards and Commissions (includes Constitutional Offices)

Reports of the City Manager

Reports of the City Attorney

Reports of the City Clerk

Reports of Council:

Committees

Individual Requests

Any Other Councilor

Citizen/Councilor Requests

Presentations from Boards & Commissions (See Minute Book 28, page ___, dated February 3, 2004)

Council Communications

Adjournment

304. **Removing Items from Agenda** – Once a Councilor places an item on the agenda it can only be removed by that Councilor prior to the adoption of the agenda. Once the agenda is adopted an item can only be removed by a two-thirds (2/3) vote of all members of Council.
305. **Non-Agenda Items** – Only matters appearing on the agenda and transmitted to each Councilor twelve hours or more before a meeting may be considered a matter of regular business. Other matters including resolutions, ordinances, motions, etc., may be introduced under Reports of Council set forth under regular business by any member of Council (including City Administration) but shall be deferred until the next meeting. A two-thirds (2/3) vote of all members may suspend this rule.
306. **Time Limits** – Meetings will have a three-hour time limit from beginning to end. Meetings beginning at 7:30 PM will adjourn at 10:30 PM. Stand-alone Work Sessions or Special Meetings beginning at 6:30 PM will adjourn at 9:30 PM. Any item not addressed within the three (3) hours would be continued to the next meeting, unless Council waives the rules to extend the meeting.

MISCELLANEOUS MEETING PROCEDURES; OTHER

401. **Motion Stated by Chair; Restated by Clerk** – When a motion is made and seconded, it may be stated by the Chair before debate, but shall be stated by the Clerk before the vote. Any member may demand that it be reduced to writing.
402. **Motions – Procedure** – When a question is before Council, no motion shall be entertained except:
- A. To fix the time at which to adjourn
 - B. To adjourn or recess
 - C. To lay on the table
 - D. The previous question
 - E. To postpone to a certain time
 - F. To refer
 - G. To amend
 - H. To postpone indefinitely
- Such motion shall have precedent in the foregoing order. A roll call may be ordered at any time to ascertain the number of members present. In any case of precedent, motion to table or move the question is out of order until all Councilors have had an opportunity to speak at least once.
403. **Minutes; Recordings** – Meetings are electronically recorded. In accordance with *Robert's Rules of Order*, minutes contain a record of what was done at the meeting. A councilor may, however, direct through the mayor that the draft minutes of the meeting include a brief summary of the councilor's remarks regarding an agenda item. Such direction must be given at the same meeting in which the remarks were made and prior to the next agenda item.

[Approved 2.12.19]

404. **City Clerk; Acting Clerk** – The Clerk shall be the custodian of all the papers, correspondence, and records of the Council and shall keep official minutes of proceedings which shall record the motions and votes of Council and only such further detail of matters as may be approved

by majority vote or requested publicly “for the record” which may be in writing and shall be attributed to the individual Council member making the request. In the absence of the Clerk, and/or the Backup City Clerk, the Mayor shall appoint a Clerk pro tem to keep the minutes and file same in the office of the City Clerk. Detailed debate shall not be recorded in minutes unless requested by Council at public session and with majority of Council’s support. Minutes shall be mainly a record of what was done at the meeting, not what was said by the members (R.R.O.O. Page 389). Any question as to the contents of the minutes may be decided only by a majority of Council at the time the minutes are approved.

405. Communications from Citizens and Others – The communications from citizens portion of the regular-meeting agenda is limited to three minutes per speaker and 30 minutes total, and to items not on the agenda. Speakers may contact the clerk in advance of, or sign up in person at, the meeting. They are called in the order they signed up, before others in the audience speak. Each person addressing council approaches the podium, and gives name and, if a Hopewell resident, ward number. No one may address council more than once per meeting, unless granted permission by the presiding officer. Speakers address council as a body, not individual councilors. Questions are asked of councilors and staff through the presiding officer. The presiding officer, subject to free-speech considerations as determined by the city attorney, has the authority to deem a matter inappropriate. Upon motion of any councilor, a majority of councilors present may allow the speaker to continue.

[approved 3-5-19]

406. Decorum – Any person who makes personal, impertinent, abusive, or slanderous statements, or incites disorderly conduct in the council chamber may be reprimanded by the presiding officer, and removed from the meeting upon a majority vote of councilors present, excluding any councilor who is the subject of the motion.

[Approved 10.9.18]

407. Waiver of Rules – The rules of Council may be suspended (waived) at any time by the vote of 2/3 of all Council members present.

408. Safety – The Mayor shall be responsible for the safety of all participants in a Council meeting and may adjourn a meeting at any time such safety may be in question. In the event of overcrowding, the meeting shall be adjourned (recessed) to a location more suitable or the item resulting in crowding be rescheduled. There shall be no smoking, eating, or drinking allowed during Council sessions; however, members of council and support staff shall be allowed, at the discretion of the Mayor, to have drinks during Council sessions.

409. The Virginia Freedom of Information Act (FOIA) – Section 2.2-3700, et seq., of the Code of Virginia, 1950, as amended, is hereby incorporated by reference. Whenever a closed meeting is contemplated, the City Attorney shall be advised of the proposed purpose. The City Attorney shall advise the presiding officer on the legality of a closed meeting. (See Minute Book 25, Page 411, dated March 28, 2000.)

