

2025-2026



Rules of City Council

Formally Adopted:
February 2025

Proposed Revision:
January 2026



01



SECTION ONE: Introduction

Introduction

Purpose

The Rules of Council of the Martinsville City Council, integral to the onboarding process for newly elected council members, is formulated to explicate the operational rules, guidelines, and established policies of the Council. This manual encompasses selected provisions from the Charter and Code of the City of Martinsville, as well as from the Code of the Commonwealth of Virginia, supplemented by excerpts from resources furnished by the Virginia Municipal League. Except where explicitly specified, the contents of this manual shall be construed as the official rules and procedures of the Martinsville City Council, complementing those prescribed by law.

Adoption and Revision Procedures

The City Council shall adopt the Rules of the Council biennially at its organizational meeting in January. Subsequent amendments or waivers to these rules require a majority vote of the elected City Council members. However, rules mandated by state and federal law are exempt from such modifications.

City Council



LC Jones
Mayor



Kathy Lawson
Vice Mayor/Vice
Chairman



Rashaun Gravely
Council



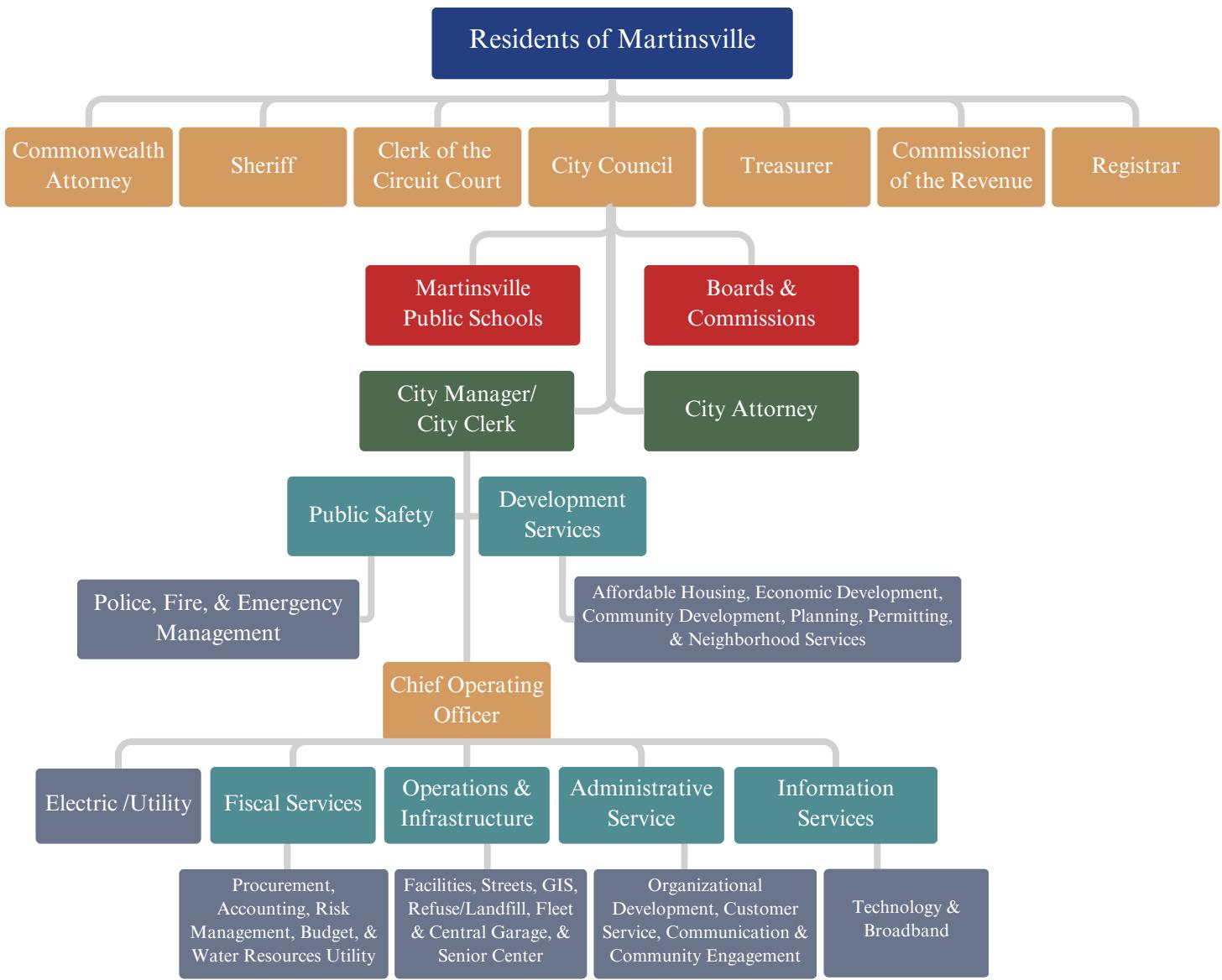
Julian Mei
Council



Aaron Rawls
Council

Organizational Chart: Governing Bodies

The City of Martinsville is governed by a council-manager form of government. The citizens **elect** council members who then **appoint** a city manager to oversee administrative operations.



Constitutional and Independent Offices

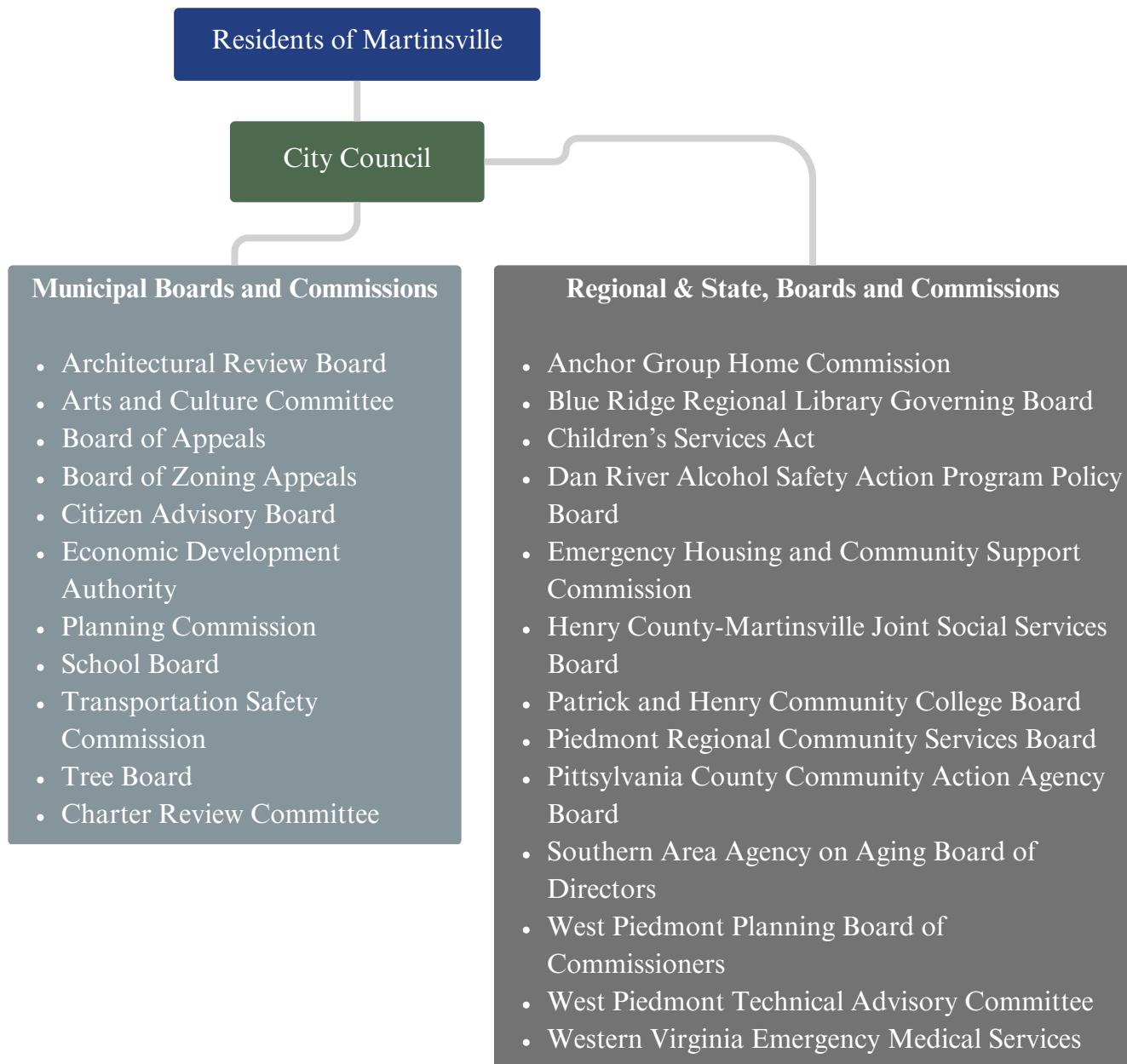
Elected officers serve four-year terms, with the exception of the Circuit Court Clerk, who serves a term of eight years. These officers are elected by the citizens of Martinsville (and Henry County) and are required positions under the Virginia Code. These offices include:

- Commissioner of Revenue
- Treasurer
- Circuit Court Clerk
- City Sheriff
- Registrar
- Commonwealth Attorney

Organizational Chart: Boards & Commissions

Municipal Boards and Commissions: The City Council typically conducts the appointment of members to municipal boards and commissions, except for the Board of Zoning Appeals. Appointments are conducted biannually every January and July. The powers and responsibilities assigned to these boards and commissions are granted by the Council, as detailed in the Charter. For further information, please refer to Section 5 of this manual.

