

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	April 5, 2021
Action Required:	<b>Motion to Approve Amendments to Council Rules and Procedures</b>
Presenter:	Chip Boyles, City Manager Lisa Robertson, Chief Deputy/ Acting City Attorney
Staff Contacts:	Chip Boyles; Chris Cullinan, Finance Director; Kyna Thomas, Clerk of Council; Lisa Robertson
Title:	<b>Proposed Amendments to Council Rules and Procedures to Address Expenditure of Funds by City Council and Related Issues</b>

**Background:**

In February 2021 the City Attorney's Office called to City Council's attention expenditures from City Council's budget which had not been approved by Council as a body. This communication to City Council raised questions and issues that require City Council, as a body, to discuss and act upon—specifically, issues relating to how individual City Councilors may utilize credit cards issued in their names. In public comments received to date on those issues, two separate but related issues have surfaced:

(1) when and under what circumstances an individual member of the public may be paid compensation for his or her time spent sharing opinions or perspectives relating to City business, and

(2) need for clear direction from City Council regarding the extent to which individual councilors may utilize staff time/ resources/ funds for individual requests, activities or pursuits.

**Discussion:**

Attached is a Discussion Draft document, presenting amendments to City Council's Rules and Procedures. The provisions in the Discussion Draft reflect the legal opinions given by the City Attorney's Office in February 2021.

The following additional clarifications may assist Council with its deliberations:

1. Council, as a body, **may** vote to approve compensation to be paid to individuals serving on a group, the purpose of which is to advise City Council on matters of public policy. Va. Code 15.2-1411. 1
  - a. Members of the group may be appointed through the traditional application/ appointment process, or
  - b. Members of the group may be selected through selection criteria specified by City Council.
2. The City Manager **may** establish focus groups, may implement public surveys, may approve contracts that include payments for public engagement services, or may establish programs—any

---

1 A Virginia Attorney General Opinion states that a citizen advisory committee created by a city mayor to advise the mayor is not a public body, because it is not created by the governing body, does not perform delegated functions of the governing body, does not advise the governing body. 1978-79 Op. Att'y Gen. Va. 316A.

of which may provide for individuals to be compensated for their participation in a group, survey, engagement, or program. Selection of participants must be by criteria established in advance.

3. City Councilors **may** make FOIA requests, just like any other City resident (Councilors do not lose their individual rights when elected to public office). **HOWEVER, Councilors are not required to make FOIA requests** to obtain information about matters in which City Council is interested: City Code §2-157 specifically states that the “City Manager shall prepare and present to City Council such reports, summaries, and other information as Council shall request or require”. FOIA is a prescriptive, administrative procedure with deadlines and legal requirements. City Councilors should only submit FOIA requests when they intend for those requests to be made in their individual capacity as a City resident.

**Alignment with Council Vision Areas and Strategic Plan:** N/A

**Community Engagement:** N/A

**Budgetary Impact:** Yes.

**Recommendation:** The City Manager, Finance Director, Clerk of Council and City Attorney’s Office all recommend that Council should approve the attached amendments to Council’s Rules and Procedures.

Sample Motions:

“I move to approve the Amended City Council Rules and Procedures as presented to us by staff.”

“I move to approve the Amended City Council Rules and Procedures presented to us by staff, with the following changes.....”

**Alternatives:** City Council may choose not to act at all, or may choose to approve a different set of amendments to its Rules and Procedures.

