TOWN OF HERNDON
TOWN COUNCIL RULES OF PROCEDURES

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(Adopted January 7, 2025)

INTRODUCTION

These rules of procedures were designed and adopted for the benefit and convenience of the Herndon Town Council (hereafter "the Council"). Their purpose is to help the Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of *Robert's Rules of Order Newly Revised* for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

SECTION 1 - PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of the Rules of Procedure

A. To enable the Council to transact business fully, expeditiously, and efficiently while affording every opportunity to citizens to witness the operations of government;

B. To protect the rights of each individual Councilmember;

C. To preserve a spirit of cooperation among Councilmembers; and

D. To determine the will of the Council on any matter.

Section 1-2. Basic Principles Underlying the Rules of Procedures

A. The business of the Council should proceed in the most efficient manner possible;

B. The Council's rules of procedures must be followed consistently;

C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;

D. Only one (1) subject may claim the attention of the Council at a time;

E. Each item presented for consideration is entitled to full and free discussion;

F. Every Councilmember shall have equal rights to participate and vote on all issues;

G. Every Councilmember must have an equal opportunity to participate;

H. The will of the majority must be carried out, and the rights of the minority must be preserved; and

I. The Council must act as a body.

SECTION 2 - MEETINGS

Section 2-1. When and Where Meetings are to be Held

The date, time, and place of meetings of the Council shall be established annually by resolution in accordance with Section 2-1 of the Herndon Town Code. Meetings are held in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of meetings or changes to the location or time of meetings shall be given contemporaneously to the Council and public as required by the Code of Virginia.

Section 2-2. Types of Meetings

State law requires a minimum of six meetings to be held per year. The Town Charter Section 3-8 requires that the Council meet at least once per month. The following types of meetings are held by the Council:

A. Regular Meetings. Council regular meetings typically include public hearings and items that are ready for Council action. Regular meetings include a public comment period to provide citizens with the opportunity to address Council on any topic they choose.

B. Work Sessions. Council work sessions shall be the designated time where items that affect the Town, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and possible consideration for a vote at a later date. The Council and the Town's staff are encouraged to engage in discussion, ask questions, and the like during the Council work sessions. Unless a motion to consider for adoption is approved by a two-thirds vote of the membership of the Council, no items will be positioned for a vote during a Council work session. Motions to enter into closed meetings are excepted from this rule. While open to the public, there is no public comment opportunity at work sessions.

C. Special Meetings. Special meetings may be called at any time by the Mayor or by four (4) members of the Council and declared in writing to the Town Clerk for the purpose stated in the notice of the special meeting, as provided in the Town of Herndon Charter Section 3.8. The Town Clerk shall notify the Councilmembers of the date, time, and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means.

Section 2-3. Legal Holiday

When a regular meeting falls on a legal holiday, the meeting shall be held on the immediately following Tuesday, or as provided in the adopted resolution to establish the Council meeting schedule.

Section 2-4. Adjourned or Recessed Meetings

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by the Call to Order. A meeting of the Council is recessed when the Council takes a break between sittings, and the recessed business is resumed where it left off.

B. A properly called meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such recessed or adjourned session of a properly noticed meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A meeting may be cancelled or rescheduled, due to a lack of items for consideration, the inability to obtain a quorum, or due to weather or other condition(s) such that it is hazardous for members to attend the meeting. The Mayor shall declare the notice of cancellation in writing and the Councilmembers shall be immediately notified of the change and the reason therefore. The notice of such postponement or cancellation and the rescheduled date, time, and place shall be promptly published by the Town Clerk.

Section 2-6. Organizational Meeting

The first meeting in January of odd years shall be known as the organizational meeting. The purpose of the organizational meeting shall be:

A. To establish the dates, times, and places for its regular meetings for the calendar year;

B. Elect a Vice Mayor for the two-year term; and

C. Adopt its Rules of Procedures for the two-year term.

Section 2-7. Procedure for Election of Vice Mayor

A. The first meeting in January of odd years shall be reserved for the election of Vice Mayor, as follows:

   1. The Chair shall call for nominations from the membership of the Council.

   2. Any Councilmember, after being recognized by the Chair, may place one (1) or more names in nomination and discuss their opinions on the qualifications of the nominees.