Regional and State: Regional and State Boards and Commissions generally fall under the mandate of the State and are not directly overseen by the Council, although in some instances they have the power to appoint some members. The democratic nature of these entities is upheld through the participation of citizens who serve as members, thereby indirectly ensuring community representation and oversight.



02



SECTION TWO: Powers of Council

Powers and Functions of City Council

Under Dillon Rule, the Virginia Commonwealth has complete control over municipal government except as limited by state and federal law (VML). Therefore, local government authority is received from the Commonwealth.

These sections of the Virginia Code (VC) are useful for guidance of the extent of local authority:

Title 15.2

Directly related to local governments and their ability to regulate.

Title 2.2

Deals with the Freedom of Information Act (FOIA), Virginia Public Procurement Act, and the State & Local Government Conflict of Interests Act.

Title 22.1

Relates to education.

Title 58.1

On taxation.

The City Charter provides further detail on the powers on the City Council.

The inhabitants of the territory comprised within the present limits of the City of Martinsville, as hereinafter described, or as the same may be hereafter altered and established by law, shall continue to be a body politic and corporate, to be known and designated as the City of Martinsville, and as such shall have and may exercise all powers which are now, or hereafter may be conferred upon, or delegated to the city under the Constitution and laws of the Commonwealth of Virginia, as fully and as completely as though said powers were specifically enumerated herein and no enumeration of particular powers by this Charter shall be held to be exclusive....

Powers and Functions of City Council

Charter Specific Powers

As elected leaders, local government power is granted by the people of Martinsville. These powers are defined by the charter of the City of Martinsville (as well as the code of Virginia and the Virginia constitution).

Section 1 of the City Charter includes detailed information about the incorporation of powers, generally, and the boundaries of such. Some powers in the City Charter include:

- Exercise all powers conferred upon the city, pass laws and ordinances related to municipal affairs, subject to the state Constitution and laws.
[Charter Sec. 1]
- Comprise of five members elected at large, serving staggered four-year terms.
[Charter Sec. 2]
- Fill vacancies in the council by majority vote of remaining members or through a special election if necessary.
[Charter Sec. 2]
- Any eligible voter in the city can serve as a councilman.
[Charter Sec. 3]
- Forfeit council membership upon felony conviction; no conflict of interests allowed in city contracts.
[Charter Sec 4]
- Holding regular meetings, appoint boards and commissions, establish procedural rules, and require a majority for ordinance adoption.
[Charter Sec. 5]
- Determine compensation for council members, with limitations as per law.
[Charter Sec. 6]
- Elect a mayor from among council members, defining the mayor's powers and duties.
[Charter Sec. 7]
- Appoint/remove a city clerk and other necessary officers, compel attendance, and enforce orderly conduct at meetings.
[Charter Sec. 8]
- Oversee and compensate city officers, including election, term, and powers.
[Chapter 6, Sec. 1-11]
- Establish a Department of Law, appoint a city attorney, and define their roles and responsibilities.
[Chapter 7, Sec. 1-3]
- Exercise authority over city planning, including amending city plans and establishing a planning commission.
[Chapter 8, Sec. 1-4]
- Pass zoning ordinances and manage zoning appeals.
[Chapter 9, Sec. 1]
- Supervise public schools via an appointed school board.
[Chapter 10, Sec. 1]
- Issue bonds for municipal purposes and manage related elections and approvals.
[Chapter 11, Sec. 1-8]
- Establish a budget and accounting system, conduct audits, and manage city financial affairs.
[Chapter 12, Sec. 1-2]
- Fill vacancies, administer oaths, require official bonds, and conduct investigations into city affairs.
[Chapter 13, Sec. 1-7]
- Provide for the employment or working of prisoners.
[Chapter 13, Sec. 6]

Powers and Functions of City Council

Mayor's Definition and Goals

The Mayor of Martinsville is elected by the City Council for a two-year term. The position is chosen from among council and presides over council meetings and carries out duties consistent with the role (cc, section 7).

Key responsibilities articulated in the City Charter include:

- Serving as the official head of the city, but without judicial authority.
- Participating in official ceremonies and functions.
- Commanding the police in cases of public danger or emergency, with the ability to delegate this responsibility to the city manager or another council-appointed member during absence or disability.
- Authenticating official documents as required by the council, cc, or state laws.
- The mayor has a voice and a vote in council proceedings but does not possess veto power. In the event of the mayor's resignation, death, or removal, a new mayor is selected by the council (cc, section 7).

1. Educator: Raises and promotes awareness on critical issues.

2. Liaison with the Manager: Fosters communication between the Council and City Manager.

3. Liaison with the Community: Enhances dialogue between citizens and government.

4. Team Leader: Fosters consensus and effective group performance within the Council.

5. Goal Setter: Sets objectives and goals for the Council.

6. Organizer and Stabilizer: Clarifies Council roles, responsibilities, and boundaries.

7. Policy Advocate: Crafts programs and garners support or opposition for Initiatives.

8. Promoter of the Locality: Engages with the community, civic leaders, and officials across various levels of government.

Vice Mayor/ Vice Chairman

The Vice Mayor/Vice Chairman is chosen by Council peers every two years to perform official duties in the absence or disability of the Mayor (Pursuant to Code of Virginia, title 15.2, Chapter 14-Article 3. 15.2-1422).

Council-Manager Government

History

Originating in Staunton, Virginia, in 1908 with the appointment of a general manager, the Council-Manager form of government is now the most prevalent model in U.S. local governance. Martinsville operates under this system, reflecting its widespread adoption. This governance model mirrors the structure of an American corporation, contrasting the Mayor-Council system, which aligns more with the elected branches of the U.S. government. Council members, elected by citizens, serve part-time to determine major policy issues, representing the interests of their constituents, akin to shareholders in a corporation. The Mayor, functioning like a Chairman of the Board, presides over Council meetings. The City Manager in this arrangement is equivalent to a corporation's CEO, appointed and serving at the discretion of the Council. As a professional public administrator, the City Manager is responsible for executing the Council's policies and directives, possessing broad administrative powers. The role is designed to be apolitical, with a clear separation from partisan activities to ensure unbiased and professional administration. This system aims to combine the democratic input of elected officials with the efficiency and expertise of a professional administrator, ensuring responsive and effective city governance.

Legislation

Code of Virginia § 15.2-1540 authorizes a governing body to appoint a chief administrative officer (i.e., town or city manager).

Chapter 5, Section 1, City Charter (CC) describes Council authority to appoint, remove, and compensate the city manager.

Council-Manager Government

City Manager

The City Manager, appointed by the Council, holds significant administrative and executive powers within Martinsville (chapter 5, City Charter) The City Manager attends all Council meetings and while not having voting power, they have the right to take part in the discussion. The role includes:

- Overseeing administrative affairs of the city.
- Appointing and removing officers and employees, except for those in legal, judicial, and council clerical roles.
- Serving as chief conservator of the peace and ensuring enforcement of city ordinances and state laws.
- Recommending policies to the council.
- Keeping the council informed about the city's financial status and future needs.
- Preparing and administering the annual budget.
- Submitting reports as requested by the council.
- When there are disagreements about a Councilmember's request, the City Manager will clarify the Council's collective decision before proceeding.
- The City Manager must respond promptly to Council requests and provide a timeframe for delivering information.
- Fulfilling additional duties as required by the City Charter.

Responsibilities of the City Manager (VML)

- **Anticipate and react** to changing conditions within the community.
- Being an **advisor** to the city council by making recommendations that are critical to the present and future community.
- The City Manager holds **executive authority to recruit, hire, supervise, discipline, and dismiss staff, with staff recognized as employees of the City, reporting to and subject to the oversight of the City Manager, not the Council**. All personnel-related interactions must be channeled through the City Manager. While the City Manager may delegate certain personnel tasks or permit Council interaction with staff under specific conditions, the Council is generally excluded from direct staff management to uphold the municipal government's administrative structure and delegation of powers embodied in the Charter.
- **Recommend** ways to improve and expand local services while maintaining effective cost controls.

City Attorney and City Clerk

City Attorney

The Department of Law is established by the City Council and is composed of the City Attorney, assistant city attorneys, and other legal staff as authorized by City Council. This department is essential for providing legal counsel and representation for the city. They are appointed for an indefinite term, and is the chief legal advisor to the Council, City Manager, and all city departments (Chapter 7, Section 1 & 2, CC).

Responsibilities of the City Attorney (Chapter 7; Section 3, CC)

- Advising the City Council, City Manager, and all city entities on legal matters, providing written opinions upon request.
- Preparing and examining ordinances at the Council's or any member's request, advising on their form and legality.
- Drafting or approving legal documents involving the City, including bonds, deeds, leases, and contracts.
- Managing the City's legal affairs, representing the City in civil cases, and defending city ordinances' constitutionality in criminal cases.
- Initiating legal action when necessary to protect the City's interests.
- Participating in all Council meetings, either personally or through an assistant.
- Hiring and dismissing assistant city attorneys and other legal staff as authorized by the Council.
- Executing additional powers and fulfilling duties as prescribed by the City Council through ordinances.