**Attachment (1):** Discussion Draft Amendments to City Council Rules and Procedures

**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

**Charlottesville City Council Meeting Rules and Procedures**

These *Charlottesville City Council Meeting 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 Meetings**

1. Regular meetings of the City Council will begin at 6:30 p.m. on the first and third Mondays of each month (or the following day if that Monday is a legal holiday) in City Council Chambers (Second Floor, City Hall). Council will adopt a schedule for its regular meetings at its first regular meeting in January each year.
2. Council may hold additional meetings at other locations and times, or may change the location and time of a regularly scheduled meeting as it deems appropriate. In the case of inclement weather, the Mayor may cancel a meeting of the City Council. Notice of additional meetings or changes to the location or time of a regularly scheduled meeting will be provided to the public and press as required by the Virginia Freedom of Information Act (FOIA).
  - a. "Town Hall Meetings" may be regularly scheduled meetings, such as the "Our Town" meeting series, or may be scheduled as a special meeting by Council on a particular topic. A town hall meeting is a type of meeting at which Councilors answers questions from the public.
  - b. "Work Sessions" are meetings at which Council may discuss one or more specific topics in depth among themselves, or at which Council desires to receive an in-depth presentation from staff or an outside party on a particular topic. Council may vote on matters discussed at a Work Session (FOIA does not prohibit voting,) but generally the purpose of a Work Session is to inform Councilors on a topic and for Councilors to give staff or others general direction. Work Sessions may take place within a regular meeting or may be scheduled as a special meeting.
3. Special meetings, closed meetings, and emergency meetings may be scheduled and held in addition to the schedule of regular meetings. Notification requirements for special meetings, closed meetings and emergency meetings are governed by the Virginia Code.
  - a. 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.
  - b. Closed meetings generally take place at 5:30 p.m. before the regular Council meeting. The only items Council may consider in closed meetings are those permitted by the Virginia Freedom of Information Act and identified in the motion convening the closed meeting.

**Commented [RL1]:** Council: would you like us to clean this up? The closed meeting time previously established within these rules is 5:00 p.m.

**B. Agenda and Materials**

1. The City Manager shall ensure a proposed agenda is prepared for the Mayor's consideration nine business days before the meeting. The agenda of every regular Council meeting is approved by the Mayor. Any Council member desiring to add items to the proposed agenda should submit them to the City Manager and the Mayor ten business days before the meeting. Last minute

#### **PROPOSED EDITS, REVISED THROUGH 4-02-2021**

submissions are discouraged but may be added to a regular meeting agenda, subject to a vote of Council at the meeting approving a change [addition] to the published agenda. This 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 Clerk of Council at least ten business days prior to the meeting.

2. The Order of Business at each regular meeting of Council shall be as follows:
  - a. 6:30 p.m. Call to Order, Pledge
  - b. Approval of the Agenda
  - c. Special Recognitions by the Mayor or Council (if any), Awards and Proclamations (Council may also project awards, recognitions, and announcements on the television/video screens in lieu of reading/ announcing them.)
  - d. Boards and Commissions Appointments
  - e. Consent Agenda (including, without limitation: approval of minutes; routine ordinances or resolutions; final/second readings of appropriations, ordinances or resolutions; other routine items)
  - f. City Manager's Response to Community Matters
  - g. Community Matters (formerly Matters by the Public) (Limited to 16 speakers, maximum; see Section D of these Procedures)
  - h. Action Items, and any related Public Hearings (items on which action is requested from Council)
  - i. General Business for Discussion, and any related Public Hearings (items on which Council will conduct a public hearing, hold a discussion among themselves, receive a presentation, etc., but on which no action will be taken at that meeting)
  - j. Matters by the Public
3. The City Manager, in consultation with the Mayor, shall provide background materials for the Council and the public. Agenda and background materials for upcoming City Council meetings shall be made available for public review in the Clerk of Council's Office and on the City's website, concurrent with Council's receipt of the same, and no later than Wednesday before the meeting.
4. Any materials in addition to the background materials prepared by the City Manager shall be distributed to the Council by the Clerk of Council no later than Friday before the meeting. Council may defer any item for which all relevant information has not been provided in a timely manner.
5. Agenda Items
  - a. *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. After the consent agenda is read by the Clerk of Council, the Mayor will ask if any member of the public wishes to address Council about an item on the consent agenda. Any item may be removed at the request of one or two Councilors. 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. If any two Councilors request that an item be removed from the consent agenda for further discussion, the item shall be added to the end of the regular agenda for discussion. Those items not removed from the consent agenda shall be acted upon by a single vote of Council.

