

RESOLUTION
Approving Amendments to the City Council Rules and Procedures

BE IT RESOLVED by the Council of the City of Charlottesville, that City Council's Rules and Procedures are amended as follows:

Charlottesville City Council Rules and Procedures

These *Charlottesville City Council Rules and Procedures* are designed to help City Council conduct its affairs in a timely and efficient manner, while encouraging a robust and meaningful dialogue with members of the community.

I. MEETINGS

A. Generally

1. Regular meetings. Council will adopt a schedule for its regular meetings at its first regular meeting in January each year. Changes to the date, time, or location(s) of regular meetings during the calendar year may be made by resolution of Council.
2. Special meetings. Special meetings, including emergency meetings, may be scheduled, and held in addition to the schedule of regular meetings. Public notice and procedural requirements for special meetings are governed by the Virginia Freedom of Information Act (FOIA) and City Code § 2-42.

For special meetings, the purpose and nature of the meeting will dictate whether public comment will be allowed. Time for public comment may or may not be allocated depending on the nature of the meeting and at the discretion of Council.

3. Organizational Meeting. At the first meeting of January in each even numbered year, an Organizational Meeting shall be conducted to select the Mayor and Vice Mayor. The City Manager shall preside at the Organizational Meeting until election of the new Mayor. The City Manager shall accept nominations from Councilors for the position of Mayor. The City Manager will then accept a motion to close the nomination process.

After a motion to close the nomination process is approved by the Council, each Councilor will be provided five minutes to speak about the Mayoral nominees. After all Councilors have concluded their remarks, the Clerk of Council will then call the roll and each Councilor shall state their choice for the position of Mayor. At the conclusion of the Council's Mayoral election, the newly elected Mayor will preside over the election of Vice Mayor. The Mayor shall accept nominations from Councilors for the position of Vice Mayor. The Mayor will then accept a motion to close the nomination process. After a motion to close the nomination process is approved by the Council, each Councilor will be provided five minutes to speak about the Vice Mayoral nominees.

After all Councilors have concluded their remarks, the Clerk of Council will then call the roll and each Councilor shall state their choice for the position of Vice Mayor. The Mayor and Vice Mayor shall be elected for terms of two years.

4. Continuance of Regular Meetings Due to Weather or Other Hazardous Conditions. At its first meeting each year, City Council may fix the day or days to which a regular meeting will be continued, if the mayor (or vice-mayor, if the mayor is unavailable or unable to act) issues a declaration that weather or other conditions are such that it is hazardous for members to attend the regular meeting. If no such

provisions are set out in the annual resolution establishing regular meeting dates, then the declaration shall state the date and time to which the meeting shall be continued, and public notice of the continued meeting shall be given contemporaneously with notice given to city Councilors. (See Va. Code 15.2-1416).

5. At a work session conducted in January of each even numbered year, the City Manager and Clerk of Council will coordinate a Council orientation for all City Councilors providing training and education on City operations and City Council Policies and Procedures.

B. Agenda and Materials

1. The City Manager shall prepare a proposed agenda nine business days before the meeting for review by the Mayor. The proposed agenda for a regular meeting, and related agenda packets/ materials, shall be “finalized” on the Wednesday immediately preceding the regular meeting date (the proposed agenda does not actually become final until approved by City Council at the meeting). The Clerk may update materials provided for a regular meeting once, on the Friday preceding the regular meeting date.

Any staff or Council member who seeks to add items to a meeting agenda should notify the City Manager and the Mayor at least ten business days before the date of the meeting. Last minute submissions are discouraged but may occur from time to time when a matter that requires action expeditiously was not known in time to be presented during the normal agenda development process.

Citizens may suggest an item for consideration on a Council meeting agenda by submitting the suggestion in writing to the City Manager.

Subject to applicable FOIA requirements, last minute additions to a regular meeting agenda shall be prepped and provided to Councilors, but City Council must vote as to whether the item will be added to the agenda, during the “approval of the agenda” portion of the meeting.

