

Resolution #04-21, Adoption of 2021 Bylaws and Rules of Procedure

BE IT RESOLVED, that the Town Council meeting in regular session, Wednesday, January 20, 2021 hereby adopts the attached 2021 Bylaws and Rules of Procedure.

Upon motion made by Mr. Moncure and seconded by Mr. Duggan, Resolution #04-21, as amended, passed with a unanimous vote of council members present.

	<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>
<i>Schick</i>	X		<i>Moncure</i>	X	
<i>Cabrey</i>	X		<i>Roberson</i>	X	
<i>Ey</i>	X		<i>Self Sullivan</i>		
<i>Duggan</i>	X				

THIS IS TO CERTIFY THIS IS A TRUE COPY OF AN ORIGINAL RESOLUTION, adopted by the Town Council at a Meeting of Council held Wednesday, January 20, 2021 at the Colonial Beach Town Center, with a quorum of Council being present.

Heather Oliver, Town Clerk

2021 BYLAWS AND RULES OF PROCEDURE
Colonial Beach Town Council
Preamble

The Colonial Beach Town Council operates in accordance with federal and state laws at all times. If there should be any conflict between these Bylaws and federal, state, or local law or regulation, the federal, state or local law or regulation shall be followed.

The citizens and businesses of the Town of Colonial Beach, Virginia are entitled to have fair, ethical, and accountable local government, so as to earn the public's full confidence and trust. The effective functioning of democratic government requires that public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government; that public officials be independent, impartial and fair in their judgment and actions; that public office be used for the public good, not for personal gain; and that public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Colonial Beach Town Council has adopted these Bylaws and Rules of Procedure to assure public confidence in the integrity of local government and its effective and fair operation.

Section 1 Meetings

Section 1-1 Annual organizational meetings

A. The Town Council shall conduct an organizational meeting at its first meeting in January of every year.

B. At the organizational meeting in January, the Council shall establish the date, time and place for its regular monthly meetings for the remainder of the calendar year. At the organizational meeting, the Town Council shall elect a Vice-Mayor.

C. The Town Council shall conduct a prioritization meeting in January of every year.

Section 1-2 Meeting Cancellations and Postponements

The Mayor may cancel or postpone any meeting because of inclement weather or disaster and will reschedule any postponed meeting at the earliest possible date when a quorum is available.

Section 1-3 Special Meetings

A special meeting of the Council shall be held when called by the Mayor or requested by two or more Members of the Council in accordance with state law. The Council may hold such special meetings as it deems necessary at such times and places, as it may find convenient.

Section 1-4 Meetings held electronically, pursuant to Virginia Code §2.2-3708.2 (A)

- A. The Colonial Beach Town Council may conduct meetings electronically during a State of Emergency declared by the Governor. Public notice shall be given within 3 days of the meeting. Arrangements for public access to the meeting shall be made. The type of electronic communication, electronic communication means and the reason for an electronic meeting shall be included in the minutes.
- B. If a member is unable to attend a meeting due to medical or personal matter, the member may appear electronically, upon approval by the Mayor. There is a two-meeting limit per calendar year for each member to electronically participate due to personal matters. The remote location of the member, and the reason for attendance through electronic communication means shall be recorded in the minutes. If the member's request is disapproved by the Mayor, the reason for disapproval of request shall be recorded in the minutes with specificity.
- C. This shall act as the written policy allowing participation of members by electronic communication means, pursuant to VA Code §2.2-3708.2 (C). All participation by electronic communication shall be audible to all persons at the meeting.

Section 1-5 Quorum and method of voting

- A. A quorum shall consist of a majority of the members of the Town Council, which is four.
- B. It shall be the duty of every member to vote on issues before the Town Council. Each member shall vote by stating "aye," "nay" or "abstain."

Section 2 Officers

Section 2-1 Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Town Council. The Vice- Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and the Vice-Mayor, the members present shall choose one of their members to preside over the meeting.

The Mayor shall appoint individual Council members as the Liaison for the following areas:

- Public Safety
- Economic Development and Department of Planning & Zoning
- Finance
- Administration
- Public Works
- Schools
- NGO's

The Mayor may appoint Liaisons for other areas as necessary and may establish other committees when needed. As with nominations for any committee or appointment, the Council Member nominated may decline.

The Liaison shall serve in a role similar to that of a committee chair. The Liaison shall be responsible for ensuring that matters related to the designated area of the Liaison are thoroughly researched so as to then provide the Town Council with a comprehensive overview.

The Liaison shall keep the other members of Council informed in a timely manner, but at least on a monthly basis of the matters that the Liaison is addressing. The function of the Liaison is to make the deliberations by the Town Council more efficient.