410. Standing Committees

A. Standing Committees

1. Standing committees shall be created only by resolution, which shall include the purpose and composition and shall be approved at a regular Council meeting.
2. Members shall be appointed by the Mayor, with the concurrence of members of Council. The Mayor may designate a chairman of the committee. The committee may elect a vice-chairman to serve in the absence of the chairperson.
3. Standing committees shall make periodic reports and recommendations to Council for their information and consideration. (See Minute Book 24, Pages 474 & 475, 7/14/98.)

B. Special Committees

1. Special committees are appointed by the Mayor, with the concurrence of Council for specific purposes.
2. Special committees shall terminate upon completion of the assigned task and report to Council.
3. Any special committee not terminated, shall be terminated on the date of the reorganization meeting at which a Mayor and Vice-Mayor are elected. (See Minute Book 24, Pages 474 & 475, July 14, 1998.)

411. Work Session Policy – As required, the City Council of the City of Hopewell may call a special “Council Work Session” beginning at 6:30 PM on the fourth Tuesday of each month. City Council requires that supporting documentation related to the subject material shall be provided to the City Clerk for Council review and perusal pursuant to Section 303, above, and made a part of the agenda packet. Work Sessions shall not be scheduled for the months of July, August, November and December, unless necessary.

Such work sessions are designed to give the Council adequate time to fully discuss and consider business affecting the City and are not considered to be a special meeting or public hearing. Items which would traditionally be considered at a work session are annual budget, service level changes, etc.

To preserve the purpose of the work session the following rules regarding the conduct of the sessions are proposed:

- Work sessions are open to the public, however public comment is appropriate only at the regular meeting where official action is to be taken and at established public hearings. For Example: Council may hold several work sessions on the annual budget at which the session is not open for public comment or debate. However, in order to give the public adequate opportunity to address the budget, Council will consider approval at two (2) separate Council meetings.
- The City Manager will represent the City’s administrative staff at the work session. With Council approval and at the City Manager’s recommendation, staff and outside agencies may make presentations to the Council. Again, presentations do not include public comment.
- Unless specifically advertised as a *special meeting* of the City Council, no formal action will be taken by the City Council at a Work Session.

- The subject matter discussed by City Council will be limited to items presented on the agenda. City Council requires that supporting documentation related to the subject material shall be provided to the City Clerk for Council review and perusal, and made a part of the agenda packet.
- Presentation times will not be scheduled.

Flowers and Donations

412. A. Illness
Flowers or gift basket not to exceed \$75.00 to Council members in the hospital.

B. Death

1. Flowers, or in lieu of flowers, a contribution will be sent to a charitable organization in memory of a Council Member, not to exceed \$75.00.
2. Flowers, or in lieu of flowers, a contribution will be sent to a charitable organization in memory of a former member of Council (ten years), not to exceed \$75.00.
3. Flowers, or in lieu of flowers, a contribution will be sent to a charitable organization in memory of a spouse, child, mother, father, brother, or sister of Council Member, not to exceed \$75.00.

NOTE: The above shall also apply to the City Manager, City Attorney, and City Clerk. The funds for the above will be expended from City Council Budget – Miscellaneous Expenses.

413. **Disclosures** – Members of City Council shall file with the City Clerk on January 15, of each year the Statement of Economic Interest. Members may request assistance from the City Attorney or City Clerk in its preparation.

414. **Council Chamber/Conference Room, Use of** – (Approved June 27, 1995)

The following rules shall govern the use of the City of Hopewell Council Chamber and adjoining Conference Room (“Council Chamber”):

- A. The following uses are priority uses of Council Chamber. No other use shall be scheduled which conflicts with a priority use, and any use which is already scheduled shall be cancelled if Council Chamber is needed at the same time for a priority use.
 1. Meeting of City Council, meetings of any committee of Council, or any public hearings or proceedings being conducted on behalf of Council.
 2. Meetings or hearings conducted by any board, commissions, committee, department, bureau, agency, or office of City government.
- B. Permitted uses of Council Chamber shall be meetings or hearings of other governmental bodies or entities; or use by any other organizations that are not deemed prohibited users of Council Chamber.

- C. The following uses are ***prohibited*** uses of Council Chamber:
1. Fund raising of any type, whether by payment, by donation, by contribution, by the charging of admissions, by the sale of goods, or otherwise.
 2. Use by any for-profit business or commercial enterprise or organization.
 3. Use for any criminal or illegal purpose.
 4. Use for any disorderly, improper, profane, obscene, indecent, lewd, pornographic, riotous, or immoral purpose; or use at which such conduct occurs, regardless of purpose.
 5. Regular periodic meetings of any organization or group. A regular periodic meeting is one that occurs within six (6) months of the previous use.
- D. Procedure for making reservations for permitted uses of Council Chamber:
1. Reservations for use of Council Chamber shall be made with the Clerk of the City Council.
 2. Applications for use of Council Chamber must be submitted to the Clerk's office within fifteen (15) business days of the proposed activity. The application for the proposed activity must include the name of the organization, the date, time, duration, location and nature of the proposed activity, and the number of participants.
 3. Reservations for use of Council Chamber shall include a fifty dollar (\$50.00) key/security deposit. The deposit shall be refunded with the return of the key (minus any damages to the Chamber/Conference rooms.)
- E. All decisions about the use of Chambers shall be made by the Clerk of the City Council, subject to appeal to the City Council.
- F. Cancellations by users must be reported as soon as possible to the Clerk's office during normal business hours. No-shows or failure to cancel in a timely manner may result in denial of future use of the facilities.
- G. No eating, drinking (with the exception of water provided for the Council and the speaker's podium), smoking, or chewing of gum shall be permitted in the Council Chamber.
- H. No defacing (tacks, nails, tape, etc.) of the furniture, walls, or equipment is permitted in the Council Chamber, Council Conference Room, lobby, or toilets. Any damage due to user's conduct shall be deducted from security deposit. Permitted user shall be liable for any damage greater than security deposit.