   3. After all nominations have been made, the Chair shall close the nominating process and open the floor for discussion.

   4. After discussion, the Chair shall call for the vote.

   5. The Councilmembers shall vote by roll call, with the vote announced by the Town Clerk.

   6. Each Councilmember shall cast one (1) vote for any one (1) nominee.

   7. In the case of a three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.

   8. A majority of those voting shall be required to elect the Vice Mayor.

B. The Vice Mayor shall serve for a term of two (2) years, or until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at their immediate left. The Mayor shall determine the seating for the remaining Councilmembers. The seating for work session meetings shall be determined by the Mayor in their discretion.

SECTION 3 - OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Councilmembers present shall choose one of themselves as temporary Chair.

Section 3-2. Town Clerk

The Town Clerk shall be appointed by the Town Manager. They shall compile and distribute the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings.

Section 3-3. Parliamentarian

The Town Attorney shall serve as the Parliamentarian for the purpose of interpreting these rules of procedure and the Code of Virginia as may be directed by the Chair, or as required as a result of a point of order raised by one (1) or more of the Councilmembers. If the Town Attorney is unavailable, then the Town Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the Chair shall preserve order and decorum. The Chair shall have the following powers:

    1. 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;

    2. To determine whether a speaker has gone beyond reasonable standards of courtesy in their remarks, and to entertain and rule on objections from other Councilmembers on this ground;

    3. To entertain and answer questions of parliamentary procedure, with the assistance of the parliamentarian, if necessary;

    4. To call a brief recess at any time without the Council's vote or appeal; and

    5. To adjourn without the Council's vote or appeal.

B. A decision by the Chair under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember making the motion need not be recognized by the Chair, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two (2) exceptions to this right of appeal, noted in subsection C.

C. The Chair may adjourn without the Council's vote or appeal, and they may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the Councilmembers.

D. While a meeting of the Council is in session, all Councilmembers will treat one another with respect, courtesy, and exhibit appropriate decorum. Councilmembers shall not insult, demean, or belittle one another while a meeting of the Council is in session or insult, demean, or belittle Town staff.

SECTION 4 - AGENDA

Section 4-1. Preparation

A. The Mayor and Town Manager shall prepare an agenda for the Council's meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business."

B. Any Councilmember may request items to be placed and published on a meeting agenda by completing an "Agenda Request Form" and submitting it to the Mayor and Town Manager at least six (6) business days prior to the meeting for which the Councilmember wishes the item scheduled. Such items requested to be placed on the agenda shall first appear before the Council during a work session for discussion, during which the Chair may obtain consensus to direct staff to prepare and schedule the item for a future agenda. Alternatively, Councilmembers may bring items for discussion during the roundtable portion of the work session agenda as described under Section 5-1.7; these items do not need to be added to the agenda in advance of the meeting.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline and with necessary background information, as determined by the Mayor, may be placed on a future agenda for discussion once the required information is provided within timelines. Alternatively, the Councilmember may choose to bring the item up for discussion with the body during the roundtable portion of a work session meeting; however, the roundtable portion is reserved for discussion only and no Councilmember will make a formal presentation.

Section 4-2. Delivery of Agenda

The Council agenda packet is distributed electronically to the Town Council, Town Attorney, and Town Manager on the Friday before a scheduled Town Council meeting.

Section 4-3. Public Access to Agenda Materials

The Town Clerk shall post the Council agenda packet and legal advertisements on the Town's website and at the Herndon Municipal Center contemporaneously with the agenda distribution to Town Council.