2. The Order of Business at each regular meeting of Council shall be as follows (the opening session of each meeting will begin at the regular meeting start-time specified in the Annual Meeting Resolution, as amended. Additionally, times may be also identified within a meeting agenda as approximate starting time(s) for specific portions of the agenda):

Opening Session

- i. Call to order
- ii. Roll call (establish quorum)
- iii. Agenda Approval
- iv. Work Session (Reports or Work Session items)

Closed Meeting (if called) or Recess

Business Session

- i. Moment of Silence
- ii. Announcements (including Council reports of meeting attendance)
- iii. Special Recognitions (if any)
- iv. Community Matters
- v. City Manager Report
- vi. Consent Agenda

- vii. Action Items (Items pulled from the Consent Agenda for discussion move to the end of Action Items.)
- viii. General Business i) Includes any reports submitted as written only; it also includes items of a general nature to be considered by Council. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary. With the Council's consent, items may be added to the agenda under General Business to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Community Matters (Two)

Adjournment

3. The City Manager will provide appropriate agenda materials for the Council. The proposed agenda and agenda packets/materials for upcoming City Council meetings shall be made available for public inspection by appointment in the Clerk of Council's Office at the same time the materials are furnished to Councilors. Posting on the City's website is not required by FOIA, but agenda packets/materials timely received by the date set for finalizing an agenda shall also be posted on the City's website. Reasonable efforts will be made by the Clerk of Council to post late-received submissions on the City's website, but time commitments of the Clerk may not permit re-formatting and re-publication of materials on the website, particularly when multiple late submissions are involved. (Va. Code §2.2-3707(F), FOIA Advisory Council AO-05-12)

4. Council may defer any item for which all relevant information has not been provided to the Clerk within the times set forth within these procedures.

5. Agenda Items.

- Consent Agenda: the consent agenda may be used for eligible items and may include, but is not limited to, routine and noncontroversial appropriations, grant applications, contracts, resolutions, ordinances, second readings, and the minutes. Any item may be removed at the request of a Councilor. If any Councilor requests that an item be removed from the consent agenda for further discussion, the item shall be added to the end of the regular action item agenda for discussion and action. If a Councilor requests a separate vote on an item but does not wish to have further discussion on the item, the item will be voted upon after the remainder of the consent agenda is acted upon.

Approval of Consent Agenda: Those items not removed from the consent agenda shall be acted upon by a single vote of Council.

- Once the Agenda is approved at the beginning of the meeting, all of the Agenda items shall be heard in the order in which they appear on the approved Agenda. A majority of Councilors may agree to take out of sequence any listed on the approved agenda. At any time, a regular meeting may be adjourned from day to day, or from time to time, or from place to place (but not beyond the time fixed for commencement of the next regular meeting, until all the business set forth on a regular meeting agenda is completed. Notice of any meeting continued under this provision shall be reasonable and shall be given to the public in accordance with FOIA. (Va. Code § 15.2-1416(C))

- Each agenda item shall be given an approximate time limit. Generally, the total time allocated to any agenda item that does not include a scheduled public hearing shall not exceed twenty (20) minutes, unless the presiding officer, after consultation with the other Councilors, determines otherwise.

- Opening presentations for agenda items shall be limited to ten (10) minutes, unless the presiding officer, in consultation with the other Councilors, determines otherwise.
- For each agenda item, an individual or Councilor shall be designated as the main Presenter who will introduce the item to Council; however other presenters may also be recognized during Council's consideration of an Agenda Item (for example, and without limitation: rezoning applicants or their consultants, staff members, City/staff consultants, etc.) After presentation of the item, Councilors may ask clarifying questions of any presenter, if necessary. If a public hearing is scheduled, the public hearing will be conducted before any motion is initiated by a Councilor.

C. Transaction of Business

1. General.

- Unless otherwise specifically provided by law, Council may conduct business and vote upon any matter properly before it, at any meeting at which a quorum is present.
- Informal discussion of a subject is permitted while no motion is pending.
- In making motions and transacting its business, Council shall follow the rules set forth within these Meeting Procedures. If a question of procedure arises that cannot be resolved by the provisions within these Procedures, the Parliamentarian will consult Robert's Rules of Order and apply them to a resolution of the question.
- If in speaking, any member violates these Rules, the presiding officer will call the member to order. If there is no appeal, the decision of the presiding officer shall be submitted to. If the decision is in favor of the member who was called to order, they may proceed; otherwise, they shall not proceed except by leave of the Council. (City Code §2-70)

2. Motions, generally.

- Any member, including the presiding officer, may make a motion. A member may make only one motion at a time.
- Except as otherwise noted, all motions require a second; a motion dies for lack of a second.
- Except as otherwise noted, each member is required to obtain the floor, by addressing the presiding officer, before making motions or speaking either to other Councilors or to members of the public.