- I. Council Chamber shall not be rearranged by anyone except with the permission of the City Clerk.
- J. The City Clerk shall be the sole keeper of the keys to the Council Chambers.
- K. Use of Council Chamber's equipment shall be with permission of the City Clerk.
- L. User's responsibilities:
 - 1. Ensure that no unauthorized third party shall be granted permission to use the facility, or any portion thereof, without prior approval of the City Clerk.
 - 2. Ensure that event participants shall not be restricted from participation for reasons of race, religion, color, creed, sex, age, national origin, or disability.
 - 3. Ensure that the representative specified in the application for permitted use is present throughout the scheduled event.
 - 4. Ensure that all rules and regulations for permitted use are followed.
 - 5. Provide at least one adult chaperone for every group of fifteen (15) children.
 - 6. Observe contracted time limits.
 - 7. Leave the building and grounds in a clean, neat and orderly condition.
- M. Denial of Application/Cancellation of Contracts
 - 1. The City of Hopewell reserves the right to deny any application or cancel any permit when it deems such action to be in the best interest of the City.
 - 2. Any violation of any rules or requirements set forth in this memorandum of permitted uses may be grounds for immediate expulsion and/or denial of future use of this facility. The applicant's signature on the application form constitutes an acknowledgement that the applicant will comply with all regulations as stated.
 - 3. The City shall not be liable for any costs incurred and/or damages suffered by applicants as a result of denial of any application and/or cancellation of any contract for use of Council Chamber.
- N. Interpretation of regulations shall be the responsibility of the City Attorney.

415. Travel Policy – (Revised October 25, 1994) – Same policy as in City's Personnel Policy Manual with the exception that the City Manager's approval for Council travel is not required.
Council/Council Committee scheduled group meals may be excluded from the per diem allowances of the Personnel Policy. (Revised 3/10/1995; Revised 7/1/07)

City of Hopewell
City Council Travel Policy

- A. It shall be the policy of the city council of the City of Hopewell to encourage members of the city council to participate in state and national associations and continuing education programs that benefit the city.
- B. The city council shall encourage members of the governing body to attend the annual meetings of the Virginia Municipal League and the National League of Cities.
- C. Travel expenses under \$100 do not require Council approval, provided sufficient funds have been budgeted for such expenses.
- D. Travel reimbursements shall be paid in compliance with city travel policies for employees.
- E. Registration, lodging and commercial transportation for city council shall be arranged by the clerk of council or the city manager's office.
- F. Council travel beyond this policy shall be approved in advance by the governing body or by the mayor if council does not meet in time to meet registration deadlines.
(Passed May 13, 2008 [Minute Book 31, page ____])

416. Land Use Requests — (Passed September 12, 1989 [Minute Book 23, Page 114])

City Council will not act on any specific land use issue requested by a petitioner unless that petitioner or his representative is present to respond to Council's questions. Petitioner must prove that he/she has a vested interest in the property before consideration.

417. Protocol For Open Committee Meetings

- A. All meetings will be announced at least 72 hours prior to the meeting ("*whenever possible*").
- B. Meeting notices will be:
 - (1) sent to the Hopewell News, Progress Index and Richmond Times Dispatch;
 - (2) posted on the public bulletin board in the Municipal Building and other locations as used by the City for such notices.
 - (3) Listed on the City's web site;
 - (4) Sent by e-mail to anyone requesting FOIA (Freedom of Information Act) notice by e-mail;
 - (5) Sent by regular mail to anyone requesting notice by regular mail and providing the City with stamped, self-addressed envelopes for such notice;
 - (6) Sent to all Council members.
- C. All meetings will have minutes containing at least the time and date of the meeting, attendees, a listing of the items discussed, a listing of any action taken, and an attachment of any written materials shared at the meeting.
- D. Any Committee Meeting may, with proper motion, go into closed session to discuss specific materials under the same provisions governing closed sessions of the full Council.

- E. Any Committee Meeting may receive confidential materials under the same provisions governing the receipt of confidential materials received by the full Council.
- F. The agenda package of Council meetings will contain all committee meeting agenda, attachments, and minutes as available for receipt and file.
- G. This protocol will apply to City Council as well as to all boards and commissions appointed by and answering to City Council. *(See minutes dated August 13, 2002, Min. Book 27, page 169)*
- H. All Action items for consideration shall be supported by all available documentation used to justify Council's consideration and action. This is to include all recommendations of any Board, Commission, Outside Agency, or Jurisdiction. *(See minutes of February 10, 2004)*

418. Meals, Food, and/or Beverages for Council Meetings and Work Sessions of Council:

The following guidelines are established as Rules and Procedures regarding food for City Council members and/or staff in the Council Chambers or Council Conference Room.