City Clerk

- **Appointment:** The Council is responsible for appointing a Clerk who serves at the Council's discretion. Per City Charter; Council may appoint the City Manager as Clerk, in which case the City Manager may appoint a Deputy Clerk to perform the functions of Clerk as directed by the City Manager. (Chapter 8,CC)
- **Clerk's Rules:** The position has the authority to adopt rules and appoint such officers and committees as it may deem proper.
- **Meeting Conduct and Attendance:** The Clerk tracks attendance of members and can maintain orderly conduct during meetings.
- **Record-Keeping:** A minute book is maintained to document Council proceedings. The clerk records these details in a record book and ensures proper indexing.

Council and Staff

This section delineates the guidelines for interaction between the Martinsville City Council and city staff, emphasizing communication through the City Manager, respecting administrative hierarchy, and ensuring efficient implementation of Council decisions. It outlines the protocol for inquiries, the handling of staff initiatives, and the commitment to upholding the majority's will in Council directives.

Except for the purpose of inquiry, the council and its members shall, so long as the city manager form of government obtains deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall have authority to give orders to any of the subordinates of the city manager, either publicly or privately...

Section 4. Chapter 4, City Charter

Communication Through the City Manager: The Council and its members are to engage with the administrative service primarily through the City Manager. This protocol ensures a clear and consistent line of communication and decision-making.

Limitation on Direct Orders: Neither the Council nor any of its members have the authority to issue orders or directions to the City Manager's subordinates publicly or privately. This restriction upholds the administrative hierarchy and respects the city manager's managerial prerogatives.

Inquiries and Information Gathering: Council members are entitled to inquire about information as it forms the basis for informed decision-making. However, requests for complex or time-consuming information, especially those related to current or future agenda items, should be directed to the City Manager. This can be done in a City Council meeting to ensure transparency and proper recording.

Role of the Council in Work Assignments and Policy Direction: Work assignments and policy directions are to emanate from the Council as a collective body and not from individual members. This approach prevents confusion and conflicting priorities among staff.

Guidelines and Protocols: Adherence to established guidelines for Council/staff relationships is crucial. Any deviation or violation by a Council member should be immediately reported and addressed by the entire Council to maintain the integrity of the governance structure.

Council and Staff

Staff Initiatives from Council

Generally, staff initiatives fall into one of these four categories:

| | |
|---|---|
| 1.) Information is readily available (i.e., departmental data). | 2.) Follow-up for a constituent relative to a municipal problem or inquiry. |
| 3.) Information is not readily available, requiring considerable staff and research time. | 4.) Initiation of a new priority or program. |

Items 1 and 2 can be handled directly between the City Council member and the city staff.

Items 3 and 4 should be channeled through the City Manager.

Unsatisfied channels of communication must be resolved directly with the City Manager.

Council and Staff

Implementing the Will of the Majority

The purpose of this policy is to establish a clear protocol for implementing Council decisions and directives by city staff. These policies aim to uphold the democratic process within Council and ensure administrative operations are carried out efficiently, effectively, and in accordance with the collective decisions of the elected Council.

- **Unified Directive Post-Decision:** Following a decision by the City Council, irrespective of individual members' stances, the Council shall communicate a unified directive to the city staff. This ensures the cohesive implementation of Council decisions.
- **Adherence to Majority Decision:** All members of Council, Boards and Commissions members, and City staff are required to align with and execute the directives based on the majority decision of the City Council. This is crucial for maintaining administrative order and effectiveness.
- **Prohibition of Individual Influence:** Individual Council members, particularly those holding minority viewpoints on a decided issue, must refrain from independently engaging with city staff or attempting to influence staff actions outside the collective decision of the Council. Council members retain the right to speak on public business in an individual capacity in alignment with First Amendment Rights, but as members of Council they must respect the decision of a majority of Council.
- **Responsibility of City Staff:** City staff must adhere strictly to the directives provided through the established Council-to-Manager-to-staff chain of command. This protocol is essential to prevent confusion and conflicting priorities in the administration.
- **Enforcement:** Any deviation from this policy by either Council members or city staff must be addressed promptly to ensure the integrity of Council decisions and the effectiveness of city administration.

Council and Staff

Electronic Communication

The prevalent use of electronic communication, particularly email, necessitates specific guidelines for interactions among Martinsville City Council members and between the Council and staff. It's important to note that:

- **Transparency in Email Communications:** All email exchanges among Council members are subject to public disclosure under the Freedom of Information Act. Council members should communicate via email with this understanding. BCC's are also subject to FOIA. The "Reply All" email function is not allowed when members of Council are included, this can be considered a quorum and could be found to be unethical.
- **Email Communication with Staff:** Email interactions with staff members must adhere to established protocols for staff engagement and inquiries, ensuring proper administrative procedures are followed.
- **Provision of Technological Resources:** The Information Technology Department will provide Martinsville City Council members with an Apple Ipad or similar device upon commencement of their term. This device is for home use and intended for Council-related business. Additionally, the City will set up a dedicated email account and, if needed, Internet access for each Council member. This facilitates effective communication with both City staff and residents.
- **Post-Term Procedures for Devices:** Upon the conclusion of their term, Council members may choose to retain the provided device. Considering the typical lifespan and depreciation of such devices, those over four years old will be considered fully depreciated and may be kept by the Council member without further obligation. Should a Council member decide to return the device, they must coordinate with the Information Technology Department to ensure proper return and inventory management.

Social Media and Texting Usage

Councilmembers represent the City at all times, including on social media platforms. To maintain professionalism and comply with legal standards, Councilmembers should create separate accounts for official engagement with constituents, distinct from personal accounts. These official accounts may create public records and are subject to applicable public records laws. Councilmembers should avoid mixing campaign activities with constituent communications on the same platform, as this could risk violating laws prohibiting the use of government resources for political purposes. Social media should not be used as a channel for official public information requests. For any matters of legal concern regarding social media, Councilmembers are encouraged to consult the City Attorney. All social media interactions must be courteous, responsible, and uphold the City's image and public trust.

Technology Policy

The increasing reliance on mobile computing devices, particularly iPads and laptops issued to Martinsville City Council members, necessitates clear guidelines for their use, care, and security. It is imperative to understand the following:

Security and Tracking of Devices: To mitigate the risks associated with lost or stolen devices, the use of “Find My” or similar tracking software is highly encouraged. Enabling this feature ensures that devices can be located promptly, should they be misplaced or stolen. All devices issued to Council members should have tracking capabilities enabled upon issuance, and this protocol must be observed for future device distributions.

Replacement and Accountability for Lost or Stolen Devices: Any replacement should be considered within reasonable limits, and users should be encouraged to take appropriate care with the devices.

Repair and Maintenance of Devices: The City will continue to cover the repair costs for devices that experience normal wear and tear. However, should a device be damaged due to negligence or improper use, the Council member will be responsible for covering the cost of repair or replacement. Repairs/replacements shall be logged to document frequency and repair/replacement necessity.

Post-Term Security Considerations for Devices: Upon the conclusion of their term, Council members may retain their devices, subject to certain conditions. However, it is essential that all devices be returned to the Information Technology Department upon the conclusion of the term if they are not retained. The devices will undergo a thorough reset and inventory check to ensure no sensitive information remains accessible.

Protection of Sensitive Information: In the event a Council member chooses to retain their device post-term, it is crucial that all sensitive information, including email communications and confidential documents, be removed or securely wiped from the device. The Information Technology Department will assist in ensuring that all data is appropriately cleared from the device to prevent unauthorized access after the Council member’s departure.

Council Representatives: Transparency

Committees

City Council engages in various committees and groups, extending beyond the scope of formal appointments to Boards and Commissions as detailed in Part Four of the manual. This involvement covers a range of entities, including ad hoc City committees, policy committees under the Virginia Municipal League (VML), National League of Cities, intergovernmental bodies, and local community organizations.

The process of representation on these committees and groups occurs primarily through two avenues:

- **Invitations from External Groups:** Often, external organizations invite the City Council to participate in their activities, recognizing the value of the Council's input and collaboration.
- **Proactive Council Representation:** The Council may also proactively elect to be represented in certain committees or groups, especially when its participation is deemed crucial for the city's interests.

In both scenarios, the Mayor, in consultation with the Council, is responsible for designating representatives. These representatives can be either Council members or City employees, the latter subject to the City Manager's approval. Appointments to these roles are typically made in January following the inauguration of a new Council, ensuring timely and relevant representation. However, the Mayor retains the flexibility to make reassessments or new assignments throughout the year as necessary to address evolving needs and opportunities.

Conflict of Interest Rules

No member of the Council or other officer shall be interested directly or indirectly in the profits of any contract or work, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services (other than official services). Any member of the Council or any other officer of the City, who shall knowingly offend against the provisions of this section, shall be subject to removal from office by proceedings in either the Circuit Court of the City for such purpose in the manner provided by law for removal of public officials from office by reason of malfeasance or misfeasance.

Council Representatives: Transparency

Conflict of Interest Rules (Continued)

To safeguard public trust and ensure that the decisions of public officers and employees are made without bias or personal gain, the Virginia State and Local Government Conflict of Interest Act was enacted by the General Assembly. Non-compliance with this Act is considered a criminal offense. To maintain consistent ethical standards across the Commonwealth, local governments, including Martinsville, are prohibited from enacting conflict of interest regulations that are more stringent than those outlined in the Virginia Code.

Under this law, all Council members of Martinsville are required to:

- Annually disclose their financial interests.
- Avoid entering into business contracts with the local government.
- Abstain from voting on matters where there is a personal interest that could impede impartial decision-making or that are specifically related to the Council member.
- Refrain from unethical behavior, which includes not accepting gifts of significant value and not disclosing confidential information.