3. Substantive Motions.

- A substantive motion is any motion that deals with the merits of an item of business and that is within the Council's legal powers, duties, and responsibilities.
- A substantive motion is out of order while another substantive motion is pending.

4. Procedural Motions.

- A procedural motion is a motion that Council may use to "act upon" a substantive motion, by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

- Only the following procedural motions, and no others are in order. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is unavailable.

Procedural Motions

- i. Appeal a Procedural Ruling of the Presiding Officer (an appeal is in order immediately after a decision is announced and at no other time; the maker need not be recognized by the presiding officer, the motion does not require a second, and if made in a timely manner, the motion may not be ruled out of order.)
- ii. Motion to Adjourn, to be made without preliminary remarks, and to be decided without debate
- iii. Take a brief recess
- iv. Suspend the rules (City Code Sec. 2-66: 4/5 vote is required)
- v. Defer consideration of a Substantive Matter (“lay on the table”), to be decided without debate
- vi. To postpone, either indefinitely, or to a day or hour certain
- vii. Call the question, subject to the provisions of City Code § 2-76 (not in order until each member has had an opportunity to speak once; the motion is not amendable or debatable)
- viii. Motion to amend (a motion may be amended no more than twice; once a motion has received a second, it is up to the entire group to decide whether or not it should be changed by amendment; prior to receiving a second, a motion may be amended with the permission of the person who made the motion)
- ix. Substitute motion (no more than one substitute motion may be made; if a substitute motion is adopted and replaces the original motion, no further substitute motions may be made)
- x. Withdrawal of motion (a motion may be withdrawn by its maker any time before it is amended, or before the presiding officer puts the motion to a vote, whichever occurs first)
- xi. Motion to reconsider, subject to the restrictions set forth within City Code §§2-73 and 2-74 (provided, however, that this motion may not be used in a land use decision involving a rezoning or a special use permit)
- xii. Other motions expressly referenced in City Code §2-72.

5. Debate.

- In the event that conflicts arise among members as to the order for speaking, the presiding officer shall apply the following rules: the maker of a motion is entitled to speak first, if he/she/they wishes to do so; a member who has not spoken on an issue shall be recognized before someone who has already spoken.
- The presiding officer may participate in the debate prior to declaring a matter ready for a vote.
- Council members shall not engage in electronic communications among themselves during a meeting, regarding any motion that is on the floor for debate.

- In making a motion, a member shall endeavor to state the basis of the motion within a period not more than 5 minutes. In debating a motion, or in proposing amendments or substitute motions, each member shall try to state the basis of that procedural motion within a period of less than 3 minutes. In asking a question of a speaker, Council members should take not more than 3 minutes to phrase the question. When a question is under debate, no motion shall be entertained unless specifically provided for, except for the motions listed in City Code §2-72.

- In debate, speakers shall be collegial in their language and shall avoid all reference to personalities. No member shall interrupt another without the consent of the presiding officer, except when making a point of order.

6. Voting.

- The presiding officer shall call the question, either: (i) after a motion to call the question has received a second and has been voted upon, or (ii) at their discretion, any time after each member has had at least one opportunity to speak during debate. After the vote is taken, the presiding officer shall announce that the motion is adopted or failed and the vote count.

- If any member abstains from voting, the reason for the abstention shall be included in the minutes of the meeting.

- In the event that a substantive matter does not require a recorded vote, then the presiding officer may call for approval of that matter by voice vote or acclamation. (Generally, this process should be used only when a matter is simple, clear to all present and requires no discussion.)

7. Officers.

a. Mayor: the Mayor shall preside at all meetings of City Council (“presiding officer”). The Vice Mayor shall be the presiding officer in the Mayor’s absence.

Meetings of City Council shall be governed according to these Meeting Procedures, except where provided otherwise by the Virginia Code or the Code of the City of Charlottesville. Matters not addressed within by one of those sources shall be resolved in accordance with Robert’s Rules of Order.