- A. The City Clerk shall confer with the Mayor, who shall decide whether or not food is to be provided during any Regular City Council meeting, Special City Council meeting, or Work Session of Council.
 - 1. With Mayor approval, food shall be made available at any Work Session scheduled at 5:30 PM, and/or immediately followed by a Closed Session at 6:30 PM, and immediately followed by a Regular City Council meeting at 7:30 PM.
 - 2. The City Clerk shall confer with the Mayor whether or not food is to be provided for any Special City Council meeting or Work Session scheduled as a *stand-alone* meeting, which is not followed or preceded by a Regular City Council meeting.
 - 3. Any all-day Work Session, Council Advance, or Special Meeting of Council shall include meals. With some minor modifications City Council's Rules and Procedures shall be similar to the City's Travel Policy in the City's Policies and Procedures Manual.
 - 4. Any Special City Council Meeting or Work Session that is anticipated to last for less than two (2) hours shall not require a meal.
- B. With Mayor approval, food shall be made available for the seven members of City Council, City Manager, City Attorney, and City Clerk. Food shall also be made available for City staff who may be required to attend said Regular City Council meeting, Special City Council meeting, or Work Session.
 - 1. Food shall be defined as a light meal such as a salad, sandwich, cheese and crackers, and/or vegetables and dip, which will be made available in the City Council Conference Room.

2. The City Clerk shall maintain a supply of bottled water and soft drinks in the refrigerator located in the City Council Conference Room. These may be used at the discretion of City Council.

C. The cost of such meals shall be kept within reasonable budgetary constraints. Cost of said meals shall be applied to City Council's Miscellaneous Budget.

419. Presentations by Boards and Commissions:

Each of the City's boards, commissions, authorities, and committees of Council that lack committee members and do not have a full membership shall periodically provide a brief presentation to City Council. Each presentation shall be limited to a total of ten (10) minutes. The purpose of the presentation is to apprise City Council of the recently completed projects, current and future activities of the association. (See City Council minutes dated 11/9/04, Book ____, Page ____) (See City Council minutes dated 1/12/08, Book 30, Page ____)

420. Salaries of Council Employees into Annual Budget Document - This section covers the City Manager, City Attorney and City Clerk, and shall be part of Council Rules and Procedures. The annual cost of living adjustments (COLAs) will be established at the same percentage as employees covered by the last adopted Pay and Compensation Study. COLAs will be effective at the beginning of each fiscal year (July 1). Merit increases will be established based on a yearly performance review. The review and pay adjustment dollar amounts will be completed in May. Figures for individual pay adjustments will be forwarded to the Finance Department no later than June 15 and become effective July 1. (See City Council minutes dated 11/8/05, Book 29, page ____)

421 Council Rules of Council Conduct

**City of Hopewell
Council Rules of Conduct
(Approved December 18, 2007)**

Council members agree to represent the public interest and work with others to improve the quality of life for Hopewell citizens and visitors. It is further acknowledged that residents and businesses of Hopewell are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- be independent, impartial, and fair in their judgment and actions;
- use their public office for the public good, not for personal gain;
- conduct public deliberations and processes openly, (unless legally confidential) in an atmosphere of respect and civility; and,
- act in a manner that supports the expectations of their constituents and enhances public confidence in the system of local government supporting this Code. Council confirms its commitment to serve public interest with fairness and integrity.

1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Council members shall work for the common good of the people of

Hopewell and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. **Respect for Process**

Council member duties shall be performed in accordance with the processes and rules of order established by the City Council.

3. **Conduct of Public Meetings**

City Council members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

4. **Policy Role of Members**

Council members shall respect and adhere to the Council-Manager structure of Hopewell City government as provided in State law and the City Charter.

5. **Positive Work Environment**

City Council members shall support the maintenance of a positive and constructive environment for residents, businesses, and city employees.

6. **Conduct of Members**

City Council members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public. City Council members agree to be respectful of other Council members, city staff, and the public, and shall not degrade them in oral or written communication.

7. **Comply with the Law**

City Council members shall comply with the laws of the nation, the Commonwealth of Virginia, and the City of Hopewell in the performance of their public duties. These laws include, but are not limited to: the United States and Virginia constitutions; the Hopewell City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and city ordinances and policies.

8. **Coordination with City Staff**

Appropriate city staff should be involved when City Council members meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed. City Council members shall coordinate requests for city staff participation in these and other activities with Council-appointed staff only. City Council shall not contact other appointed staff for matters other than citizen request for service.

9. **Use of Public Resources**

Public resources not available to the general public (e.g., city staff time, equipment, supplies or facilities) shall not be used by City Council members for

private gain or personal purposes. City Council shall review and approve payments by members of Council without proper documentation prior to payment.

10. Decisions Based on Merit

City Council decisions shall be based upon the merits and substance of the matter at hand.

11. Communication

It is the responsibility of City Council members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council members.

12. Advocacy

To the best of their ability, City Council members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the City Council or the City. The Mayor or council-appointed staff shall present the city position on various issues to communities, state, and federal representatives unless otherwise directed by the City Council. The city shall disseminate only those positions.

13. Confidential Information

City Council members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the Council. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

14. Gifts and Favors

City Council members shall not take advantage of services or opportunities for personal gain by virtue of their public offices, that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action, or give the appearance of compromising their independence.

15. Representation of Private Interests

In keeping with their role as stewards of the public trust, City Council members shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission, committee, or proceeding of the City.

16. Improper Influence

City Council members shall refrain from using their position to improperly influence the deliberations or decisions of city staff, boards, commissions, or committees.

17. Disclosure of Corruption

All city officials shall take an oath upon assuming office, pledging to uphold the laws of the city, the commonwealth and the Federal Government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

18. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Council members entering office shall sign a statement affirming that they have read and understood the City of Hopewell’s City Council Rules of Conduct.