#### **PROPOSED EDITS, REVISED THROUGH 4-02-2021**

- b. Agenda items shall be heard in the order in which they appear on the agenda. With the consent of two other Councilors, the Mayor may postpone or take out of sequence agenda items from the order listed on the agenda.
- 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 Mayor, in consultation with the City Manager, determines otherwise.
- d. Opening presentations for agenda items shall be limited to ten (10) minutes, unless the Mayor, in consultation with the City Manager, determines otherwise.
- e. For each agenda item, staff or an appropriate designee will present the item to Council, after which Councilors may ask clarifying questions of staff 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.**

- a. 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.
- b. Informal discussion of a subject is permitted while no motion is pending.
- c. 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.

##### **2. Motions, generally.**

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

##### **3. Substantive Motions.**

- a. 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.
- b. A substantive motion is out of order while another substantive motion is pending.

##### **4. Procedural Motions.**

- a. 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.
- b. 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 not available:
  - 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.)

#### PROPOSED EDITS, REVISED THROUGH 4-02-2021

- ii. Motion to Adjourn
- iii. Take a brief recess
- iv. Suspend the rules
- v. Defer consideration of a Substantive Matter (“lay on the table”; “postpone”; “defer”)
- vi. Call the question (not in order until each member has had an opportunity to speak once; the motion is not amendable or debatable)
- vii. 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)
- viii. 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)
- ix. 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)
- x. Motion to reconsider (must be made no later than the next succeeding regular meeting, by a member who voted with the prevailing side; this motion may not be used in a land use decision involving a rezoning or a conditional use permit)

#### 5. Debate.

- a. 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~~ ~~or she~~ wishes to do so; a member who has not spoken on an issue shall be recognized before someone who has already spoken.
- b. The presiding officer may participate in the debate prior to declaring a matter ready for a vote.
- c. Council members shall not engage in electronic communications among themselves during a meeting, regarding any motion that is on the floor for debate.
- d. 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.
- e. 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 member who has the floor, except when making a point of order.

#### 6. Voting

- a. The Mayor 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 Mayor shall announce that the motion is adopted or failed and the vote count.
- b. If any member abstains from voting, the reason for the abstention shall be included in the minutes of the meeting.
- c. In the event that a substantive matter does not require a recorded vote, then the Mayor 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.)

**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

7. Mayor as Presiding Officer

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.

- a. The City Attorney shall serve as the Parliamentarian for the purposes of interpreting these Meeting Procedure, 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.
- b. 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*)
- c. At each Council meeting, the presiding officer shall preserve order and decorum, and shall have the authority:
  - i. To rule motions in or out of order, including any motion not germane to the subject under discussion;
  - ii. To determine whether a speaker is unreasonably disturbing the meeting, 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 anytime;
  - v. To adjourn in an emergency.
- d. A decision by the presiding officer on any matter listed in c.i. through c.iii. above may be appealed to Council upon motion of any member. Such a motion is in order immediately after the presiding officer announces his/~~her~~/their ~~or her~~ decision, and at no other time.
- e. The presiding officer shall ensure that individuals address their comments to City Council at appropriate times, in accordance with the meeting agenda. 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 Mayor. Remarks shall at all times be addressed directly to Council, and not to staff, the audience, or the media. (*City Code sec. 2\_71*)
- f. Remarks and actions that disrupt the Council meeting, and remarks from persons other than Councilors, the City Manager or City Attorney, which are outside the purpose of Matters by the Public or a Public Hearing (see *section D* below), a staff report, or other presentation associated with an agenda item, are not permitted. The presiding officer shall call an individual to order 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 a speaker who has otherwise been invited to address Council during Matters by the Public or a Public Hearing;
  - ii. Interrupting a Councilor who is speaking;

#### PROPOSED EDITS, REVISED THROUGH 4-02-2021

- 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 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.