- At each Council meeting, the presiding officer shall preserve order and decorum, and shall have the authority:

i. To decide questions of order (City Code Sec. 2-69);

ii. To determine whether a speaker is compliant with these Rules of Procedure, and to entertain and rule on objections from other members on this ground;

iii. To entertain and answer questions of procedure;

iv. To call a brief recess at any time;

v. To adjourn in an emergency

- A decision by the presiding officer on any matter listed in C.i. through C.iii. above may be appealed to Council upon the question “Shall the decision of the chair be sustained as the decision of the Council?”. Such a motion is in order immediately after the presiding officer announces his/her/their decision, and at no other time. Upon an appeal, no debate shall be allowed if the question pertains to a question of “decorum”, and the question shall immediately be voted upon. But if the question relates to

the priority of business, or to relevancy or applicability of propositions, the appeal may be debated among Councilors prior to a vote. (City Code Sec.2-69)

- The presiding officer shall ensure that individuals address their comments to City Council at appropriate times, in accordance with the meeting agenda and these Rules of Procedure. Otherwise, no person shall address City Council until leave to do so has been granted by the City Council or until invited to do so by the presiding officer. Remarks shall at all times be addressed directly to Council, and not to staff, the audience, or the media. (City Code sec.2-71)
- Remarks and actions that disrupt the progress of the Council meeting, and remarks from persons other than Councilors, the City Manager, the City Attorney, or a Presenter for an Agenda Item are not permitted, other than within the portions of a meeting Agenda set aside for “Community Matters”, comment on a Consent Agenda item, or a public hearing.

The presiding officer shall call an individual to order, including a Councilor, when that individual goes afoul of these rules. The following are examples of remarks and behavior that are not permitted:

- i. Interrupting a speaker who is addressing Council at the speaker’s microphone, or interrupting a speaker who has otherwise been invited to address Council during Community Matters or a Public Hearing;
- ii. Interrupting a Councilor who is speaking;
- iii. Shouting, and talking (either individually or in concert with others) in a manner that prevents a speaker or a Councilor from being heard or that otherwise hinders the progress of the meeting;
- iv. Blocking paths for emergency exit from the meeting room; engaging in any conduct that prevents a member of the audience from seeing or hearing Councilors during a meeting; standing on chairs or tables within the Council meeting room;
- v. Threats or incitement of violence toward Councilors, City staff or members of the public;
- vi. Engaging in conduct that is a criminal offense under the City Code or the Virginia Code;
- vii. Campaigning for elected office;
- viii. Promotion of private business ventures;
- ix. Using profanity or vulgarity;
- x. Personal attacks against Councilors, City staff or members of the public; or
- xi. Behavior which tends to intimidate others

During a City Council meeting the presiding officer shall have control of the Council Chambers and the connecting halls and corridors within City Hall, and any other venue where a Council meeting is being held. In case of any conduct described above, the presiding officer may take measures deemed appropriate, including but not limited to suspending the meeting until order is restored, ordering areas to be cleared by the Sergeant at Arms, or requiring any individual to exit the meeting room and adjacent premises (connecting halls and corridors.)

- b. City Attorney:

The City Attorney shall serve as the Parliamentarian for the purposes of interpreting these Meeting Procedures, and the Code of Virginia (1950), as amended, and Robert's Rules of Order, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Councilors.

c. City Clerk:

The City Clerk shall prepare and publish the agenda and prepare minutes. The City Clerk shall also prepare the list of speakers for the Community Matters sections of the Agenda.

d. Sergeant at Arms:

Pursuant to City Code § 2-43, the Sergeant at Arms shall assist the Presiding Officer in maintaining order at Council Meetings.

8. Any person who has been expelled from a Council meeting shall be barred by the presiding officer, from reentering the Council meeting from which he/she/they was expelled, subject to appeal to Council or motion passed by Council.

D. Community Matters, Public Hearings and Other Comment Opportunities

1. Community Matters – Time shall be reserved during each regular City Council meeting for Community Matters. The purpose of Community Matters is to offer individuals an opportunity to state a position, provide information to City Council, comment on the services, policies, and affairs of the City, or present a matter that, in the speaker's opinion, deserves the attention of City Council.

a. At Council's regularly scheduled meetings, two Community Matters opportunities will be afforded for members of the public. One Community Matters opportunity will be offered early in the meeting, prior to taking up matters on a consent agenda, action items agenda, or items for General Business. At this first Community Matters period, up to sixteen (16) individuals may speak, as follows:

- i. up to 8 individuals selected randomly from a list of people who have signed up in advance, and
- ii. up to 8 individuals who have raised their hand as directed by the presiding officer at the designated time during the meeting on a first-come/first-served basis.