19. Compliance and Enforcement

City Council members themselves have the primary responsibility to assure that the ethical standards are understood, met, and that the public can continue to have full confidence in the integrity of City government.

I affirm that I have read and understand the City of Hopewell City Council Rules of Conduct.

Signature

Date

422

Proclamation, Certificate, and Letterhead Guidelines – Council as a body issues proclamations, certificates of recognition or condolence, and congratulatory letters, in conformance with the attached guidelines. Such proclamations, certificates, and letters are signed by the mayor or, in the absence or disability of the mayor, the vice mayor (Charter IV.5). For personal communications or statements, an individual councilor may use letterhead incorporating the city logo and indicating they are "from the desk of" the councilor. No communication or statement issued by an individual councilor is or may be deemed an official act of the council, the city of Hopewell, or its agencies.

[approved 4-9-190

I have read, understand, and agree to comply with the Hopewell City Council Rules of Procedure.

Signature: _____

Printed Name: _____

Ward Number: _____

Date of Execution: _____

Optional—Charitable Contribution Preferences in Lieu of Flowers (per Rule 412):

RULES AND PROCEDURES OF THE HOPEWELL CITY COUNCIL



I. PURPOSE AND BASIC PRINCIPLES UNDERLYING RULES OF PROCEDURE

1-1 Purpose of Rules of Procedure

- A To enable the City of Hopewell (“City”) government to transact business expeditiously and efficiently.
- B To protect the rights of each individual Hopewell City Council (“Council”) member.
- C To preserve a spirit of cooperation among Council members.
- D To determine the pleasure of the Council on any matter.

1-2 Basic Principles Underlying the Rules of Procedure

- A Only one subject may claim the attention of the Council at one time.
- B Each item presented for consideration is entitled to full and free discussion; no member shall speak for the second time on a topic until every member desiring to speak has spoken once.
- C Every member has rights equal to every other member.
- D The will of the majority must be carried out and the rights of the minority must be preserved.

E The personality and desires of each member should be merged into the larger unit—the Hopewell City Council.

F Discussion by members should be directed at the specific issue before the Council, not at other members.

1-3 Rules of Interpretation

A These Rules of Procedure are rules of parliamentary procedure and are for the convenience of its members. Except for those rules that are specifically provided by the City Charter, they do not have the force of law.

B Where these Rules of Procedure are silent, Robert’s Rules of Order shall prevail and govern questions of order and procedure.

C Only members of the Council have standing to raise a point of order or to challenge a ruling of the President or other action of the Council on the basis of compliance or non-compliance with these Rules of Procedure or Robert’s Rules of Order. In no event shall questions over compliance with these rules be raised judicially.

D Non-compliance with these Rules of Procedure must be raised at the time of the non-compliance, and prior to continued debate or a vote. If a challenge is timely raised, the only relief available shall be the correction of the error in conformance with the Rules of Procedure. If a challenge is not timely raised, the right to challenge the non-compliance is waived. In no event shall a violation of these rules result in the voiding or overturning of any action of the Council.

E Failure to comply with these rules or Robert’s Rules of Order shall not invalidate any Council action otherwise valid at law.

II. COUNCIL MEETINGS

2-1 City Council to Sit in Open Meeting

A The Council shall sit in open meeting and all persons conducting themselves in an orderly manner may attend the meetings; provided, however, the Council may conduct a closed meeting as permitted under the Virginia Freedom of Information Act or other provisions of law.

B Subject to the approval by the President, a member of the Council may participate in an open meeting from a remote location through electronic communications

means even though the remote location is not open to the public. Such participation shall be strictly conditioned upon a satisfactory showing of the following:

- (1) A quorum of the public body is physically assembled at the open meeting; and
- (2) prior to the open meeting, the member (a) has notified the President that the member is unable to attend the meeting due to an emergency or personal matter, (b) has described the nature of such emergency or personal matter with sufficient specificity; and (c) the member has not participated in more than two meetings from a remote location in any given calendar year; or
- (3) prior to the open meeting, the member has notified the President that the member is unable to attend the meeting due to a medical condition or a temporary or permanent disability that prevents such attendance.

C In all cases in which attendance by remote location is approved, the President shall cause to be recorded in the minutes of the meeting the identification of the remote location from which a member participates, and the specific nature of the emergency or personal matter causing member to request remote location, or, where applicable (and with less specificity), a reference that the member is unable to attend the meeting due to a medical condition or a temporary or permanent disability.

D The President shall disapprove the member's request to participate from a remote location if such participation will violate the policy set forth herein. The President shall state the reason(s) for his or her disapproval with specificity in the presence of the Board, and shall have the same recorded in the minutes of the meeting.

E The Council shall make arrangements for the voice of the remote member to be heard by those persons assembled at the open meeting location.

2-2 Conduct in Meeting

A The effectiveness and efficiency of governmental bodies in serving the public is enhanced by the proper conduct of all participants of meetings and work sessions of the Council.

B All such meetings and work sessions shall be conducted with observance by all participants of the fundamental rules of civility, including restraint in demeanor and respect for others and their views. This rule is not intended to restrict disagreement or opposition to any proposal, motion, or argument rather this rule is intended to restrict the manner in which such disagreement or opposition is expressed. Shouting, profanity, threats, personal attacks, abusive or slanderous statements, and other similar actions are prohibited. Should the actions of a member or attendee violate the foregoing guidelines for conduct, in the view the Presiding Officer or of a majority of Council, the Presiding Officer may address that participant's deviation from the guidelines. The Mayor/Presiding Officer

may reprimand any person who violates these guidelines or engage in disorderly conduct while addressing Council. A second occurrence of violation or disorderly conduct by the same person during the same meeting shall require his or her removal from the meeting. Attendance by that person at subsequent meeting shall be permitted only upon petition to Council which must be approved by majority vote. Any member making personal, impertinent, abusive or slanderous statements, or who shall incite disorderly conduct shall be reprimanded by the Mayor and may also removed from the meeting, but only upon a majority vote of the Council, which shall not (for the purposes of this rule) include the member whose continued presence is being considered.