Financial Disclosures

Under Virginia's Conflict of Interest Act, council members in cities and towns with populations exceeding 3,500, such as Martinsville, are subject to specific financial disclosure requirements. These include:

Annual Financial Disclosure: Each January, the Martinsville Clerk of Council will distribute the necessary disclosure statements to Council Members, relevant members of Boards and Commissions, and certain staff. These disclosures are due by February 1st each year.

Disclosure Forms for Boards and Commissions: The Real Estate Holdings and Financial Disclosure Forms, mandated by State Code, will be provided to applicable members of boards, commissions, and authorities.

Assistance for New Members: The Clerk of Council will offer assistance to new members in completing and filing the required forms before they commence their terms, ensuring compliance from the start of their tenure.

Conflict of Interest Training: In addition to the financial disclosures, local elected officials in Martinsville are obliged to complete an online Conflict of Interest training module biennially. This training is available through the Virginia Conflict of Interest and Ethics Advisory Council's website and is designed to educate officials on the legal and ethical standards pertinent to their roles.

City Values and Code of Ethics

Impartiality

- Officials must treat all individuals and entities fairly, without granting undue advantage to any party.
- Recognize and accommodate the diverse needs of various groups, such as the elderly, disabled, or children, while maintaining fairness.

Integrity

- Avoid conflicts of interest, or the appearance thereof, where personal interests could interfere with city interests.
- Disclose and manage any unavoidable relationships that might create a conflict or appear to do so, ensuring equitable and transparent access.

Ethical Conduct and Responsibility

- Uphold the highest ethical standards in all official capacities.
- Seek guidance from the City Attorney in situations of ethical uncertainty.
- Adhere to all city, state, and federal laws governing official conduct.

Confidentiality

- Respect and protect the confidentiality of information acquired in the course of duty, not using it for private gain.
- Share confidential information only on a need-to-know basis, avoiding casual disclosure.
- Adhere to public information disclosure laws, including the Freedom of Information Act, ensuring equitable and transparent access.

Discernment

- Refrain from accepting gifts, payments, or loans from entities with current or prospective city business relations.
- Do not accept gratuities for services performed during city time.
- Acceptance of common social courtesies is permissible, as is obtaining loans from standard lending institutions.

Fairness and Equity

- Officials must treat all individuals and entities fairly, without granting undue advantage to any party.
- Recognize and accommodate the diverse needs of various groups, such as the elderly, disabled, or children, while maintaining fairness.

Code of Ethics

To be signed annually by every member of Council

- Act in a way that protects the good reputation of the City of Martinsville
- Avoiding real or perceived conflicts between personal and public interests.
- Recognize and support the public's right to know the public's business.
- Comply with all applicable laws and regulations.
- Disclose the nature and extent of personal financial holdings in accordance with Virginia law covering specified local government employees and officials.
- Treat others with courtesy, fairness, and impartiality. Do not, on the basis of personal relationship or any other factor, grant to one what is not available to all. Likewise, do not withhold from one what should be available to all.
- Do not use City employment or position in any way for personal benefit, to help friends, or to hinder foes.
- Avoid seeking, receiving, or otherwise obtaining any personal advantage or anything of value from anyone that is intended to influence decisions or actions.
- Have no personal interest in any City business contract or procurement.
- Do not use City time, resources, or facilities to sell items or otherwise operate a business.
- Do not ask favors of subordinate employees, request that they perform personal services, or solicit financial contributions from them.
- Make no promises of any kind that inappropriately obligates or binds any employee, department, or the City.
- Keep strictly confidential all work- and customer-related information that could be used by someone for personal or financial gain.

Regulations

Censure Policy

Although left to the decision of the Councilmembers, it is encouraged that a Notice of Censure be filed only after a personal conversation between at least one complaining Councilmember and the accused Councilmember has taken place and has proven unsuccessful.

1. Two or more City Councilmembers may file a written Notice of Censure against another City Councilmember with the City Clerk. The written notice shall set forth the allegation(s) of conduct and City Charter, Code of Ethics, or Rules and Procedures provisions which the accused Councilmember shall have allegedly violated, and include (1) a copy of all evidence supporting the allegations and (2) a list of persons who may be called as witnesses if the allegations proceed to final hearing. A copy shall be delivered to all Councilmembers by the City Clerk. A written Response to the allegation(s) may be filed by the accused Councilmember within ten business days after receipt thereof. A copy of the Notice of Censure and Response thereto shall be delivered to each Councilmember by the City Clerk within two business days after the response is filed.
2. On the first regularly scheduled meeting of the Council after the filing of the Notice and any Response, the City Clerk shall formally present the Notice and Response to the City Council and a copy will be attached to the minutes and become part of the public record. The Council, by majority vote, shall thereafter determine whether or not good cause shall exist to set a formal public hearing on the merits of the Notice of Censure or whether the allegations should be dismissed. A vote to hold a public hearing shall not be construed to be a vote of censure.
3. The accused City Councilmember has the right to be represented by legal counsel of their choosing and at their own cost; no City funds may be expended on the legal counsel during a censure hearing. The counsel may attend the hearings and present evidence and testimony at the preliminary and final hearings.
4. If the Council has voted to find good cause presented in the Notice of Censure, a public hearing on the allegation(s) and response shall be held at either a regular or special called meeting of the City Council, which shall be set no sooner than twenty business days from the date of the meeting where the Notice and any Response is presented. At least ten business days prior to the date of the public hearing, the accused Councilmember may file an evidentiary supplement to the written Response (if not done at the time of the initial Response filing) which shall contain: (1) a copy of all evidence refuting the allegations that the or that the Councilmember wishes the Council to consider; and (2) a list of persons who may be called as witnesses upon final hearing of the allegations.
5. At the final hearing, the City Council will hear evidence concerning the notice of censure. Evidence and witnesses shall be limited to that contained in, or listed on, the Notice of Censure and Response. The City Council shall determine whether the evidence presented is relevant and authentic, but formal Rules of Procedure and Evidence shall not apply. The format of the final hearing is as follows:
 - a. The City Councilmembers proffering the charges shall present evidence and witnesses in support of the allegation(s) contained in the Notice of Censure and explain how the evidence supports the proposition that the accused Councilmember violated the City Charter, Code of Ethics, or Rules and Procedures.
 - b. The Councilmember who is the subject of the censure shall have the opportunity to present evidence and witnesses to support his or her position with respect to the Notice of Censure. The burden of proof shall be on the Councilmembers proffering the Notice of Censure and the standard shall be a preponderance of evidence.
 - c. After receiving evidence at the final hearing, the City Council shall then take a roll-call vote, after motion duly made and seconded, and a majority of five members of the City Council shall be required to sustain the censure of the Councilmember. If sustained, the City Attorney shall prepare a formal Censure document for adoption by a majority vote of the City Council at a future meeting.

Regulations

Removal From Office

A. A petition for the removal of an officer shall be on a form prescribed by the State Board of Elections and shall state with reasonable accuracy and detail the grounds or reasons for removal and shall be signed by the person or persons making it under penalties of perjury. The petition must be signed by a number of registered voters who reside within the jurisdiction of the officer equal to **10 percent of the total number of votes cast** at the last election for the office that the officer holds. The petition shall be filed together with either (i) three paper copies or (ii) an electronic copy. The clerk shall promptly provide a paper or electronic copy of the petition to the officer who is the subject of the removal petition, the attorney for the Commonwealth, and, for a removal petition filed pursuant to § 24.2-233, the general registrar. If the subject of the petition is the attorney for the Commonwealth, the Chief Justice of the Supreme Court of Virginia shall appoint an alternate attorney for the Commonwealth to receive the copy of the petition.

B. The general registrar shall review a petition filed pursuant to § 24.2-233 and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections. The general registrar shall certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court. The general registrar may seek an extension of time from the circuit court for good cause shown. The certification shall state the number of signatures required, the number of signatures on the petition, and the number of valid signatures. The certification shall identify those signatures found to be invalid. The certification shall also identify any material omissions in the petition.

C. Upon receipt of the petition, the attorney for the Commonwealth shall promptly review the petition and determine if valid grounds exist to remove the officer pursuant to § 24.2-103, 24.2-109, or 24.2-233. Upon determining that valid grounds exist for removal, the attorney for the Commonwealth shall notify the circuit court. Otherwise, the attorney for the Commonwealth shall request that the court dismiss the petition.

D. As soon as the attorney for the Commonwealth notifies the circuit court that the petition presents valid grounds for removal, the court shall issue a rule requiring the officer to show cause why he should not be removed from office, the rule alleging in general terms the cause or causes for such removal. The rule shall be returnable in not less than five nor more than 10 days and shall be served upon the officer with a copy of the petition.

Regulations

E. Upon return of the rule duly executed, unless good cause is shown for a continuance or postponement to a later day in the term, the case shall be tried on the day named in the rule and take precedence over all other cases on the docket. The circuit court shall not dismiss the petition solely because of an error or omission in the form of the petition relating to its statement of the grounds or reasons for removal if such error or omission is not material in determining whether the statement of the grounds or reasons for removal provides a reasonable basis under § 24.2-103, 24.2-109, or 24.2-233 to consider the removal of the officer. If upon trial it is determined by clear and convincing evidence that removal of the officer is warranted under § 24.2-103, 24.2-109, or 24.2-233, the officer shall be removed from office. 1975, cc. 515, 595, § 24.1-79.7; 1993, c. 641; 2009, cc. 868, 876; 2023, cc. 256, 257, 663, 664.