A second Community Matters session will be offered as the final agenda item at each regular meeting, during which individuals who did not speak during the first Community Matters period may be given an opportunity to address Council.

b. Each person who speaks during a Community Matters segment will have up to three (3) minutes.

- i. Speakers may concede their allotted time; the person whose name is written on the speaker sheet must be the person who begins speaking, although they may be accompanied by others to the podium and may share their time with them. Each speaker shall begin by clearly stating his/her/their name and place of residence (or, if speaking on behalf of a business, by giving the location of the business).
- ii. Written materials presented at Community Matters must be given to the Clerk prior to speaking and will be distributed to the Council. For distribution of hard copies to Councilors, eight copies should be provided; however, electronic distribution is preferred and may be sent to

Council@charlottesville.gov. Electronic presentations cannot be accommodated during Community Matters.

- iii. Issues raised in Community Matters may be referred to the City Manager by the presiding officer, with a request that the City Manager bring back a suggested response to issues raised in Community Matters.
2. Public hearings – From time to time, Council will conduct public hearings on specific topics as required by law or as Council otherwise deems appropriate. The purpose of a public hearing is for Council to receive public comments on a specific topic.

The order of public hearings shall be as follows:

- i. The presiding officer shall open the public hearing
 - ii. Hearings shall begin with a brief presentation from a staff member. The presentation shall summarize the facts about the issue and any staff or other recommendation (such as the Planning Commission in the case of land use matters). Council members may seek clarification during the presentation.
 - iii. In land use cases, the applicant or their representative shall have an opportunity to speak following staff. The presentation shall be limited to ten (10) minutes.
 - iv. The presiding officer shall then solicit comments from the public. Each speaker must clearly state their name and address. There shall be a time limit of three (3) minutes for each individual speaker.
 - v. After public comments have been received in a land use case, the applicant or their representative may respond with a rebuttal limited to no more than five (5) minutes.
 - vi. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing. Following the closing of the public hearing, the presiding officer will ask for a motion. Following a motion and a second, the presiding officer will ask for discussion. Following the conclusion of discussion, Council will vote on the pending motion.
3. Written Comments – To provide an additional mechanism to communicate with Council, an "Online Matters by the Public" form is provided on the City website for electronically submitting comments. These comments are distributed to all Council members. Citizens may also contact Councilors via their City email addresses (available on the City's website) or by written correspondence sent in care of the Clerk of Council.

E. Recess

1. By motion, Council may take a brief recess during the meeting, or the Presiding Office may declare a recess at their discretion.
2. The Council's goal at regular meetings is to adjourn no later than 11:00p.m.
3. Suspension of Meeting Procedures
 - No rule set forth within these Meeting Procedures can be suspended except by the consent of four Council members. Suspension of the rules may be made by a motion. (*City Code section 2- 66*)

F. Miscellaneous

1. Persons with disabilities may request reasonable accommodations by contacting ada@charlottesville.gov or (434) 970-3182. Persons are encouraged to make requests in advance.
2. All regular City Council meetings are broadcast live on Charlottesville's TV10. Streaming video of the meetings is available for viewing online at the time of the meeting and as an archived video on the next business day following a meeting. Archived meetings can be downloaded in audio or video format from the City website. Charlottesville TV 10 runs repeats of the most recent meeting throughout the month on Mondays, Wednesdays, and Fridays at 7:00 p.m. and Tuesdays, Thursdays, and Saturday mornings at 9:00 a.m. until the next meeting is held.
3. These City Council Meeting Rules and Procedures will be posted on the City's website.
4. These Council Meeting Rules and Procedures are adopted by the Council pursuant to the Charter of the City of Charlottesville and Section 2-66 of the City Code, and effective upon adoption these Rules supersede prior rules. The rules and procedures set forth within this document do not create substantive rights for third parties or participants in proceedings before City Council, and City Council reserves the right to suspend or amend the rules in the manner provided in the City Code. The failure of City Council to strictly comply with the provisions of this document shall not invalidate any action of City Council.