C Council Members and Administration shall be addressed by title or Mr., Mrs., or Miss during meetings.

D The rules of conduct described herein are intended to apply to all City Council appointees to any agency, committee, commission, or similar entity.

2-3 Regular Meetings

A Regular meetings shall be held on the second and fourth Tuesdays of each month in the Council Chamber, third floor of the Municipal Building, 300 N. Main Street, Hopewell, Virginia commencing at 5:30 p.m., if a closed meeting item(s) can and should be addressed. The regular business meeting shall begin at 6:30 p.m. and shall be devoted primarily to city business, including action items, discussion/presentations, and policy formation. Public hearings, when such have been scheduled or are required by law, shall be conducted on the second Tuesday of each month beginning at 7:30 p.m.

B When a regularly scheduled meeting falls on a legal holiday or Election Day, the meeting shall be held on the following business day.

C A regular meeting may be cancelled by the President (or the Vice-President if the President is unable to act), or upon a finding that weather or other conditions are too hazardous for the members or the public to attend. In the event the regular meeting is cancelled due to weather or hazardous conditions, the meeting may be held on the next business day on which the weather or hazardous condition has abated or as determined by the President or Vice-President without further advertisement or notice.

D Regular meetings may be adjourned without further public notice, from day to day, from time to time, or from place to place, until the business before the governing body is completed. However, regular meetings may not be adjourned beyond the fixed date for the next regularly scheduled meeting.

2-4 Special Meetings

A The City Council may hold special meetings as deemed necessary, at such times and places at it may find convenient.

B A special meeting may be held on the call for the same by the president, the city manager, or any members of Council, but as a general practice should not be called for matters which can be timely addressed at the next regular meeting.

C Only matters determined by the caller and specified in the notice shall be considered at the special meeting except by unanimous consent of all members of Council. Notice of special or emergency meetings shall be reasonable under the circumstances and given contemporaneously with that notice provided to the members. Special meetings may be adjourned.

D Notice for special-called meetings shall be reasonable under the circumstances, as provided by §2.2-3707 of the Code of Virginia, as amended.

2-5 Work Sessions

A Work Sessions constitute public meetings of the City Council and shall require legal notice as required by §2.2-3707 of the Code of Virginia, as amended.

B Work sessions may be called and convened as a “Council Work Session” but shall be treated as a special meeting unless such work session(s) was scheduled and approved in advance at the City Council’s reorganization meeting.

C Because work sessions are intended to provide Council sufficient time to fully discuss and consider matters affecting the City, except for the period of time scheduled for the meeting, members of the City Council shall not be limited in their discussion or consideration related to any matter noticed to be before the Council at a work session.

D For any work session scheduled, the City Manager will attend and present information as deemed necessary and appropriate for the subject matter or purposed noticed and procure the attendance of all necessary City staff and information to ensure the efficient use of a work session.

E Upon advance notice, staff and/or outside agencies may be requested by City Council to make a presentation to the Council during a Council Work Session.

F Council reserves the right to take formal votes at any meeting at which a quorum is present, including at a work session.

2-6 Closed Meetings

A A closed meeting may only be convened in conformance with the Virginia Freedom of Information Act or other provision(s) of law that would make such meetings or discussions of items in those meetings confidential.

B No resolution, ordinance, rule, contract, regulation or motion agreed to 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.

C At the conclusion of a closed meeting, the Council shall reconvene in open meeting immediately thereafter and shall take a roll call 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.

D Any member who believes that there was a departure from certification requirements of Rule 2-6(C)(1) or (2) shall state so prior to the vote, indicating the substance of that departure (in his or her judgment). The member's statement shall be recorded in the minutes.

E The failure of a certification to receive the affirmative vote of a majority of the members 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 invite non-members to attend a closed meeting if the presence of the non-members will reasonably aid the Council in its consideration of an issue.

G Any member may request a proposed closed meeting item be pulled from the agenda for a separate vote on entering closed meeting, at his or her discretion.

H Any matter discussed in closed meeting is privileged and shall not be disclosed by any member or invited guest, except as required by court order.

2-7 Public Hearings

A The order of business for consideration of a matter on the Board's public hearing agenda shall be as follows: (1) Staff presentation, (2) Applicant's Presentation, (3) Comments from members of the public, (4) Close Public Hearing, (5) Follow-up Questions to staff or applicant, if any, and (6) Council discussion and/or action.

B Members of the Council may direct questions to staff during the staff's presentation.

C After public comment, any member may ask the applicant to respond to specific questions raised by the public.

D Each speaker may have up to 3 minutes to make comments to the Council regarding the subject of the public hearing, whether speaking as an individual or as a representative of any group or organization. Speakers shall not be permitted to yield their time to another. In the event of a large number of speakers resulting in the continuation of the hearing, any person not heard at the initial public hearing will be the first to speak at the continued hearing.

E The Chair has the authority to add to or decrease the time allotted to each speaker based on the number of citizens who sign up to speak. The order of speakers will be determined by the sign in registry.