§ 24.2-236. Suspension from office pending hearing and appeal. In the event of a judicial proceeding under § 24.2-231, 24.2-232, 24.2-233, 24.2-234, or 24.2-234.1, the circuit court may enter an order suspending the officer pending the hearing. The court may, in its discretion, continue the suspension until the matter is finally disposed of in the Supreme Court or otherwise. Any officer who pleads guilty or nolo contendere to, or who is found guilty by a judge or jury of, a felony under the laws of any state or the United States shall be automatically suspended, regardless of any appeals, pleadings, delays, or motions. During the suspension, the court may appoint some suitable person to act in the officer's place. The officer's compensation shall be withheld and kept in a separate account and paid to him if and when the judicial proceedings result in his favor. Otherwise, it shall be paid back to the county, city, town, or State Treasurer who paid it. (Article 7, Chapter 2 of Title 24.2 of the Code of Virginia)

F. Upon Removal From Office all technology including but not limited to cellular devices, iPads, and laptops must be returned to Information Technology. This standard also holds true in the event of a resignation.

03



SECTION THREE: City Council Meetings

Monthly Meetings

At nine o'clock ante meridian on the first regular business weekday of January following a regular municipal election, the council shall meet at the council chamber of the city, at which time the newly elected councilmen, after first having taken the oaths prescribed by law, shall assume the duties of their office. Thereafter, the council shall meet at such times as it may prescribe by ordinance or resolution, except that it shall regularly meet not less than once each month. The mayor and any member of the council, or any two members of the council, or the city manager and any councilman, may call special meetings of the council, at any time after at least twelve hours' written notice, with the purpose of said meeting stated therein, to each member served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, provided all members of the council attend and vote unanimously on all matters acted upon. No business other than that mentioned in the call shall be considered at such meetings.

Types of Activities at Regular Meetings

Public Hearings as mandated by law or Council policy. These hearings are essential for community engagement on various topics such as proposed budgets, amendments to the Comprehensive Plan, rezoning, special use permits, and street closure requests.

- Mayor and Council Communications and Petitions, offering a platform for citizens to present their concerns and suggestions directly to their elected representatives.
- Reports and Recommendations issued by the City Manager and City Attorney, providing updates and professional insights on various municipal matters.
- Reports and Recommendations from the Planning Commission and other advisory boards, offering specialized guidance and opinions on developmental and planning issues.
- Award of Bids, during which the Council formally approves the procurement of materials and the contracting of services, following a transparent and competitive bidding process.
- Ordinances and Resolutions, serving as the legal mechanisms through which the Council established public policy. Ordinances are enacted as local laws, while resolutions are formal statements of fact and intent.

Monthly Meetings

Setting the Meeting Agenda

- All items requiring formal action by the Council are included on the meeting agenda. The agenda for the regular monthly meeting is generally finalized the Thursday before the scheduled Council meeting. Therefore, submissions for agenda items must be made in time for distribution to Council members on the Thursday preceding the week of the regular monthly meeting. For items involving legal considerations, sufficient lead time must be provided for review by the City Attorney.
- Council members should submit their items to either the City Manager or the Clerk of Council by the prescribed deadline.
- The responsibility for the preparation and distribution of the meeting agenda rests with the City Manager.

Mayor as Presiding Officer

As stated in Chapter 2: Section 7 of the CC, the mayor shall preside at council meetings. This means that at the designated time, **the mayor calls the meeting to order, assuming a quorum is present**. Additionally, the mayor is tasked with **signing all ordinances and resolutions** passed by the Council. In **maintaining order during meetings, the mayor, aided by the City Attorney, addresses and resolves any points of order**. The mayor also oversees the council chamber, as well as adjacent halls and corridors. In instances of disturbance or disorderly conduct, the mayor has the authority to order the clearance of the affected area.

Additionally, the presiding officer has the power to suggest a recess. Recesses during public debate are used to settle down potential chaos from deteriorating conversation. The motion to recess is not in order when someone has the floor, is not debatable, is amendable as to the length, and requires a majority vote (RR, Chapter 8 § 20). Robert's Rules, the governing parliamentary procedures during meetings, states the presiding officer may insist any member wishing to speak to be recognized by them (Chapter 7 § 43). However, in smaller bodies with no more than a dozen members present, informal rules can be adopted, allowing members to speak or make motions without formal recognition by the presiding officer. In the event of the mayor's absence, the vice mayor/ vice chairman assumes the presiding role over meetings.

Monthly Meetings

Special Meetings

The provisions for convening special meetings are as follows: Such meetings may be called by the Mayor in conjunction with any Council member, by any two members of the Council, or by the City Manager alongside any Council member. As stipulated in the CC, a minimum of twelve hours of written or duly documented verbal notice is required for these meetings--with notice given to each member by electronic mail, text message, or telephone call (Chapter 2: Section 5) detailing the purpose. Other items for special meetings include:

- A special meeting may be convened without the standard notice requirement if, and only if, all members of the City Council are present and cast unanimous votes on all matters discussed and acted upon during such a meeting. This provision ensures that no Council decisions are made without full representation and consensus among all Council members.
- Additionally, if the regular meeting day designated by the governing body coincides with a legal holiday, the meeting shall be rescheduled to the next regular business day without requiring any specific action by the governing body (State Code 15.2-1416).
- Electronic mail or facsimile transmissions may serve as written notice, with the member's written concurrence.
- Phone calls may supplement other special meeting notices as needed.
- Meetings must generally be opened to the public, with exceptions for closed sessions as noted by the Council.

Work Sessions

Work sessions are strategic gatherings of the City Council, designed to delve into substantial matters impacting the city. These sessions, which are subject to the Open Meetings Act, must be open to the public, barring topics eligible for closed sessions under the law. They serve as a forum for in-depth discussion, allowing council members to concentrate on significant, long-term initiatives beyond the immediate operational concerns. The timing of work sessions is flexible and can be set as needed to precede regular meetings or during alternate weeks.

Scheduling sessions prior to regular meetings can facilitate a more comprehensive review of the agenda items. Work sessions may be convened by the Mayor or City Manager and are led by the Mayor or Council Member.

Objectives of Work Sessions:

- Enhancing the Council's ability to address complex, city-wide issues in a detailed and methodical manner.
- Contributing to more focused and expedited regular Council meetings.
- Fostering a collaborative and informal atmosphere for Council members to discuss and debate policy matters.

Monthly Meetings

Closed/Executive Sessions

All Council meetings begin as open public meetings. Some topics, limited in scope, can be convened privately, however there is a process to do so. No electronic devices or recording is permitted in Closed/Executive Sessions. Any materials distributed must be returned to Clerk of Council. More information about the specifics of these topics can be found through VML.

Some closed session topics include:

- Personnel matters,
- Public property disposition,
- Legal advice,
- Privacy of individuals unrelated to public business,
- Prospective business and business retention,
- Terrorism (i.e., discussing cyber security planning), and
- Award of a public contract, when an open session would compromise bargaining/negotiating a contract.

Procedure for Closed/Executive Sessions

- While in public session, a majority of the Council must approve a motion to go into Closed Session. The motion must include the reason and a citation of the specific code section containing the FOIA exemption, allowing the Closed Session to proceed. Exclusions are in the Virginia Code (Section 2.2-3711).
- In the Closed Session, council members may discuss only the subject mentioned in the motion.
- Any confidential and/or proprietary information shared with the Council in a Closed Session must not be disclosed or discussed to anyone outside of that Closed Session without prior written consent of the City Attorney.
- All discussions in closed session must be certified by a recorded vote after the Council completes the Closed Session and returns to the public session to ensure the session was approved under the law.
- All closed meetings may only be convened by a public body after it has executed an affirmative recorded vote during an open meeting.

Monthly Meetings

Public Participation

While the City Charter does not provide specific guidelines for public participation in Council meetings, the following items are standard practices:

The Communications from Visitors section allows members of the public to present matters they believe deserve the attention of the Council. This time is not intended as a forum for debate but rather as an opportunity for residents to bring issues forward.

- Visitors wishing to speak on matters not listed on the agenda may do so during this section.
- Any matter requiring Council action will be referred to the City Manager for review and possible inclusion in a future meeting.
- Comments related to agenda items will be permitted only when the specific matter is under consideration by the Council.

Participation Guidelines

- Individuals wishing to address the Council must sign up by the end of the day on the Monday prior to the scheduled Council meeting, either through the City website or by contacting the City Clerk.
- Upon recognition by the Mayor, the speaker must address their remarks to the Mayor and Council.
- Speakers must clearly state their name and address before making their remarks. If uncomfortable stating their address publicly, they may provide it privately to the Clerk of Council after speaking.
- Individual speakers will be limited to three (3) minutes per presentation.
- Speakers may not donate their time to others.
- Comments on matters scheduled for a public hearing during the same meeting are not permitted.
- Issues raised by the public that the Council wishes to discuss may be placed on a future agenda by a majority vote.
- Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months, except by a majority vote of the members of the Council present and voting.
- The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.
- Individuals wishing to submit written statements for forwarding to the Council prior to a meeting must provide the document to the Clerk of Council by the end of the day on the Monday preceding the meeting.
- Members of Council may not speak directly to anything mentioned during the Public Comment portion of the meeting.

Monthly Meetings

Electronic Participation

As Adopted by a vote of Council on **March 26, 2024**.