Section 2-2 Preservation of order

At meetings of the Council, the Mayor shall preserve order and decorum.

Section 2-3 Parliamentarian

Except as modified herein or as provided by Virginia law, the most current edition of Robert's Rules of Order for Small Groups shall be the parliamentary authority at all meetings of the Town Council with the following exceptions:

- Members may raise a hand instead of standing when seeking to obtain the floor and may remain seated while making motions or speaking.
- There is no limit to the number of times a member may speak to a debatable question.
- Informal discussion of a subject is permitted while no motion is pending.

The Town Attorney shall act as Parliamentarian to the Council. In the absence of the Town Attorney, the Town Clerk shall act as Parliamentarian. Any questions involving the interpretation or application of Robert's Rules of Order for Small Groups shall be addressed to the Town Attorney or, if not available, to the Town Clerk. If the Town Attorney and Town Clerk are not available, then the Town Manager shall act as Parliamentarian.

Section 3 Conduct of Business

Section 3-1 Order of business

A. At the Council's meeting, the order of business shall be generally as follows:

- Call to Order
- Roll call of members
- Additions to the Agenda
- Approval of the Agenda
- Approval of the minutes

- Regular Meeting - Council Member Announcements
Work Session - Council Liaison and Committee Reports
- Presentations
- Citizen Input
- Unfinished business
- New Business
- Closed meeting (if necessary)
- Recess/Adjournment

Section 3-2 Agenda Details

Every ordinance or resolution which involves the expenditure of funds shall identify the budget line item number that will be used to fund the expenditure.

Section 3-3 Motions

The Mayor need not rise while putting questions to a vote.

The Mayor may, without leaving the chair, speak in informal discussion and debate, and vote on all questions.

Section 3-4 Appeal to Council

Any member of the Council may appeal to the Council from the decision of the Mayor on any question of order or the interpretation of these Bylaws. A majority vote of those present is necessary to overrule the Mayor. No second is required on a member's appeal.

Section 3-5 Suspending Rules

At any time when Council Members wish to proceed on an item or discussion, in a manner that is not in accordance with these Bylaws, a motion to suspend is in order. A vote of majority of the members present is required to suspend the Bylaws.

Section 3-6. Public Comment

Individuals may speak during the portion of the agenda designated for public comment and may speak for up to three (3) minutes. An individual who is representing a group of people may speak for up to five (5) minutes. The Mayor may exercise discretion in these time limits based upon the circumstances but should do so only rarely.

Council members may not interrupt citizen speakers.

Section 3-7 Citizen Questions, Complaints and Suggestions

The purpose of the Public Comment portion of the agenda is to permit citizens an opportunity to address statements to the Town Council. The Public Comment period is not intended as a question and answer session with the Town Council.

In order to promote good government, citizen questions, complaints, concerns, requests, etc. may first be addressed to the Receptionist at Town Hall, who will either answer the questions or refer them to the proper administrators for answers.

The Mayor may, in their discretion, answer a question or a complaint if the answer is brief or may recognize a Council Member to respond. For more involved answers to questions, the Mayor will respond to the citizen by saying that the question has been referred to the Town Manager who will see to it that an answer is provided if the citizen provides their contact information.

Citizen suggestions about the day-to-day practical operations of the Town may be made to the Receptionist at Town Hall, who will direct them, if necessary, to the appropriate departments

Citizen suggestions about Town Council policies and actions may be made during the Public Comment period of Council meetings. The Town Clerk will keep a record of these suggestions. And the Town Council will consider them at its next work session, to determine which suggestions may be appropriate for action at the next, or later, regular meeting.

Section 3-8 Work Sessions

When items are to be included in the agenda for consideration at a work session, a summary sheet providing an overview (including pros and cons) shall be prepared by the appropriate liaison member, or Town Manager, provided to the Clerk and distributed to the Council Members in advance of the work session by the Clerk.

At every work session of the Town Council, the Town Manager shall provide a comprehensive list of all pending items and shall include the most recent status of each item.

Routine administrative matters, may be introduced by motion, including but not limited to simple referral of items to the planning commission and authorization to advertise a public hearing, may be voted on by the Town Council at work sessions.

Section 4 -- Public Hearings

Section 4-1 Mayor to conduct public hearings

The Mayor shall conduct all public hearings.

Section 4-2 Hearing presentations

Hearings shall begin with a brief presentation from a staff member and/or representative from the relevant board, authority, commission or committee. The presentation shall summarize the facts about the issue. Council members' inquiry during the staff's presentation shall be limited to questions about the issue. Discussion or debate about the merits of the proposal shall occur after the close of the public hearing. Council members shall be mindful of their obligation to keep an open mind regarding matters involving public hearings.