F On any matter referred to the Council by the Planning Commission, if the applicant or its authorized representative fails to appear before the Council at any City Council hearing or proceeding on the Applicant's matter, the Council may deem the absence as a request from the applicant to withdraw the application.

2-8 Time Limitation

All meetings will have a three-hour time limit from beginning to end unless Council waives or suspends this rule to extend the meeting. Any item not addressed within the three (3) hours will be continued to the next scheduled meeting as Unfinished Business.

2-9 Discussion Limitation

Each member may speak up to but no more than 10 minutes on any agenda item, if a motion has been made and seconded. This limitation shall be applied to all questions, discussion, and debate made by the member. No member shall speak more than one time on such item unless every other member has been given an opportunity to speak for the same number(s) of time. A member shall not have the right to yield any of his or her time to another member. The time limitations imposed by this rule shall not apply to work sessions or public hearings.

III CONDUCT OF BUSINESS

3-1 Order of Business

A Call to Order

B Roll Call. In the absence of a quorum at the time appointed for a meeting, the members present by a majority vote take a recess or recesses and direct the Clerk to procure the attendance of absent members. A quorum exists when a majority of Council is present. Should a quorum be not established within no later 30 minutes of the meeting time, the meeting shall be adjourned.

C Closed Session

D General Business/Administrative Session

- (1) Invocation shall be conducted in accordance with §15.2-1416.1 of the Code of Virginia (1950), as amended, prior to the governing body's actual call to order or convening of business.
- (2) Pledge of Allegiance
- (3) Adoption of Regular and Consent Agenda (any change after this point will require 2/3 vote)
- (4) Minutes Approval
- (5) Consent Agenda Items. The President, City Manager, or Clerk are encouraged to place routine business, non- controversial matters requiring Council action on the Consent Agenda. Each item for which action will be taken by consent shall be separately listed on the consent agenda. Any Council member may remove items from the Consent Agenda and place them on the regular agenda before consent agenda vote is taken.
- (6) Recognitions/Proclamations/Appointments
- (7) Communications from Citizens/Public Comment. The Council shall set aside thirty (30) minutes for Communications from Citizens to receive comments from any citizen on any topic not set for public hearing at that meeting. Each citizen shall be allocated three (3) minutes of time to address the Council. All remarks shall be addressed to Council as a body and not to any specific member. Speakers shall not be allowed to: (a) campaign for public office, (b) promote private business ventures, (c) engage in personal attacks, or (d) use profanity or vulgar language. No questions shall be asked (or answered) during the citizen comment period. With due consideration of First Amendment rights and the general limitations imposed herein, the Chair shall have the authority to determine that a matter addressed by a citizen is not an appropriate matter to be heard at the Council meeting. If the chair makes such a determination, any member of Council may make a motion to allow the citizen to speak on the matter. No second shall be required and a majority vote of Council will make the final determination on the issue. In the event that not every speaker has had an opportunity to speak within the thirty (30) minutes, the President shall poll the Council on the question of amending the agenda to add more speaking time after the scheduled business of the meeting.
- (8) Presentations/Information/Discussion Items Presentations (Presentations will be limited to 10 minutes.)
- (9) Unfinished Business
- (10) New Business/Action Items
- (11) Reports of Officers, Boards, Commissions, and Standing Committees

E Public Hearings 7:30 p.m.

3-2 Motions

A No motion shall be discussed prior to being duly seconded. Once the motion is seconded, the person making the motion shall have a reasonable time as determined by the Chair to give his/her reasons in support of the motion prior to the start of debate.

B All motions shall be duly seconded before being submitted to the Council for action.

C When a question is under discussion, no motion shall be received unless it is one to:

- (1) To fix the time to adjourn
- (2) Adjourn/recess
- (3) lay on the table,
- (4) [call] for the previous question,
- (5) Postpone to a certain time
- (6) Refer
- (7) Amend
- (8) Postpone indefinitely (kill). Such motion shall have precedent in the foregoing order.

D No member should speak for the second time on a motion until every member desiring to speak has spoken.

E A member shall confine his or her debate to the specific motion under debate.

F Upon the demand of any member, a question under consideration and covering two or more points shall be divided when the question admits such division.

G Upon a call for a question, the Chair shall determine whether there exists any objection to ending discussion. If none, the question shall be called. If any person objects, the Chair shall seek a second for the motion to call for the question. A two-thirds (2/3) majority shall be required to end debate.

H When a vote on a motion has been announced, it may be reconsidered:

- (1) During the meeting in which the vote was taken or during the next regularly scheduled meeting that immediately follows the vote; and
- (2) only upon the motion of a member who voted with the prevailing side. (In the event a motion fails due to a tie vote, a motion to reconsider may be made by any member.)

I Failure of a motion couched in the negative shall not authorize positive action.

J A tie vote defeats the question being voted upon, except as provided by §15.2-1420 of the Code of Virginia (1950), as amended.

K A motion to rescind or to amend a prior action adopting something with continuing effect by the Council may be made by any member at a subsequent meeting upon proper notice having been given. There is no time limit for the making of such a motion. Voting requirement is a majority of a quorum, if no advance notice is given to the motion to rescind or amend prior action, the voting requirement shall be a 2/3 vote.

L A motion to rescind or amend a prior action shall be deemed improper if:

- (1) the original action by the Council was subject to a motion for reconsideration
- (2) the action or inaction of a third party in reliance on the original Council's action is impossible to undo
- (3) in certain personnel actions that have been taken (as described in Robert's Rules of Order); and
- (4) in any land use decision.