Definitions

- 2.1. Personal matter – Any matter deemed by a member of the Council that prevents their attendance in person at a meeting of the Council. Examples include but are not limited to personal, family or business matters that prevent attendance at the meeting location; severe weather conditions or unexpected traffic or travel conditions that prevent travel to the meeting location.
- 2.2. Physical disability or other medical condition of the Council member – Examples include but are not limited to temporary hospitalization or confinement to home, contagious illness, any temporary or permanent physical disability that prevents travel to the meeting location by the Council member.
- 2.3. Medical condition of a family member of a Council member – is limited to those situations in which the family member's medical condition requires the Council member to provide care for the family member and thus prevents the Council member from physically attending the meeting.
- 2.4. Council Committee – Any committee, subcommittee, or other entity however designated of the Council to perform delegated functions of the Council or to advise the Council.

Monthly Meetings

Electronic Participation

Procedures for a Council or Council Committee Member to Participate Remotely

In order for a member of Council or a Council Committee member to participate remotely in a meeting, a quorum of the Council or the Committee, as applicable, must first be physically assembled. As permitted by Virginia Code §2.2-3708.3, in order to invoke the provisions of this Section 4.0, a member who is unable to attend shall, in advance of a properly noticed meeting of the Council or a Council Committee, notify the Mayor (or, in the absence or unavailability of the Mayor, the Vice Mayor/ Vice Chairman) that the member will be unable to attend the meeting in person due to one of the following reasons:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
 - a. This limitation comes directly from state law; Va. Code Section 2.2-3708.3.
 - i. This limitation is a state law limitation not within the control of Council, and the limitation is controlling unless the General Assembly changes the governing statute.

If the member providing such notification is entitled to attend the meeting by electronic communication means as provided in subdivision (1) through (4) above, the Mayor (or Vice Mayor/ Vice Chairman, if applicable) shall approve participation by electronic communication means. If participation by a member through electronic communication means is approved pursuant to this Section 4.0, Council shall record in its minutes the remote location from which the member 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), the Council shall also include in its 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 (3), the Council shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision (4), the Council shall also include in its minutes the specific nature of the personal matter cited by the member.

At any meeting involving remote participation, arrangements shall be made for the voice of the remote participant to be heard by all physically present, and for the voices of those physically present to be heard by the remote participant. If a member's participation from a remote location pursuant to this Section 4.0 is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

Organizational Meetings

The first organizational meeting is scheduled to convene at 9:00 a.m. on the first regular business weekday of January following a regular municipal election, as stated in the CC (Chapter 6: Section 5). The Clerk of Courts shall preside during the meeting and the election of the Mayor and Vice Mayor/ Co-Chair.

The initial procedures for the first organizational meeting (every two years) are:

1. Invocation
2. Swearing in of New Council Members: All Newly Elected Council members will be sworn in at the beginning of the Organizational Meeting. The current Clerk of Courts will lead the swearing-in process.
3. Election of the Mayor: The subsequent agenda item of the meeting is the election of the Mayor by the Council members.
4. Presiding Officer: Until the mayor is elected, the Clerk of Courts typically oversees the proceedings.
5. Assumption of Duties by the Mayor: Once elected, the Mayor immediately assumes the role of chairing the meeting.
6. Election of the Vice Mayor/ Vice Chairman: Following the election of the Mayor, the Council members proceed to elect the Vice Mayor/ Vice Chairman.
7. Seating and Voting Order: The Mayor is responsible for determining the seating arrangement and voting order for the Council, considering each member's tenure and preferences.
8. Setting the Calendar Year Meeting Agenda

Open Meeting Law

Virginia Freedom of Information Act (FOIA) Compliance

Under FOIA, a meeting is defined as a gathering when a quorum is present. This is applied to:

- Regular council meetings.
- Gatherings of 3 or more council members discussing city business.
- Meetings of committees or subcommittees appointed by the Council, with a quorum present.
 - In committees or subcommittees with 4 or more members, a meeting occurs when 2 or more members discuss business.

Public Meeting Requirements

- All meetings of the Council and other public bodies (i.e., planning commissions, boards of zoning appeals) must be open to the public.
- This also applies to committees appointed by the Council or other public bodies under FOIA.
- All council-appointed committees are subject to FOIA's public meeting requirement regardless of their composition or size.
- All local officials (elected officials, executive directors, constitutional officers, and members of boards and commissions) are mandated to attend FOIA training.
- All City departments should be trained in FOIA.

Open Meeting Law

Order of Business

The Order of Business, often referred to as the Agenda, is the structured sequence of items that the City Council follows during its regular meetings. This agenda ensures that all council proceedings are conducted in an orderly, efficient, and transparent manner. Specific items are denoted in red with descriptions to the right for further clarification.

1. Call to Order
2. Pledge of Allegiance
3. Invocation, Multi-Denominational
4. Consent Agenda
 - a. Minutes
 - b. Grant Appropriations
 - c. Items Previously Discussed
 - d. Appointments
 - e. Board applications
5. Public Hearing and Action
6. Regular Agenda or New Business
7. Actions necessary as a result of the Executive Session
8. City Hall Reporting and Announcements
 - a. Public Information Officer
 - b. Financial Update
9. Communications from Visitors, Business from the Floor
10. Comments by Council Members
11. Communications
 - a. City Manager
 - b. City Attorney
12. Adjournment

A collection of items that are considered routine or non-controversial and are therefore approved in a single vote without discussion. Items can be removed from the consent agenda for separate discussion and action upon request by a Council member.

Required for ordinances, rezonings, financial borrowings/bond transactions, annual budget and taxes, etc. (See VA Code § 15.2-1427, 15.2-1428).

Discussion and action on new items or issues that have not been previously addressed by the Council.

Ordinances and Resolutions

Council Actions - Chapter 3: Section 1, CC

The Council primarily acts through ordinances or resolutions, with ordinances, except those for appropriations or debt, confined to a single subject.

Introducing Ordinances and Resolutions - Chapter 3: Section 2, CC

Definitions

- All proposed ordinances and resolutions must be in written or printed form.
- Ordinances should start with “Be it ordained by the Council of the City of Martinsville, Virginia” and resolutions with “Be it resolved by the Council of the City of Martinsville, Virginia.”
- Ordinances cannot be passed on the day they are introduced unless labeled as an emergency and unanimously approved by the council.

Effective Date and Emergency Measures - Chapter 3: Section 3, CC

- Ordinances generally take effect 10 days after passage.
- Emergency measures, effective immediately, require a majority vote.
- Emergency measures are not applicable to ordinances related to real estate sales, franchises, or public utility rates.

Recording and Authentication - Chapter 3: Section 4, CC

- Passed ordinances and resolutions are recorded in Municode and authenticated by the Mayor and the council clerk.

Rules of Conduct in Meetings

Guiding Parliamentary Procedure

The City uses a modified process of Robert's Rules of Order as a definitive guide to modern parliamentary procedure. Its application ensures that the activities of the Martinsville City Council align with the collective will of its members.

Meeting Structure and Efficiency

Using the City's adapted framework of Robert's Rules, Council meetings can be conducted in an orderly and predictable fashion. This approach facilitates the efficient handling of civic matters in a manner that is direct, constructive, and reflective of democratic principles.

Ten Commandments of Parliamentary Procedure

1. The organization is paramount as opposed to the individual member.
2. All members are equal.
3. A quorum must be present to conduct business and/or to take legal action.
4. Only one main question may be on the floor at a time.
5. Only one member or speaker can have the floor at a time.
6. Debatable motions must receive full debate.
7. Personal remarks during debate are always out of order.
8. A question, once decided, cannot come back before the assembly in the same manner in the same form, except by reconsideration.
9. The majority vote decides (unless a greater majority is required by another rule).
10. Silence gives consent - if you do not vote you give your consent to the decision made by the group.

Keep in mind the following hierarchy of rules when reviewing policies and procedures:

1. Federal and State law and judicial precedent (i.e., laws of the land)
2. Local laws and ordinances
3. Special Rules of Order of Council
4. Rules of order (parliamentary authority)
5. Standing rules
6. Policies and procedures
7. Custom

Rules of Conduct in Meetings

Conduct Guidelines for City Council

To preserve order and decorum, the Mayor and all Councilmembers shall follow these rules of conduct during all Council meetings:

- Listen and understand before judging.
- Focus on the vision and goals; avoid personal attacks or inferences.
- Look for areas of agreement before addressing differences.
- Be on time, start on time, silence personal communication devices, and ensure they do not distract from the meeting.
- Once a decision is made, support the City decision while stating any reservations respectfully.
- Agree to disagree and move on to the next issue.
- Come prepared to discuss issues; ask staff questions in advance when possible to allow proper preparation.
- Praise in public; provide constructive feedback in private.
- Participate in discussions and focus on the issue; avoid disruptive sidebar conversations.
- Be courteous, honest, and respectful toward others.
- Communicate openly and directly; keep others informed.
- Address personal issues with another Councilmember directly rather than involving other Councilmembers, the community, or staff. This does not impact the Council's ability to initiate the censure process outlined in Section IV (Regulations).
- Act as positive ambassadors for the City.
- Use the Council Chamber's electronic system to notify the Mayor when wishing to comment on a matter.
- Allow others to finish speaking before making comments.