G. Policy for Electronic Participation by Councilors in Council meetings

1. **Purpose and Applicability.** It is the policy of the City Council of the City of Charlottesville that individual members of the Council may participate in Council meetings by electronic means as permitted by Virginia Code Section 2.2-3708.3 (B). The purpose of the policy is to comply with the requirements of Section 2.2-3708.2 of the Code of Virginia and to allow for and govern participation by one or more Councilors in Council meetings by electronic communication means. All proceedings pursuant to this policy shall be performed in accordance with Virginia Code Section 2.2-3708.3 (B), as that statute may hereafter be amended. This policy shall apply to the entire City Council membership without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
2. **Quorum Required.** The City 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, and there is an arrangement for the voice of the remote participant to be heard by all persons at the primary or central meeting location.
3. **Permissible Reasons for Electronic Participation.** Participation by a Councilor in a meeting by electronic communication means shall only be allowed for one of the reasons set forth within Virginia Code Section 2.2-3708.3 (B) (1), (2), or (4). Each Councilor shall be limited each calendar year to participation by electronic means for personal reasons (Virginia Code Section 2.2-3708.3(B)(4)) in two meetings, or twenty-five percent (25%) of the meetings held by City Council per calendar year, rounded up to the next whole number, whichever is greater.
4. **Approval.** Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a Councilor's participation from a remote location is challenged, then the City Council shall vote whether to allow such participation. If the City Council votes to disapprove the Councilor's participation because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes with specific reasons cited for the disapproval.

5. Approval Process. No Councilor may participate in a meeting by electronic communications means unless the Councilor requests and the Council approves the participation in accordance with this policy.

- A Councilor may request to participate in a meeting by electronic communication means if the Councilor notifies the Mayor and the Clerk of Council on or before the day of the meeting that the Councilor is unable to attend due to the following:

- i. Personal (Va. Code §2.2-3708.3(B)(4)): an emergency or personal matter, provided that the Councilor identifies with specificity the nature of the emergency or personal matter, or

- ii. Temporary or Permanent Disability, or Medical Condition (Va. Code §2.2-3708.3(B)(1) or (2)): a Councilor has a temporary or permanent disability or other medical condition that prevents the Councilor's physical attendance, or a medical condition of a member of a Councilor's family requires the Councilor to provide care that prevents the Councilor's attendance.

- The Councilor must also notify the Clerk of Council of the remote location from which the Councilor would participate by electronic communication means.

- At the meeting, the Clerk of Council shall announce the information received from the absent Councilor. If the Council member's request is in all respects compliant with this policy, then by motion and majority vote of the quorum of Councilors physically assembled at the central meeting location, City Council may approve or disapprove the absent Councilor's request. If participation by a member through electronic communication means is approved the Clerk of Council shall record in the minutes of the meeting the remote location from which the Councilor participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2 of Va. Code §2.2-3708.3(B), the Clerk of Council shall also include in the meeting minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 4 of Va. Code §2.2-3708.3(B), the Clerk of Council shall also include in the meeting minutes the specific nature of the personal matter cited by the member.

- Upon adoption of a motion to approve the Councilor's participation by electronic communication means, the Councilor shall be allowed to fully participate in the meeting by electronic communication means.

- If a Councilor's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy set forth above, such disapproval shall be recorded in the minutes with specificity, inclusive of the following information:

- i. the motion;

- ii. the vote thereon;

- iii. the specific nature of the emergency or personal matter or temporary or permanent disability or other medical condition;

- iv. the remote location from which the Councilor would participate in the meeting; and

- v. the specific aspect of this policy that would be violated by the Councilor's proposed participation by electronic communication means, as summarized by the quorum of Councilors physically present.