SECTION 5 - ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council, the order of business shall generally be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Presentations/Reports/Comments
   a. Presentation (if any)
   b. Town Manager Report
   c. Councilmember Comments
4. Comments from the Audience
5. Public Hearings
6. General
7. Consent
8. Closed Meeting (if necessary)
9. Adjournment

B. At work sessions of the Council, the order of business shall generally be as follows:

1. Call to Order
2. Discussion
3. Roundtable
4. Closed Meeting (if necessary)
5. Adjournment

C. The order of business may be modified by the Town Manager to facilitate the business of the Council.

Section 5-1.1. Comments from the Audience

A. Every petition, communication, or address to the Council shall be in respectful language.

B. General rules regarding Public Comment are as follows:

1. Comments from the Audience shall be for the purpose of allowing members of the public to provide comments, requests, consent, or general item comments, and comments on matters not included on the agenda. They shall not serve as a forum for debate with the Council.

2. Remarks shall be addressed directly to the Council and not to Town staff, the audience, or the media.

3. The Chair shall open the Comments from the Audience period.

4. Each speaker shall clearly state their name and address for the record.

5. There shall be a time limit for each individual speaker of three (3) minutes.

6. Speakers utilizing interpretation services shall be provided three (3) minutes to speak; the interpretation will not be counted toward the three-minute time limit.

7. Speakers are not permitted to donate time to other speakers.

8. There shall be no comment during the Comments from the Audience period on a matter for which a public hearing is scheduled during the same meeting.

9. Councilmembers shall not discuss issues raised by the public except by consent of a majority of Council present.

10. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Town Clerk.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the Council orally, except at the discretion of the Chair. No speaker's time shall be extended except in the discretion of the Chair.

D. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit their comments to the Town Clerk by 4:00 p.m. on the day of the Town Council meeting. Comments are encouraged to be submitted by email to town.clerk@herndon-va.gov.

Section 5-1.2. Public Hearings

A. This section of the agenda shall be for public hearings as required by Town, State, or Federal law, or as the Council may direct.

B. The Chair shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The Chair shall open the public hearing.

2. Public hearings shall begin with a brief presentation from a staff member and/or representative from the applicable board, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers may seek clarification following the presentation.

3. In land use cases the applicant or their representative shall be the first speaker(s) following the staff presentation. There shall be a time limit of ten (10) minutes for the applicant(s) or their representative's presentation.

4. The Chair shall then solicit comments from the public and call on Comments from the Audience for the public hearing item. Each speaker must clearly state his or her name and address for the record. There shall be a time limit of three (3) minutes for each individual speaker. A speaker representing a group shall identify the group at the beginning of their remarks. The Chair may allow any speaker to proceed past the time limit.

5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at their discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the Chair shall close the public hearing.

D. Emails, letters, and other writings to be included as part of the public hearing record shall be provided to the Town Clerk by 4:00 p.m. on the applicable public hearing date. Such emails, letters, and other writings need not be read publicly.

E. When a public hearing has been closed by the Chair, no further public comment shall be permitted. The Councilmembers, however, may direct questions to the applicant, the representative of the applicable board, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

F. Following the close of the public hearing, the Chair may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Section 5-1.3. General

This section of the agenda shall include items of a general nature to be considered by the Council. After the Chair has stated the item for consideration, staff may be asked to provide a brief summary.

Section 5-1.4. Consent

A. The Consent section of the regular meeting agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.

2. Ordinances or resolutions that are routine.

3. Final/second readings of appropriations, ordinances, or resolutions which received unanimous approval upon introduction at a previous meeting.

4. Any item believed by the Town Manager or Chair to be routine and not controversial in nature.

B. Consent shall be introduced by a motion "to approve," and shall be considered by the Council as a single item.

C. Upon request of a Councilmember, an item shall be removed from Consent. The item shall be considered separately after adoption of Consent.

Section 5-1.5. Closed Meetings

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative recorded vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Virginia Freedom of Information Act, which authorizes the Closed Meeting.

2. The Councilmembers shall request the assistance of the Town Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation, or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed, or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the Chair's call for the vote, indicating the substance of the departure that, in their judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the Councilmembers present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Virginia Freedom of Information Act.

Section 5-1.6. Discussion

Discussion items are used to inform or brief the Council on town issues or activities, or to discuss items that might require guidance, input, or direction from the body on a particular issue or topic impacting the town. Discussion items are scheduled during work sessions, which allow for a more informal and collaborative environment for the Council and staff to work together on town-wide issues.