Guidelines for Citizens in Attendance

All citizens and presenters attending a City Council meeting must adhere to the following code of conduct:

- Guests must not disturb order or decorum, interrupt proceedings, or refuse to obey the Mayor's directives or Council rules.
- Attendees must show respect and courtesy to Councilmembers, City staff, and the public.
- Participants must refrain from rude or derogatory remarks and avoid belittling Councilmembers, staff, or others in attendance.
- Electioneering is prohibited during the formal campaign season.

Rules of Conduct in Meetings

Protecting the Rights of the Minority

The correct application of parliamentary procedures is vital for ensuring fair treatment of all participants in the decision-making process, providing a structured approach that guarantees all perspectives are heard and considered equally. Embracing these measures contributes to more informed balanced decisions, recognizing that outcomes reached by respecting minority viewpoints are typically more robust than those achieved without such consideration.

Key Passages from Robert's Rules

The City Attorney serves as the parliamentarian of the council and should be consulted on the proper application of Robert's Rules and applicable laws.

What Precedes- Debate (RR 2)

Before any matter is open to debate, it is necessary that:

1. A council member who has obtained the floor must first make a motion.
2. The motion must then be formally stated by the chair. This step is crucial for the benefit of both the Council and the audience.

The role of the chair when making a motion:

1. The mere making of a motion does not automatically present it before the Council.
2. It is the sole responsibility of the chair to officially put a motion before the Council.
 - The chair must either declare the motion out of order or clearly state the question, ensuring that everyone understands the issue at hand.

Obtaining the Floor (RR3)

Prerequisites for Making Motions or Addressing the Council:

- A member must first gain the floor to either propose a motion or participate in the debate.
 - This is achieved by addressing the presiding officer using their official title, such as “Madame Mayor,” “Mayor,” or “Mayor Smith.”

Recognition by the Chair:

- If the member is entitled to the floor, the chair will acknowledge them by name, thereby granting them permission to speak.

Motions During Debate:

- While a motion is under consideration, members may propose incidental and subsidiary motions.

Rules of Conduct in Meetings

Main Motions (RR4)

Procedure for Making a Motion:

1. A member first needs to obtain the floor as described earlier.
2. To make a motion, the member should state, "I move that," followed by a clear description of the proposed action.

Limitation on Making Multiple Motions:

- Typically, a member cannot propose two motions simultaneously unless there is general consent from the Council to do so.

Precedence and Timing of Main Motions:

- Main motions are intended to introduce new business and do not take precedence over other items
- A main motion cannot be proposed if there is another question already under consideration by the assembly.

Other Types of Motions During a Main Motion:

- While a main motion is on the floor, members may still propose privileged, incidental, and subsidiary motions.

Debate (RR7)

Initiation of Debate:

- Once a question has been formally stated by the Chair, it is open for the Council to consider and act upon.
- Most motions, with a few exceptions, are open to debate.

Focus and Conduct During Debate:

- Debate should strictly pertain to the merits of the question that is immediately pending -- specifically, the last question articulated by the Chair.
- Speakers are required to direct their remarks to the Chair.
- It is imperative that speakers maintain courteous language, refrain from personal attacks, and avoid commenting on the motives of other members.

Rules of Conduct in Meetings

Reconsideration of a Motion (RR36)

Eligibility to Make a Motion for Reconsideration:

- Only a member who voted with the majority (prevailing side) in the original vote is eligible to move for a reconsideration of that vote.

Timing for Reconsideration Motion:

- The motion to reconsider is typically restricted to the day the original vote was taken or to the next succeeding Council meeting.

Interruption of Pending Business:

- The motion to reconsider cannot disrupt any ongoing business before the Council.
- Once the current item is resolved, the motion for reconsideration may be introduced. It takes precedence over other main motions and general orders when brought up.

Amendment Procedures (RR 33)

General Rule for Amendments:

- Amendments can be applied to most motions, except for those specifically excluded by Robert's Rules.
- To propose an amendment, a member might say, “I move to amend the resolution by inserting (or striking or substituting) the word ‘very’ before the word ‘good’.”

Limitation on Amendments:

- An amendment can itself be amended. However, an “amendment to an amendment” cannot undergo further amendment. In essence, amendments of the third degree are overly complex and not permissible.

Voting Threshold for Amendments:

- The adoption of an amendment to a pending question typically requires only a majority vote, regardless of whether the original question requires a higher threshold for passage, such as two-thirds or unanimous vote.

Improper Amendments:

- Robert's Rules outlines several types of improper amendments in section 33.
 - These include amendments that are not relevant (not germane) to the question being amended or amendments that replicate questions previously decided by Council.

Rules of Conduct in Meetings

Rescind, Repeal, Annul (RR37)

General Rule for Rescinding Votes:

1. Most votes taken by the Council can be rescinded. This requires a majority vote if notice of the motion to rescind was given at the previous meeting or in the call for the current meeting.
2. If no prior notice is given, rescinding a vote necessitates either a two-thirds majority or a majority of the total elected Council.

Applicability and Nature of the Motion to Rescind:

1. The motion to rescind applies to votes on all motions.
2. This motion is itself considered a main motion, without any special privilege. Therefore, it can only be introduced when no other matter is under discussion by the assembly.
3. Any Council member can make this motion, and it is open to debate.

Exceptions to Rescind:

According to Robert's Rules certain votes cannot be rescinded. These include:

1. Votes resulting in actions that the Council cannot reverse.
2. Votes akin to a contract, where the other party has been informed of the decision.
3. Votes where a resignation has already been accepted and acted upon.

Amendment Procedures (RR 33)

General Rule for Amendments:

- Amendments can be applied to most motions, except for those specifically excluded by Robert's Rules.
- To propose an amendment, a member might say, “I move to amend the resolution by inserting (or striking or substituting) the word ‘very’ before the word ‘good’.”

Limitation on Amendments:

- An amendment can itself be amended. However, an “amendment to an amendment” cannot undergo further amendment. In essence, amendments of the third degree are overly complex and not permissible.

Voting Threshold for Amendments:

- The adoption of an amendment to a pending question typically requires only a majority vote, regardless of whether the original question requires a higher threshold for passage, such as two-thirds or unanimous vote.

Improper Amendments:

- Robert's Rules outlines several types of improper amendments in section 33.
 - These include amendments that are not relevant (not germane) to the question being amended or amendments that replicate questions previously decided by Council.

Rules of Conduct in Meetings

Preservation of Order

1. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:
 - a. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes.
 - b. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground.
 - c. To entertain and answer questions of parliamentary law or procedure.
 - d. To call a brief recess at any time.
 - e. To adjourn in an emergency.
2. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

Five Categories of Motions

Main Motions

- Introduces business before the assembly.
- A main motion may only be made when no other motion is pending. It is out of order if made when another motion is pending.
- It is debatable. It is amendable. Generally, requires a majority vote.

Subsidiary Motions

- Assists the assembly in treating or disposing of a main motion.
- Always applied to another motion while it is pending.
- There are seven subsidiary motions:
 - Lay on the Table
 - Call the Previous Question
 - Limit or Extend the Limits of Debate
 - Postpone to a Certain Time (or definitely)
 - Commit or Refer
 - Amend
 - Postpone Indefinitely

Privileged Motions

- Motions which by their nature are not related to pending business, address special matters of importance, and require immediate consideration.
- There are five privileged motions:
 - Fix the Time to Which to Adjourn
 - Adjourn (if you have reached the end of your agenda, no motion is required. The chair can declare the meeting adjourned).
 - Recess
 - Raise a Question of Privilege for group or an individual
 - Call for the Orders of the Day

Five Categories of Motions

“Bring Back” Motions

These are motions that bring a question again before the assembly, for example:

- Take from the table
- Reconsider
- Rescind or Amend something previously adopted
- Discharge a Committee - take something from a committee

Incidental Motions

Motions which, by nature, are questions of procedure that arise out of other motions. They must be considered before the other motion.

Types:

- How a motion will be considered
- Question the appropriateness of business
- Requests
- Voting

Other Types of Incidental Motions Include:

| | |
|---|--|
| <ul style="list-style-type: none">• Division of the Questions• Consider by Paragraph or Seriatim• Create a Blank• Object to Consideration of a Question• Point of Order• Appeal Chair’s Decision• Suspend the Rules | <ul style="list-style-type: none">• Parliamentary Inquiry• Request for Information• Request for Permission to Withdraw a Motion• Methods of Voting• Division of the Assembly• Close Nominations or Close the Polls• Reopen Nominations or Reopen the Polls |
|---|--|

Five Categories of Motions

Frequently Used Motions

| Motion | Purpose | Debatable | Amendable | Vote Required |
|---------------------|-------------------------------|-----------|-----------|------------------------------------|
| Main | Introduces Business | Yes | Yes | Majority |
| Amend | Changes or Modifies | Yes | Yes | Majority |
| Refer to Committee | Enables Further Study | Yes | Yes | Majority |
| Call the Question | Ends Debate | No | No | Majority |
| Table | Suspends Action | No | No | Majority |
| Take from the Table | Restarts Action | No | No | Majority |
| Reconsider | Renews Debate on Old Business | Yes | No | Majority |
| Withdraw a Motion | Stops Motion Before a Vote | No | No | Consent of Chair without Objection |
| Rescind | Repeals an Action | Yes | Yes | Majority |

Five Categories of Motions

General Conduct Members

Members wishing to speak must address the Chair and wait for recognition. Speeches should relate directly to the current issue, avoiding personal remarks. Interruptions are prohibited without the speaker's consent, except for points or order. The motion's proposer has the right to open and close the debate after the others have spoken.