8. 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 in section f, 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.)

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

#### **D. Matters by the Public, Public Hearings and Other Comment Opportunities**

1. *Matters by the Public* – Time shall be reserved during each regular City Council meeting for Matters by the Public. The purpose of Matters by the Public 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 opportunities will be afforded for members of the public to address Council. One Matters by the Public session will be offered early in the meeting, which shall be called “Community Matters”, prior to taking up matters on a consent agenda, action items agenda, or items for discussion agenda. At this first 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 registered on the sign-up sheet available at the front of the room prior to the meeting on a first-come/first-served basis.A second Matters by the Public session will be offered as the final item on a regular meeting agenda.
  - b. Each person who speaks during a Matters by the Public session will be limited to a maximum time of three 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



**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

shall begin by clearly stating his/~~her~~/~~their~~ ~~or her~~ 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 Matters by the Public 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.org. PowerPoint presentations cannot be accommodated during Matters by the Public.
- iii. After an individual completes his/~~her~~/~~their~~ ~~or her~~ remarks to Council, any Councilor or the City Manager may respond as they see fit. To assure the orderly progress of the meeting, the presiding officer shall ensure that, collectively, responses to any individual's remarks will not exceed a period of approximately two minutes.
- iv. Remarks that cannot readily be addressed within the Councilors' response time may be referred to the City Manager by the Mayor, with a request that the City Manager bring back a response at the meeting immediately following the present meeting.

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.

- a. Sign-up sheets are provided at the front of the room. Speakers will be called from that list, as time permits.
- b. After all speakers on the sign-up list have been called, other individuals will be invited to speak, until everyone who wishes to speak on the topic has had a chance to do so.
- c. During a public hearing, each speaker must limit his/~~her~~/~~their~~ ~~or her~~ comments to the specific application or matter for which the public hearing has been scheduled.
- d. No person may speak more than once during any public hearing. Each person who speaks during a public hearing will be limited to a maximum time of three minutes.
- e. Prior to opening a Public Hearing, Council may, by motion, limit the number of speakers who will be heard, and/or reduce the time for each speaker to two (2) minutes, upon determining that the session could not be commenced in a timely manner.

3. *Town Hall meetings* – Town Hall meetings are generally conducted in an open format. Council may conduct a Town Hall meeting in a manner that is free-form (no limit on the time for making a comment or stating a question, or for Councilors' responses,) or Council may establish an agenda or list of topics that will apply for a particular Town Hall meeting, and times or guidelines for speakers' questions and Councilors' responses. Any parameters that will apply to a Town Hall will be established by the Mayor prior to the meeting or by vote of Council after calling the Town Hall meeting to order and prior to opening the floor. Prior to commencing the session, attendees shall be notified of any applicable time limits or speaker guidelines, either by posted signs, a written agenda or verbal announcement by Council at the beginning of the meeting.

4. *Written Comments* – To provide an additional mechanism to communicate with Council, a "Submit a Comment to City Council" 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.

5. *Consent Agenda Comments*-After the Clerk of Council concludes reading the Consent Agenda, the Mayor will ask if anyone in attendance at the City Council meeting wishes to speak on matters listed on the Consent Agenda. Speakers will be limited to a maximum of

#### **PROPOSED EDITS, REVISED THROUGH 4-02-2021**

three

minutes and their marks shall be limited to matters listed on the Consent Agenda.

#### **E. Recess**

1. During regular meetings, Council will take a brief recess every two hours. The presiding officer will announce the recess at an appropriate time, or any member may, by point of order, remind the presiding officer that a brief recess is due.
2. The Council's goal at regular meetings is to adjourn no later than 11:00p.m.