Section 5-1.7. Roundtable

A. Roundtable shall be the designated time where Councilmembers may individually and publicly speak to matters relevant to the Town, its citizens, and/or the operations of the municipal corporation. Any Councilmember may use the Roundtable portion during a work session meeting to bring up items for discussion with the body. Items discussed during Roundtable do not need to be provided in advance or included in advance on a published meeting agenda.

B. Debate shall not be permitted during Roundtable.

C. For items discussed during Roundtable, the Chair may obtain consensus from the body to direct staff to obtain additional information and schedule the item for a future work session. If consensus of the majority of the body is not reached, no future staff time will be expended on the topic and the item will not be added to a future agenda.

Section 5-2. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;

2. Promote private business ventures;

3. Use profanity or vulgar language or gestures;

4. Use language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;

5. Make non-germane or frivolous statements;

6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;

7. Engage in behavior that intimidates others;

8. Address the Council on issues that do not concern the services, policies, affairs of the Council or the Town; or

9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chambers.

B. The Chair shall preserve order and decorum at the Council meetings. They may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which they were expelled.

Section 5-3. Items Not on the Agenda

With the majority vote of Council, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

SECTION 6 - RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, 1950, as amended, a majority of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. A quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. Town Code Section 2-4, in accordance with Section 2.2-3708.3 of the Code of Virginia, sets the policy for the Council's electronic participation in public meetings. The policy requires that for a member to participate electronically, a quorum of the public body must be physically assembled at the primary or central meeting location. If a physical quorum is not present at the meeting location, then the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

D. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Town Clerk shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

E. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia, 1950, as amended, provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two (2) or more members of the Council wish to speak at the same time, the Chair shall name the one to speak.

Section 6-3. Comments and Queries of Councilmembers

Councilmembers are to observe the following rules during the discussion of agenda items:

A. The Chair shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The Chair shall rule other comments out of order.

B. The Councilmembers may address questions to the Town Manager or staff present at the meeting. Staff members should be at a microphone when answering Councilmembers' questions. All legal questions should be addressed to the Town Attorney.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one (1) at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all Councilmembers present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Councilmembers present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. In the instance of silence, the Chair shall seek verbal consensus from all members.

Section 6-5. Motions

A. Informal discussion of a subject is permitted while no motion is pending.

B. Any Councilmember, including the Chair, may make a motion.

C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated.

D. A Councilmember may make only one (1) motion at a time.

E. Except for matters recommended by a committee of the Council, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

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

B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7. Procedural Motions

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

B. In addition to substantive motions, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, requires a majority of the votes cast, and a quorum being present for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Chair. A decision of the Chair ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The Councilmember making the motion need not be recognized by the Chair, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action in a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending.

4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of the Councilmembers present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

   a. The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.

   b. The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it

is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

c. Section 15.2-2286 of the Code of Virginia, 1950, as amended, requires that a zoning matter must be "acted upon" within a "reasonable time," not exceeding one (1) year. The Council may defer action on a zoning matter for consideration at a more convenient time. However, the Council may not dispose of a zoning matter with a motion to postpone indefinitely.

6. To Call the Question. The motion to call the question is not in order until every Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions maybe made.

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the Chair puts the motion to a vote, whichever is first.

10. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. To Prevent Reintroduction for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months.

Section 6-8. Debate

The Chair shall state the motion and then open the floor to debate. The Chair shall preside over the debate according to the following general principles:

A. The maker of the motion is entitled to speak first;

B. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;

C. The Chair may participate in the debate prior to declaring the matter ready for a vote; and

D. Councilmembers shall not engage in electronic communications amongst themselves or the public regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

A. Each Councilmember who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests Act or unless excused from voting by the other Councilmembers. A Councilmember who wishes to be excused from voting shall state his or her reasons for abstaining and the Chair shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the Councilmember to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Town Clerk to note the abstention and the reason for abstaining for the record.