A governing body may punish or fine a member of the governing body for disorderly behavior.

Section 15.2-1400, Governing Bodies, Code of Virginia

04



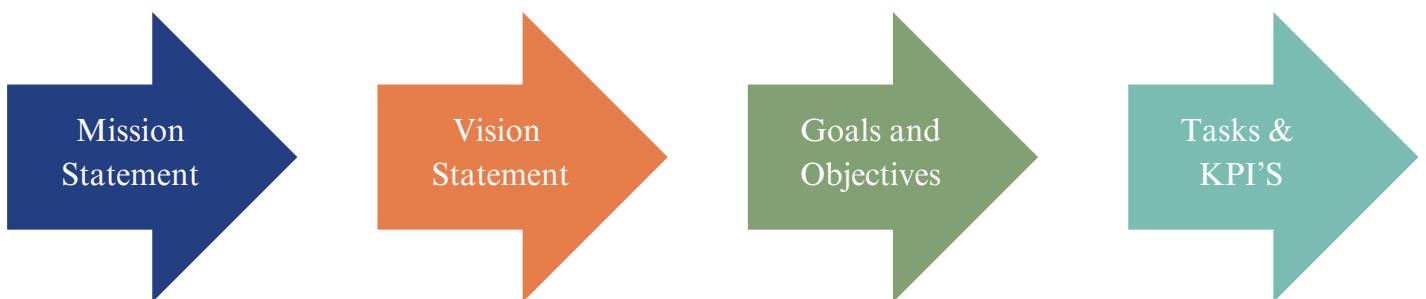
SECTION FOUR: Council Policymaking Process

Council Goal-Setting Process

Characteristics of Effective Goals

1. Goals should be specific, measurable, and short-range (one or two years).
2. Development by exception: focus on new or altered policies/practices, not the continuation of existing ones.
3. Goals are not ranked but prioritized within their wording.
4. Consideration of cost in terms of time, money, and commitment.
5. Goals should be achievable within the city government's power and influence.

Mission and Vision Strategy



A **mission** and **vision** strategy outlines a council's purpose and aspirations, shaping its goals and objectives. It translates the council's core aims into actionable tasks and measurable key performance indicators (KPIs) to track progress and ensure alignment with the defined mission and vision.

Council Goal-Setting Process

Goal-Setting Proposed Schedule- Election Cycles

November

- City Council election results.
- (Proposed) Conduct a residential survey following elections.

December

- The City Manager reports on the accomplishments of current goals.
- Mayor delivers a “State of the City” to review past achievements and set the stage for the upcoming goal-setting process.

January

- New City Council members take office.

February-April

- Engage in public forums and citizen participation opportunities to solicit feedback on past performances and future goals, integrating insights from the survey.

May

- City Manager presents a draft on the biennial goals, initiatives, and outcomes based on the retreat and public input.

June

- The Council adopts the new biennial goals.
- City staff finalizes planning operating and capital budgets for the upcoming fiscal year, aligning them with the newly set priorities in the official goals.

05



SECTION FIVE: Boards and Commissions

Boards Functions and Structure

The charter provides the following language of the provisions and powers of boards (Chapter 2, Section 5b; Chapter 13, Section 5):

1. Appointment Authority: The Council has the authority to appoint various boards and commissions and define their powers and duties.
2. Investigative Powers: The Council, City Manager, and authorized bodies have the power to investigate city affairs, with the ability to subpoena and compel evidence.
3. Enforcement and Penalties: Non-compliance with investigations can result in fines or imprisonment, and perjury is subject to prosecution.
4. Appointment and Term Policy
 - a. Default Term Limit: Unless specified, individuals can serve up to three terms on a board or commission, following a policy from December 11, 1990.
 - b. Exceptions for Reappointment: Incumbents may be considered for an additional term if no other interested or qualified candidates apply.

Standard Procedures

- Application Process: Citizens are invited to apply year-round, with applications retained for two years. Public announcements to apply are made via multiple platforms.
- Council Review: Recommendations are typically reviewed in Closed Session, followed by appointments made in Open Session.
- Interviews: Key positions, like the School Board and Planning Commission, may require interviews by the entire Council.
- Notification and Swearing-In: New appointees are notified in writing and sworn-in at the office of the Clerk of Council.
- Orientation: The board chair or staff member is responsible for new member orientation.

Details of Boards and Commissions

| | |
|---|--|
| Architectural Review Board | <ul style="list-style-type: none"> Administers the provisions of the Historical District ordinance. Composed of 5 residents; 1 must be a licensed architect/landscape architect (and is not required to be a resident). Terms are for 3 years and members can serve no more than 3 consecutive terms. |
| Arts and Cultural Committee | <ul style="list-style-type: none"> Works to enhance the Arts & Cultural District and established under Section 2-109 of the CC. Reports to the Planning and Commission and collaborates with the Architectural Review Board. Composed of 11 members (specific requirements can be found the Appendix). Terms are for 3 years. |
| Board of Appeals | <ul style="list-style-type: none"> Originally established for reviewing and deciding appeals as required of the Uniform Statewide Building Code. Presently, the Board also has the authority to decide the City's Erosion and Sediment Control Ordinance, Flood Plain Ordinances, and the Fire Prevention Code matters. Consists of 5 members. Terms are for 5 years. Meetings are on a as-needed basis and decisions or actions are made by resolution. |
| Board of Zoning Appeals | <ul style="list-style-type: none"> Hears appeals on zoning and subdivision ordinances. Consists of 5 members; members are appointed by the Circuit Court Judge; members cannot hold public office except on the Planning Commission. Terms are for 5 years. |
| Citizen Advisory Board | <ul style="list-style-type: none"> Granted authority by VA § 15.2-1107, the purpose of the Board is to provide judicious advice, ideas, and feedback from a citizen perspective related to present and future matters. These actions can be studying, analyzing, and formulating well-developed thoughtful recommendations, insights, and ideas. Composed of 10 residents (specific requirements can be found in the Appendix). 4 members serve 2-year terms, and 4 members will serve 3-year terms. |
| Charter Review Committee | <ul style="list-style-type: none"> Granted Authority to revise and recommend edits to the current City Charter. Authority granted through resolution passed on February 18, 2025. |
| Planning Commission | <ul style="list-style-type: none"> Advises and makes recommendations to Council on matters relating to land use planning and development, established under Chapter 11, Title 15.1 in the CC. Also charged with preparing and recommending a comprehensive city plan. Comprises of 7 members, and must be residents. Members serve for 4-year terms. |
| Economic Development Authority | <ul style="list-style-type: none"> Involved in certain economic development projects and established under Chapter 33 of Title 15.1 of the Code of Virginia. Comprises of 7 members; the City Manager traditionally serves as Secretary. Members serve for 4-year terms. |
| School Board | <ul style="list-style-type: none"> As a body corporate, it is vested with powers and responsibilities articulated by law, including rules of governance and determining curriculum and teaching methods. Comprises of 5 members. Terms are for 3 years, with a maximum of 3 consecutive terms. |
| Transportation Safety Commission | <ul style="list-style-type: none"> Serve under the provisions granted in Chapter 2, Section 5 of the CC. Terms are for 4 years, with a maximum of 3 consecutive terms. The Recording Secretary is provided by the Chief of Police. |
| Tree Board | <ul style="list-style-type: none"> Administers the provisions of the Tree Ordinance. Collaborates with the City Manager and the Superintendent of Schools to consider recommendations regarding the scope of the Boards work. Comprises of 5 members. Terms are for 3 years. |

Details of Boards and Commissions

Regional & State Boards and Commissions

| | |
|--|---|
| Human and Community Services | <ul style="list-style-type: none">Anchor Group House Commission: Oversees local residential, family, and prevention services, handling personnel matters, budget approval, program reviews, and grant requests.Children's Services Act: Coordinates funding for services to at-risk youth and their families, represented by various local agencies and community members.Emergency Housing & Community Support Commission: Advises on community housing and human services needs, overseeing performance and outcomes of related efforts. HenryHenry County-Martinsville Joint Social Services Board: Manages expenditures for Social Services, including budget, adoption cases, and policy establishment.Southern Area Agency on Aging Board of Directors: Advocates for and coordinates services for the elderly, focusing on independence and community needs.Pittsylvania County Community Action Agency Board: Provides weatherization services to eligible owner-occupied and tenant occupied housing units. |
| Education and Libraries | <ul style="list-style-type: none">Patrick & Henry Community College Board: Involved in site planning, presidential selection, community program development, budget approval, and student conduct regulations for the college.Blue Ridge Regional Library Governing Board: Oversees library director selection, policy establishment, funding acquisition, and community liaison activities. |
| Health and Safety | <ul style="list-style-type: none">Dan River Alcohol Safety Action Program (ASAP) Policy Board: Develops policies for a local program aimed at reducing DUI incidents, managing program operations, and budget development.Western Virginia Emergency Medical Services: Supports emergency medical services in multiple districts through policy development, technical assistance, and funding management. |
| Recreation and Community Development | <ul style="list-style-type: none">Piedmont Regional Community Services Board: Plans and coordinates mental health, developmental disability, and substance abuse services across multiple counties.West Piedmont Planning District Board of Commissions: Focuses on regional development planning, prioritizing community development projects and regional coordination. |
| Economic and Infrastructure Development | <ul style="list-style-type: none">West Piedmont District Technical Advisory Committee: Advises on physical, housing, and economic development planning, contributing to regional plans and reviewing federal fund applications. |