II. THE COUNCIL – MANAGER RELATIONSHIP

- A. Per City Code §2-157 and in the interests of efficient management, if Council members seek answers from City staff, they should generally attempt to do so through the City Manager. In any event, when asking questions of staff, Council members should advise the City Manager of same.
- B. Members of the City Council, including the Mayor, shall represent the official policies or positions of the City Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Council members shall explicitly state they do not represent their body or the City, nor will they allow the inference that they do. No member of City Council may purport to speak on behalf of the City on matters that have not been voted on by Council or that do not represent official City policy unless authorized by vote of the City Council.
- C. If a Councilor wishes to convene a gathering that will involve the use of City meeting space or the assistance of non-Council staff, the gathering must be approved by the City Manager, with notice given to the Clerk of Council and other Councilors of the date, time, place, and purpose of the gathering.
- D. If any Councilor convenes or plans to attend an event or gathering to which any other Councilors may also be invited, he/she/they shall advise the Clerk of Council and the City's FOIA Officer at least one day in advance of the time and place of the event or gathering.
- E. Council members shall respect and adhere to the Council/Manager structure of Charlottesville City government as outlined in the Charlottesville City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards and Commissions, and the public. Except as provided by the City Code, Council members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

Ref. City Charter, §5.01, §5.02

Ref. City Code §2-36; 2-39; 2-146 through 2-158

III. CITY COUNCIL EXPENDITURES

- A. Each fiscal year, as part of Council's approval of the annual budget for the City, or as amended during the year, Council appropriates a certain amount of public funds for expenditure by "City Council/Clerk of Council" and for "City Council Strategic Initiatives". Public funds appropriated in these categories may be expended by City Council in accordance with this Council Procedure document, as follows:

1. **Council-authorized purchases and expenditures**—public funds within City Council's budget appropriation, including any discretionary funds contemplated to be expended for uses specifically designated by individual Councilors within Council's budget appropriation, may be expended for lawful purposes specifically approved by a vote of City Council, including, without limitation:

- i. Charitable donations authorized by state statute;

ii. Compensation to individuals serving on a City-Council created advisory agency, as defined in Va. Code §2.2-3101 (task force, commission or other group - regardless of name). (Note: If City Council creates an advisory agency, City Council may specifically authorize members of the advisory agency to be compensated for their attendance at regularly scheduled meetings and in training. Compensation may be paid to an individual member, only if the City Council action which established the advisory agency: (i) specifically authorizes the amount of compensation to be paid, (ii) designates the manner in which compensation may be paid (City-issued check, cash-equivalent (e.g., gift card), or other form of payment), and (iii) identifies the fund or budget expenditure line item from which the compensation is to be paid.) Ref. Va. Code §15.2- 1411.

iii. Purchases of goods or services for a City Council meeting, function, or retreat, or purchase of office supplies, travel reservations for an individual Councilor, etc., arranged by the Clerk of Council in his/her/their role as “decentralized buyer” for the City (for example: a facilitator for a Council workshop; catering and meals for a City Council meeting or retreat; consulting services for a City Council initiative, etc.).

iv. Emergency travel expenses, which may be arranged and authorized by the City Manager, in circumstances where an individual Councilor’s credit card fails to function while the Councilor is traveling on City business.

v. Payment for the expenditures listed in (i)-(iii), above, shall be arranged by the Clerk of Council or City Manager, on behalf of City Council, using the credit card issued by the City to the Clerk or by other form of payment used by the City in the normal course of business. Individual Councilors’ credit cards shall not be used to pay for those expenditures.

2. **Reimbursement of individual Councilors’ and Council-staff members’ City-business expenses** —pursuant to Va. Code §15.2-1414.6 each individual Councilor is eligible to be reimbursed for any expenses incurred by such individual Councilor for official City business (“Reimbursables”). Any such Reimbursables must be itemized and documented by stamped “paid” receipts to the extent feasible.

i. Following are examples of authorized Reimbursables:

- registration fees, meals and/or travel and parking expenses for attendance at official functions, general assembly sessions, or ceremonies/special events to which City Council, or an individual Councilor, or a Council staff member, is invited or is required to attend;
- individual dues for membership in organizations related to Council duties, and travel to seminars and meetings of those organizations (e.g., VML, Virginia First Cities, National League of Cities, etc.);
- meals or refreshments for an individual Councilor himself/herself/themself, while meeting with one or more constituents, if receipts are supported by documentation meeting IRS standards for allowable business expenses (identification of the purpose of the meeting, the topic(s) discussed, the person(s) participating in the meeting, etc.);
- home office supplies for individual Councilors, such as copier paper, “cloud” storage for records, office furniture, pens, etc.

ii. In lieu of incurring a Reimbursable expense and then submitting a reimbursement request to the City, any individual Councilor or Council staff may use a city credit card issued to such

Councilor/ staff member to purchase Reimbursables. Requirements for documentation of purchases made with a City-issued credit card, as well as daily per- diems and mileage reimbursement rates, shall be the same as established by the City Manager/ Director of Finance for City employees.