Section 4-3 Order of public hearings

The order of public hearings shall be as follows:

A. The Mayor shall open the public hearing.

B. The applicant (or his or her representative) shall be the first speaker(s). Any and all representations made by the applicant to the Town on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Town.

C. The Mayor shall then solicit comments from the public. Each speaker must clearly state his or her name and address.

D. After public comments have been received, the applicant, at his or her discretion, may respond with additional information.

E. Upon the conclusion of the applicant's comments, the Mayor shall close the public hearing.

Section 4-4 Members' participation

Council members shall withhold their comments in public hearings to ensure participation by the public without Council interference.

Section 4-5 Close of hearing

When a public hearing has been closed by the Mayor, no further public comments shall be permitted. Council members, however, may direct questions to the applicant, the representative of the relevant board, authority, commission, committee or a staff member for clarification prior to taking any vote, if a vote is in order.

Section 4-6 Debate

Following the close of the public hearing, the Mayor entertains a motion and a second to address the issue and the Council may debate the merits of the issue.

Section 5 – Agenda

Section 5-1 Preparation

A. The Clerk shall prepare an agenda for each regular and special meeting conforming generally to the order of business specified in Section 3-1(A) entitled "Order of Business". The Town Manager shall coordinate the scheduling of items on the agenda with the Mayor. Every item that is placed on an agenda shall be accompanied by a cover sheet that identifies the action that is recommended, the pros and cons, and relevant background information. Complete agenda packets shall be distributed to the Council and made available to the public by noon on the Friday immediately preceding the Town Council meeting.

B. Council members may request that items be placed on the agenda of a Work Session, for discussion, by contacting the Town Manager and Town Clerk at least eight business days prior to that Work Session. No such item shall be removed without the consent of the requesting Council member.

Before an item is placed on the Agenda of a Regular Meeting for action, that item should have been discussed and vetted at a previous work session. While it may not always be possible because of time constraints to discuss a matter at a work session in order to promote thoroughness and attention to detail, this shall be the generally accepted practice.

C. Appointments may be placed on the agenda for consideration at any time.

D. At least twenty-four (24) hours prior to every regular meeting, the Town Manager shall also provide the Town Council with a written, monthly report as to the current workload being carried and performed by each department so that the Council is aware of pending projects as well as whether additional resources may be needed to support the staff.

E. On a quarterly basis during the months of April, July, October and January, at least twenty-four (24) hours prior to the regular meeting, the Town Manager and the Chief Financial Officer shall provide budget updates. These updates shall state the current revenues and expenditures and the projected end of year outcome. The budget update shall include all funds.

F. Any matter not on the printed agenda may be heard, provided that every member of Council shall have been previously notified and that such a request is in the form of a motion to amend the agenda, is duly seconded, and then voted upon by a majority of the Council. If a resolution for consideration by Council is not included with the printed agenda, Council shall not vote on any such resolution unless a copy of the proposed resolution shall have been provided to every member of the Council prior to the start of the meeting.

Section 5-2 Minutes

The Clerk of the Council shall prepare and maintain minutes of the proceedings of the Council, and Council committees, in accordance with the requirements of the Code of Virginia (1950), as amended. Each recorded vote shall indicate how each member of the Council voted as required

by law. Preparation of minutes will not include every aspect of the Council's meetings relating specifically to discussion and debate but will include all significant events relating to official action. The Clerk will make every effort to provide draft minutes to the Council within thirty (30) days or less of the date of the meeting.

Section 6 -- General Operating Policy

Section 6-1 Actions by individual members of the Council

A. It shall be the policy of the Council that no one member shall exert individual action or direct any Town employee or independent contractor(s), or any Council, authority, commission or committee of the Council, to initiate any action that would require a Town employee or independent contractor(s) to perform any action contrary to the laws, ordinances or policies of the Town, or which would require the expenditure of public funds in any amount without the approval of the Council.

No individual member of the Colonial Beach Town Council possesses any individual authority, much less the authority to require Town Manager, Town Attorney, Town Clerk, Chief Financial Officer, the Police Chief, or any other employee of the Town of Colonial Beach, to engage in any work unless that work is requested by a majority of the Colonial Beach Town Council.

When one or more members of Council and/or the Mayor respond to the media, they shall make it clear whether they are expressing a personal opinion or whether they are representing a formal Council position or decision.

