

Rules of Procedure:

Section 1. Time and Place of Regular Business Meeting

The council shall meet in formal session at 7:00 p.m., on the second and fourth Tuesday in each month in the council chambers, 25 West Market Street. The council does not meet the fourth Tuesdays of August and December.

(Ord. No. 83-O-41, §1, 3-28-90; Ord. No. 90-O-37, §1, 11-14-90)

Charter references: One regular monthly meeting of council required and authority of council to adopt rules for time of its meeting, § 2-7.

Section 2. Cancellation of Meetings

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting. If council subsequently prescribes any public place other than the initial public meeting place, or any day or time other than the time initially established, council shall pass a resolution as to such future meeting day, place or time. The council shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the town at least seven days prior to the first such meeting at such other day, place or time.

At any organizational meeting, the governing body may fix the day or days to which a regular business meeting shall be continued, rescheduled or cancelled if the mayor, or vice-mayor, in the absence of the mayor, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular business meeting. Such finding shall be promptly communicated to the council members and the press. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 3. Special Meetings and Alternate Locations

The council may determine that from time to time it may wish to meet at alternate locations within the Town of Leesburg. The mayor or two council members may also establish special meetings at a time and location to be duly advertised in compliance with the Virginia State Code.

Section 4. Mayor Presides over Meetings.

As referenced in the town charter, the mayor shall preside at all meetings unless absent or must relinquish the chair due to a conflict of interest. The vice-mayor shall preside at meetings when the mayor is not present. Should the mayor and vice-mayor not be present to preside at a meeting, then the member of council with the most seniority will chair the meeting.

Section 5. Order of Business at Regular Business Meetings

The order of business at regular business meetings of the town council shall be set out in the printed agenda and shall include, but not be limited to the following items:

1. Call to order
2. Invocation
3. Salute to the flag
4. Roll call
5. Minutes
6. Adopt meeting agenda – Amendments/deletions to the agenda
7. Presentations

8. Petitioners
9. Approval of the Consent Agenda
10. Ordinances/Resolutions/Motions
11. Public Hearings
12. Unfinished Business
13. New Business
14. Council Comment and Disclosures/Additions to Future Meetings
15. Mayor Comment and Disclosures/Additions to Future Meetings
16. Town Manager Comments
17. Closed Session (as needed)
18. Adjournment

Section 6. Time Limits for Speakers

The chair shall, at the beginning of each meeting, have the authority to establish a time limit for petitioners of no less than three (3) minutes and no more than five (5) minutes, whether speaking as an individual or as representing any group or organization. Time allotted will be determined by the number of people who have signed up to speak. Any member of council may appeal the chair's ruling and overturn the time limit by a majority vote of the members present without debate. Order of speakers will be determined on first register, first speak basis.
(Ord. No. 94-O-5, 2-22-94)

Section 7. Mayor and Council Comment

At each regular business meeting of the town council an item will be included on the agenda for "Council Comment and Disclosures" and "Mayor Comment and Disclosures". At that time, the mayor and council members shall have up to five minutes to make comments of general interest on matters such as public issues, community events or milestones, or constituent concerns and to disclose any activities as required in the Council's Ethics Policy. With the consent of the council, the chair may delete or reduce the time for comments in the event the time for the council to conduct its business is constrained or the agenda is unusually lengthy.

Section 8. Unfinished Business Items

Unfinished Business shall include all business not concluded at the previous two regular business meetings. The town manager shall automatically place unfinished business items including postponed motions, under this agenda item.
(Ord. No. 83-O-41, §1, 12-14-83; Ord No. 95-O-5, §1, 2-28-95)

Section 9. New Business Items

New Business, not on the agenda, may be transacted during regular or special town council meetings if all members of town council present vote to consider new business by suspension of the rules.

Section 10. Application of Robert's Rules of Order

The provisions of Robert's Rules of Order, revised, edition date, shall govern the council in its meetings, except in so far as such provisions are inconsistent with law and modified by the special rules of order as set forth below. In the event that there is an inconsistency between the respective rules of order, the special rules shall control.

Section 10.1. Special Rules of Order

Voting and Debate

- The chair shall vote on all matters before council unless contrary to law or the chair abstains from the vote
- During council meetings, council deliberations will be held amongst council members; unless the chair consents and there are no objections to invite other participants.
- Rulings of the chair may be overturned by a majority of the members present and voting.
- Any motion, amendment or resolution may be withdrawn or modified by the mover at any time before a decision, (with the concurrence of the seconder) of an amendment or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.
- The maker of the motion shall be allowed to provide opening and closing discussion during debate.
- On the demand of any council member, before the question is put by the chair, a question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition shall remain.
- Motion to Reconsider. The council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the council and can only be made by a council member who voted with the prevailing side. The motion cannot interrupt deliberation on the pending matter but is in order when action on a pending matter concludes. A motion to reconsider shall not be used in a land use decision involving a rezoning or special exception except during the same meeting where the land use decision was made.
- Motion to Rescind. A motion to rescind shall not be used in a land use decision involving a rezoning or special exception or ordinances.
- Council members shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Zoning Matters

- In rezonings, final signed proffers shall be submitted to the town for review no later than 14 days prior to the date of the advertised public hearing. This policy is not intended to prevent changes made to proffers at the public hearing which result from comments received from the public or from council members at the public hearing.
- Unless otherwise decided, both the applicant and town staff shall have no more than 10 minutes each to make their presentations of the application.
- If a motion to approve a rezoning application or special exception is defeated or fails for lack of a second, no subsequent motion to deny the rezoning or special exception application is necessary.

Time Limits

For Council Work Sessions:

- Staff is limited to 10 minutes for presentations. Extensions may be granted upon request and with approval by Council.