- iii. No credit card issued to an individual City Councilor shall be used to purchase any goods, services or items other than:
 - a) Reimbursables
 - b) Tokens of sympathy or appreciation for the Clerk of Council and his/her/their staff, the City Manager and his/her/their deputies and assistants, and the Finance Director and his/her/their deputies and assistants, to recognize birthdays, work anniversaries, sympathy for the loss of a family member, and similar circumstances). The value of a credit card transaction for any such purchase shall not exceed \$50
 - c) Goods, services or items approved by City Council, as a body, to be purchased with an individual Councilor's card (*for example, City Council may vote to authorize an individual Councilor who is leading a City- Council sponsored trip to charge certain group expenses to the City credit card issued to that Councilor*).
 - d) If any individual Councilor desires to use a City credit card that is issued to him/her/them, but is not sure whether or not a particular purchase constitutes a Reimbursable, as defined above, it shall be the responsibility of the Councilor to seek guidance (from Council, as a body, the Clerk of Council, the Finance Director, or the City Attorney's Office) prior to using the credit card to make the purchase.

Inquiry shall be made regardless of whether similar purchase(s) have previously been made prior to the adoption of these Council Rules and Procedures.

3. **Prohibited Expenditures, by Credit Card and Otherwise:** the following expenditures of City funds are PROHIBITED and are UNAUTHORIZED as to every individual Councilor and each member of Council's staff:

No City funds shall be used to obtain, purchase, or pay for any of the following—whether the purchase or payment is made or obtained by means of a City-issued credit card, expense reimbursement request, City-issued check, cash, or cash equivalent (gift card) or otherwise:

- i. Alcoholic beverages,
- ii. Smoking products and paraphernalia,
- iii. Personal items and services (i.e., goods, services, or items other than Reimbursables) for an individual Councilor or any other individual,
- iv. Gifts or donations to any individual(s),
- v. Non-essential services and gratuities: mini-bar fees, service gratuities in excess of 20% for meals or transportation services, movies, personal telephone calls made from a hotel phone, etc.,
- vi. Vehicle fuel,
- vii. Cash (cash advances, wire transfers, money orders, credits for returned merchandise, etc.),

- viii. Any purchase or expenditure that exceeds funding that is available within City Council’s fiscal year budget at the time of the purchase or obligation of City funds,
- ix. All other unauthorized purchases and expenditures—meaning any purchase or expenditure other than one specifically authorized within these Council Rules and Procedures.

B. Oversight of Council Expenditures

1. The Clerk of Council shall send quarterly budget-to-actual expenditure reports to City Council, reporting all expenditures from City Council’s budget for the preceding month (inclusive of credit card purchases), as well as the total amount of funds remaining to be spent during the fiscal year. It shall be the responsibility of City Council, as a body, to review the budget-to-actual expenditure reports and to address any apparent concerns as a group, with Council staff and each other.

2. If any Councilor or Council staff member has a question about whether any credit card purchase or other expenditure complies with this Council Procedure, they may seek assistance from the Finance Director or City Attorney, as needed. If the question cannot be resolved by Council, as a body, the matter shall be reviewed by the City Attorney in consultation with the City Manager and Director of Finance and/or reported to law enforcement for investigation.

Notwithstanding the foregoing: if Council as a body fails to promptly take action, or if there is cause to believe that a violation of the requirements of this Council Procedure is knowing or intentional and a financial loss in excess of \$300 (ref. City Code §2-45) will occur to the City while awaiting a response by Council, any City official or Council staff shall have a right to seek review of the matter by law enforcement.

3. Any City Councilor who uses a credit card, or otherwise obligates City funds to be expended, for purposes not authorized by this Council Procedure may be subject to civil fines, payment of reimbursement to the City, and/ or criminal prosecution (ref. City Code §2-45, City Code §22-33, and Va. Code §18.2-112).

Approved as to form:

Jacob P. Stroman
City Attorney