M As applied to any action taken by the Council, the terms "adopt" , "accept" , "agree to" and "approve" are equivalent terms, and the usage of one over another shall not constitute a basis for challenging or invalidating Council action. Notwithstanding the foregoing, the term "adopt" is preferred for motions related to ordinances and resolutions.

3.3 Method of Voting

A All questions shall be stated and put the members by the Presiding Officer.

B Every member present when a question is put shall vote either "yes" (or "aye") or "no" (or "nay"). No member shall participate in a vote on any ordinance, resolution or motion dealing which s/he is an attorney, officer, director, agent or has a financial interest other than as a minority stockholder or as a citizen. Except on matters involving the consideration of his official conduct or where his financial or personal interests are involved, no member shall be excused from voting. In accordance with §2.2-3112 Code of Virginia, as amended, a member shall disclose his or her personal interest(s) and the same shall be recorded in the minutes. Silence shall be recorded as an affirmative vote.

C Votes concerning the approval of any ordinance or resolution shall be by roll call by the Clerk, followed by immediate statement of result. Roll call for voting on motions shall be chronological by ward numbers.

IV MEMBERS – DUTIES AND PRIVILEGES

4.1 Suspend Rule. These Rules of Procedure may be suspended or waived at any time by the vote of 2/3 of all members present.

4.2 Abstract of Statement. A member may request through the President the privilege of having an abstract of his or her statement on any subject under consideration by Council entered into the minutes.

4.3 Removal of Agenda Item. Once a member places an item on the agenda, that item can only be removed by the member who requested it prior to the adoption of the agenda. Once the agenda is adopted, any item can be removed by a 2/3 vote of all members present.

4.4 Seating. Members are seated at the council chamber dais as follows. President/Mayor: center; Vice Mayor: immediate left of mayor; most-recent past mayor, if any: immediate right of mayor; remainder of members: in increasing numerical order by ward, starting at the far left of the mayor and the immediate right of the city manager. If the vice mayor is the most-recent past mayor, then the next-most-recent past mayor sits to the right of the mayor. The remaining seats are occupied, from the far left, by the city attorney, the city manager, the city clerk, and the assistant city clerk, respectively.

Assistant City Clerk	City Clerk		Immediate Former Mayor	Mayor	Vice Mayor			City Manager	City Attorney
The four wards not represented by the Mayor, Vice Mayor and Immediate Past Mayor (*if there is one) are seated in chronological order by Ward beginning to the far left of the Mayor with the first consecutively numbered ward.									

4.5 President/Chair. The President/Mayor shall preside over all meetings of the Council and shall assist with the preparation of meeting agenda unless otherwise provided by law or these Rules of Procedure. The Chair shall preserve decorum and decide all questions of order subject to appeal to Council. In the case of an appeal from a ruling of the Chair, the question shall be put: “Shall the decision of the Chair stand as the decision of the Council?” The Chair may call upon the Vice Mayor or any member, who has not and will not speak on an issue, to take the Chair for a single issue until such is resolved. In no instance shall this substitution extend beyond adjournment.

4.6 Temporary Chairman. In the absence of the Mayor and Vice Mayor, the Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, Council shall proceed to elect by a majority of those members present, a chairman to act until such time as the Mayor or Vice Mayor appears.

4.7 Excused during meeting. Any member desiring to be excused while Council is in session shall obtain such permission from the Chair.

4.8 Standing committees. Standing committees shall be created only by resolution, which shall include the purpose and composition of the membership (by number), and shall be approved at a regular Council meeting. Once established, members shall be appointed by the Mayor, with the concurrence of members of Council. The Mayor may designate a chairman of the committee. The committee may elect a vice-chairman to serve in the absence of the

chairperson. Standing committees shall make periodic reports and recommendations to Council for their information and consideration.

4.9 Special committees. Special committees are appointed by the Mayor for specific purposes, with the concurrence of members of Council. Special committees shall terminate, by operation of law, upon completion of the assigned task and report to Council. Any special committee not terminated, shall be terminated on the date of the reorganization meeting at which a Mayor and Vice-Mayor are elected.

V MISCELLANEOUS

5.1 Clerk of Council. The Clerk shall be the custodian of all the papers, correspondence, and records of the Council and shall keep official minutes of proceedings which shall record the motions and votes of Council and only such further detail of matters as may be approved by majority vote or requested publicly “for the record” which may be in writing and shall be attributed to the individual Council member making the request. In the absence of the Clerk, and/or the Backup City Clerk, the Mayor shall appoint a Clerk pro tem to keep the minutes and file same in the office of the City Clerk. Detailed debate shall not be recorded in minutes unless requested by Council at public session and with majority of Council’s support. Minutes shall be mainly a record of what was done at the meeting, not what was said by the members. Any question as to the contents of the minutes may be decided only by a majority of Council at the time the minutes are approved.

5.2 Parliamentarian. The City Attorney shall be parliamentarian. When requested by the Chair, she shall advise the Chair on points of order and parliamentary inquiries.

18. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Council members entering office shall sign a statement affirming that they have read and understood the City of Hopewell's City Council Rules of Conduct.

19. Compliance and Enforcement

City Council members themselves have the primary responsibility to assure that the ethical standards are understood, met, and that the public can continue to have full confidence in the integrity of City government.

I affirm that I have read and understand the City of Hopewell City Council Rules of Conduct.

Signature

Date

ADJOURN