#### **F. Miscellaneous**

1. Persons with disabilities may request reasonable accommodations by contacting [ada@charlottesville.org](mailto:ada@charlottesville.org) or (434) 9703182. 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. A DVD copy of the meeting may be requested the week after the meeting; a nominal fee may apply. Contact the Clerk of Council at [clerk@charlottesville.org](mailto:clerk@charlottesville.org) or (434) 970-3113 to inquire.
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 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**

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 2.2-3708.2. 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 2.2-3708.2 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.

**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

3. *Permissible Reasons for Electronic Participation.* Participation by a Councilor in a meeting by electronic communication means shall only be allowed due to an emergency, a personal matter, or disability. Each Councilor shall be limited each calendar year to participation by electronic means in two meetings for personal matters.

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. 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: 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: a temporary or permanent disability or other medical condition that prevents the Councilor's physical attendance.

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

c. 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 any of the quorum of Councilors physically assembled at the central meeting location shall make a motion to approve or disapprove the absent Councilor's request.

d. 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.

e. If the Councilor's participation by electronic communication means is approved, the Clerk of council shall record in the meeting minutes:

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

f. If the Councilor's participation by electronic communication means is disapproved, whether by adoption of a motion to disapprove or rejection of a motion to approve, the Clerk of Council shall record in the meeting minutes:

- 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;

**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

- iii. 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.

I-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. A Councilor who has a question or wishes to request information from a department head or staff member (i.e., a question or request that requires only a few minutes for response) may contact those persons directly; however, in any event, when asking questions of staff, Council members should advise 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/Manager.

C. If a Councilor chooses to convene a public meeting-gathering that will involve an employs any City resources (including meeting spaces expenditure of any City funds -and- staff attendance), the group that is gathered must be a public body (i.e., a board, commission, committee, subcommittee, task force, advisory group, or other entity—however designated—created by City Council to perform delegated functions of Council or to advise the City Council). The Councilor will advise the City Manager, the Clerk of Council and other Councilors of the date, time and purpose of any gathering that will involve expenditure of City funds. A Councilor may expend or commit expenditure of City funds in accordance with Section III, below.

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 and to which any other Councilors may also be invited that might be attended by two or more Councilors, he/she/they or she shall advise the Clerk of Council and the City's FOIA Officer other Councilors at least one day in advance of the time and place of the meeting 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.

**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

Ref. City Charter, §5.01, §5.02

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

F. 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. 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 City Manager shall accept nominations from Councilors for the position of Vice 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 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.

G. 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.

H.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 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)

**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

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., where such purchase is 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.).
  - a) The Mayor or any other individual councilor may commit funds within City Council’s budget (the accounting fund center for “Mayor/City Council”) to be used to compensate speakers or consultants who address or advise City Council at a public meeting on matters of public concern within the City. Amounts expended in his manner shall not exceed \$1,000 per year for an individual councilor. When selecting speakers or consultants to provide these contract services, councilors will make a good faith effort to provide for competition among similarly-qualified speakers and consultants.
  - b) Prior to committing any City Council funds as authorized by paragraph a), above, the Mayor or other individual councilor shall verify with the Clerk of Council that a sufficient amount of budgeted funding is available to cover the proposed commitment.
- 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.);

**Commented [RL2]:** As indicated by the materials we reviewed from the City of Richmond, discretionary funding delegated to individual councilors for expenditure must be specifically called out in the approved budget document, as to the categories for which it will be expended.

If you approve this provision, we will need to work with the City Manager and Ms. Hammill to amend the Proposed Budget (for the City Council expenditures) to reflect the discretionary funding amounts and the categories for which it may be expended. Ref. Va. Code 15.2-2503

**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

- 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, and
  - 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 an international trip to charge certain group expenses to the City credit card issued to that councilor).
- iv. If any individual Councilor desires to use a City credit card that is issued to him/her/they, 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:

**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

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.~~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 monthly 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.
- ~~1-2.~~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, the question should first be presented to Council, as a body, for review and response (assistance from the Finance Director or City Attorney's Office may be requested, 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.



**PROPOSED EDITS, REVISED THROUGH 4-02-2021**

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).