B. It is further the policy of the Council that when the Mayor and/or individual members of Council interact with employees or independent contractor(s) of the Town, that the Mayor and/or individual members of Council conduct themselves in a respectful, civilized and appropriate manner at all times. Under no circumstances is it appropriate for the Mayor and/or any individual member of Council to shout or yell at, or shout or yell in the presence of, any Town Employee or independent contractor(s). Neither the Mayor nor any individual member of Council shall make a comment or statement to any Town employee or independent contractor(s) that is vulgar, insulting, or sarcastic. The Mayor and individual members of Council shall support the maintenance of a positive and constructive workplace environment for Town employees or independent contractor(s) and for citizens and businesses dealing with the Town. The Mayor and individual members of Council shall recognize their special role in dealings with Town employees or independent contractor(s) and shall in no way create the perception of any type of inappropriate direction to staff.

C. The conduct of the Mayor and individual members of Council must be above reproach and must avoid even the appearance of impropriety. Under no circumstances shall the Mayor or any member of Council threaten, either directly or indirectly, any Town employee or independent contractor(s) with the loss of his or her job, position, and/or salary.

D. The Mayor and individual members of the Council shall prepare themselves for every meeting by reading and reviewing the Council packet and they shall listen courteously and

attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers and making personal comments that are not germane to the business before the Council or otherwise interfering with the orderly conduct of the meeting.

E. The Mayor and individual members of Council shall not use the public resources that are not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes. The Mayor and individual members of Council may seek assistance from Town staff with respect to official Town business but shall not monopolize Town staff or interfere in any way with the ability of Town staff to perform their jobs.

F. The Mayor and individual members of Council shall respect the confidentiality of information concerning the property, personnel and/or affairs of the Town. They shall neither disclose confidential information without proper authorization of the Council, nor use such information to advance their personal, financial, or other private interests. Likewise, members of Council shall not use their position on Council for any type of personal gain.

G. Recognizing that stewardship of the public interest must be their primary concern, the Mayor and members of Council will work for the common good of the people of the Town of Colonial Beach and not for any private or personal interest, and they will assure fair and equitable treatment of all persons, claims, and transactions coming before the Colonial Beach Town Council. No member of Council should engage in behavior that is self-important or solicitous of special treatment.

H. No individual Council Member may pursue independently any mission, project or commitment that is not in accordance with the majority of the Council, with the exception of carrying out his or her duties consistent with his or her appointment as an advocate for a specific area of Town government where those duties are in accordance with the consensus of Council. Should any staff member have a question as to whether he or she may proceed with work in response to the request of any one particular Council member, the staff member shall ask that the Mayor indicate how the staff member should proceed.

Section 6-2 Exit interviews

Whenever a Department Head resigns or retires, or a hired specialist (such as an auditor) completes their work for the Town, the Mayor or the Vice Mayor, and the department liaison for the governing body shall conduct an exit interview with that person.

Section 6-3 Discussion of zoning and land use matters

Town Council members shall not engage in negotiations with applicants on zoning or land use matters.

Section 6-4 Polling Procedure

The Town Manager or his designee may separately contact members of the Town Council for the purpose of ascertaining a member’s position with respect to public business, provided the contact does not constitute a meeting as defined in §2.2-3701 of the Code of Virginia.

Section 6-5 Sanctions

Individual members of the Town Council may be held accountable for their actions in violation of these Bylaws and/or state law by the Town Council in accordance with these Bylaws and state law. For example, a member of Council may be punished or fined for disorderly behavior in accordance with Virginia Code § 15.2-1400 the Town Council may censure a member of Council for violation of these Bylaws or other grossly inappropriate behavior.

Section 7 – Amendments Section 7-1 Amendments to the By-Laws and Rules of Procedure

The Bylaws and Rules of Procedure may be amended as necessary by majority vote of the Council.

Colonial Beach Town Council

Recognizing that elected officials hold office as a public trust, as a member of the Colonial Beach Town Council, I agree to abide by the Bylaws and Rules of Procedure and I will place the welfare of the community, and the best interests of the Town of Colonial Beach, above my loyalty to individuals or particular groups. I will ensure the integrity of the Town Council by not giving any special favors or privileges to anyone. I will not intentionally embarrass my colleagues, the Town staff, or citizens. I will behave in a professional, civilized manner at all times. I will not use my public position to benefit me personally. I will be mindful that I am only one member of Council and that I possess no individual authority, excepting the Mayor’s statutory duty to preside at meetings. I will preserve the confidentiality of personal and privileged information shared during a closed meeting. I will not use my elected office to gain any personal privilege.

Given under my hand, this ____ day of _____, 2020.

Council Member

Given under my hand, this ____ day of _____, 2020.

Council Member

Council Member