For Action Items (non-public hearings) at Council Business Meetings:

- Each Council member has 5 minutes per item for discussion and debate not including staff response time.
- Council members may yield their remaining time to other Council members if so desired.
- Staff is limited to 10 minutes for presentations. Extensions may be granted upon request and with approval by Council.

For Public Hearings:

- Staff is limited to 10 minutes for presentations. Extensions may be granted upon request and with approval by Council.
- Each Council member has 5 minutes to ask staff clarification questions not including staff response time.
- Applicants are limited to 10 minutes for presentations.
- Each Council member has 5 minutes to ask applicants clarification questions not including applicant response time.
- After the public has had the opportunity to speak on the public hearing item Council members are each given an additional 3 minutes during each round of discussion and debate not including staff response time. At this time during a public hearing, Council members may yield their remaining time to other Council members if so desired.

(Res. No. 2018-047, §I, §II, §III, 3-27-2018; Res. No. 2018-114, §I, §II, §III, §IV, 9-11-2018; Res. No. 2019-074, 5-14-2019; Res. No. 2021-106, July 27, 2021)

Proclamations and Certificates of Recognition/Appreciation:

- Proclamations must be sponsored by a Council Member.
- Proclamations must be requested a minimum of one business meeting in advance of the scheduled presentation unless the majority of Council Members present waive this requirement to allow proclamations to be presented in a shorter time frame.
- A Council Member's yes vote indicates the Council Member's desire to have his/her name added to the proclamation. A nay vote or an abstention indicates a member does not want his/her name on the proclamation. If a member is absent, staff will contact the member to determine whether or not they wish to have their name listed on the proclamation.
- The name of the recipient or group shall be listed in a WHEREAS section of the proclamation with the exception of the bulk proclamation list approved at the first business meeting in January.
- Only signatures are allowed on the signature line.
- No one else may sign for a Council Member unless Council Member gives specific authorization to staff to affix an electronic signature to proclamations on their behalf.

(Res. No. 2019-116, amended 9-10-2019; 2021-014)

Section 11. Committee of the Whole/Council Work Session

The council shall sit as a "committee of the whole" in a council work session convening at 7:00 p.m. on the Monday preceding the regular council business meeting, with the chair presiding at the town council chambers. The committee of the whole may consider such business as may come before it, for study purposes only. The council members may review upcoming agenda

items, hear staff reports and public comment and take other non-legislative action as it deems necessary. Complex or controversial land use items that have been placed on the council's agenda for public hearing will be scheduled for council discussion at the next work session after the public hearing. No formal action shall be taken at the committee of the whole work session, with the limited exceptions of a motion proposing to convene a closed session required under Code of Virginia § 2.2-3712(A) or any other Code of Virginia section that permits the convening of a closed session; and the mandatory certification motion also required under Code of Virginia § 2.2-3712(D). The convening of closed sessions during work sessions are for discussion purposes only and therefore, no additional formal motions are permitted. The time and place may be changed by a two-thirds majority of the committee of the whole. Notification shall be in compliance with the Code of Virginia.

(Ord. No. 99-O-36, §1, 12-14-99; Res. No. 2019-117, 8-13-19).

Section 12. Order of Business at Regular Committee of the Whole Work Sessions

The order of business at regular committee of the whole work sessions of the town council shall be set out in the printed agenda and shall include, but not be limited to, the following items:

1. Work session items for discussion
2. Additions to current Council meetings
3. Additions to future Council meetings
4. Information Memoranda
5. Council Invitations

Section 13. Additions to Current Council Meetings

Council members, during work sessions, may request items to be included in the next day's regular business meeting. Items will only be added to the agenda if agreed to by a majority of council present. Additions to next-day meetings are limited to items requiring minimal staff time and, as there would be limited time to inform constituents, items that are likely to be without controversy.

Any nonbinding resolution or letter of support for or in opposition on an issue not dealing with Leesburg Town functions and services, or transportation and development projects not contiguous to Leesburg, requires a majority vote to bring to a work session. The resolutions or letter shall be researched and written by the mayor or council member(s) without any staff time.

Section 14. Additions to Future Council Meetings

Other than in Section 13, agenda items to future council meetings may be added in the following ways:

1. The town manager may add any items to business meetings or work sessions as previously directed by council that are of a legal nature, or are required for normal town operations.
2. Any council member may request an item be placed on an agenda of a future work session. The majority of council shall rule whether the item will be added as (a) an information item that is information provided to Council but not discussed at the meeting; (b) an item for discussion; or (c) an item for discussion with potential action the following day.

3. In addition, any council member may request a motion or resolution moved directly to the next regular business meeting, bypassing a work session, as long as it requires no staff time other than the actual crafting of the motion or resolution.

Section 15. Quorum; procedure in absence of quorum

The majority of the members of the council shall constitute a quorum. If a quorum fails to exist, the meeting shall be adjourned to the next regularly scheduled meeting, unless the majority decides to meet earlier. Only for work sessions may the members present decide to conduct briefings even though a quorum is not present. (Ord. No. 83-O-41, §1, 12-14-83; Res. No. 2019-074, May 14, 2019).

Section 16. Journal of proceedings

The clerk shall keep a journal of the council's proceedings. As a general practice, council members shall be furnished with a copy of the minutes for action and approval prior to the next regular meeting. Council shall approve the minutes, which shall be signed by the person presiding when the previous meeting adjourned or, if he is not present, by the person presiding when presented. The name of each council member voting and how he/she voted shall be recorded on the final vote on any ordinance or resolution.

(Ord. No. 83-O-41, §1, 12-14-83).

Section 17. Amendment to Rules of Procedure

These Rules of Procedure may be amended by a vote of the majority of full Council.

(Motion 2019-003, 1-7-19)