Section 6-10. Method of Voting

A. After debate, the Chair shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half, which is four (4).

C. An "affirmative vote" by a majority of the Council present is necessary to adopt a motion, and a tie vote means that the motion, resolution, or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting, unless otherwise required by the Code of Virginia.

Section 6-11. Decisions on Points of Order

A point of order is a motion made by a member of a body when they feel the rules of the body have been violated. Any Councilmember may raise a point of order without being recognized by the Chair. The Chair shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the Chair who shall then make a ruling on the point of order. A Councilmember may appeal the ruling of the Chair to the Council which shall decide the matter by majority decision.

SECTION 7 - BOARDS, COMMISSIONS, AND COMMITTEES

Section 7-1. Appointments to Boards, Commissions, and Committees

A. Members of boards, commissions, and committees shall be appointed by an affirmative vote of a majority of the Councilmembers to serve specified terms as may be deemed appropriate by the Council.

B. Ad hoc committees may be created from time to time by the Council, for specific purposes, as determined by the Council.

SECTION 8 - GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular and work session meetings of the Council shall be livestreamed on the Town of Herndon website and broadcast live on Herndon Community Television (HCTV) Channel 23 on Cox Communications and Channel 28 on Verizon FIOS. Copies of the broadcast may be obtained by downloading the video from the website or by contacting the Town Clerk.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Town Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. For example: for the first resolution in January 2025, the resolution number would be shown as: #25-G-01. Ordinances shall also be numbered consecutively, for example: #25-O-01.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council's meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record of the Council's votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment to these rules shall require an affirmative vote of four (4) members of the Council.

SECTION 9 – ATTACHMENTS

A. Request to Add Agenda Item Form

B. Request to Participate Remotely Through Electronic Communication Means Form

Town Council Agenda
Request to Add Item Form

The deadline to submit a request for a discussion item to be added to a work session agenda is five (5) business days before the requested meeting date. Completing and submitting this form does not constitute direction to staff to perform any pre-work on the requested topic prior to the meeting. The purpose of adding an item to the agenda is to provide a description of the issue and background information to the Council body prior to discussing the item during a public work session.

Alternatively, Councilmembers may bring items up for discussion with the body during the Roundtable portion of a work session without first adding the item to a published agenda.

Submission Date:	
Requested by:	
Work Session Date Requested:	
Short Description of Issue or problem item addresses:	Briefly describe the topic for discussion and what is being requested that the body consider.
Background Information:	Provide more detailed information and background related to the topic.
Timing Impact:	Describe why this item is being brought to the body at this time for discussion.
Strategic Focus Area:	List applicable Strategic Focus Area(s) from the Adopted Strategic Plan.
Possible Fiscal Impact/Cost	
Possible Legal Impact:	
Possible Staff Impact:	
Recommendation for Action / Suggested Next Steps:	
Attachments:	Please list and attach all documentation and materials to be included in the agenda materials and presented at work session.

Town Council Request to Participate Remotely Through Electronic Communication Means

In accordance with Virginia Code Section 2.2-3708.2, Herndon Town Code Section 2-4, and the Rules of Procedures of the Herndon Town Council, I hereby notify the Chair that I am requesting permission from the Town Council (Council) to electronically participate at the Council's

_____meeting.
(insert date)

I. I hereby certify that *(check A or B)*:

A. ___ I am unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents my physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; OR

B. ___ I am unable to attend the meeting due to the following specifically identified personal matter:

_____
(insert personal matter)

AND I have not already participated electronically due to a personal reason in excess of two meetings this calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater; AND

II. The remote location from which I plan to electronically participate is

_____
(insert location)

This remote location will/will not *(circle one)* be open to the public *(need not be open to the public);* AND

III. I verify that my participation in any closed session of the meeting shall remain confidential and not be disclosed to any unauthorized persons or entities.

DATE: _____ _____
(on or before day of meeting) Member of the Council

NOTE: *This form should be provided to the Chair and the Town Clerk on or before the date of the meeting and shall be included in the meeting minutes*.