



**RULES OF ORDER AND PROCEDURE**  
**Portsmouth City Council**  
**(as amended July 25, 2023)**

# **RULES OF ORDER AND PROCEDURE**

## **Portsmouth City Council**

### **PART 1. Rules and Procedures Governing City Council Meetings.**

#### **Section I. MEETINGS**

a) Regular or Scheduled Meetings.

There shall be regular meetings of the City Council, unless otherwise provided by special resolution, beginning at 7:00 p.m. on the second and fourth Tuesday in each month except in the month of December, when the regular meeting shall be on the second Tuesday. Zoning matters will normally be considered at the first regular meeting of each month.

b) Special Meetings.

The Mayor or any three members of the City Council may call a special meeting of the Council. If the City Manager desires a special meeting, he shall so inform the City Clerk. The City Clerk shall then poll Council Members, and if at least four members consent to the meeting, the meeting shall be scheduled, and the City Clerk shall issue a call letter indicating that the meeting has been called by request of the City Manager.

The City Clerk shall cause notice in writing of all special meetings of the City Council to be delivered at least twenty-four hours prior to the time appointed for such meetings to each member of the City Council personally or at such member's usual place of business or residence. Notice of each special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at such meeting except by the unanimous consent of all the members of the Council.<sup>1</sup>

In an emergency, by written consent of a majority of all the members of the City Council, a special meeting may be held with less notice, provided that the City Clerk, in writing, certifies that an attempt was made to notify each member of the Council at their usual place of business or residence.

c) Public Work Sessions.

The City Council may hold public work sessions to allow the City Manager to brief the Council and receive direction and guidance on matters facing the City. The City Manager shall provide to Council and the public an overview of all items on the agenda. Such meetings may be held at such time and place as may be appropriate, provided such meetings are called as required herein.

The business of all public work sessions shall be transacted in the following order, unless the Council by approval of the majority of the members present shall suspend the rules and change the order:

1. Presiding Officer Calls the Meeting to Order
2. Roll Call by City Clerk
3. Public Work Session
4. Motion for closed meeting, if needed
5. Adjournment

(d) For all meetings.

If any Council Member is absent from a meeting, the City Clerk shall provide to that Council Member at the earliest reasonable opportunity all written materials handed out at the

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<sup>1</sup>This requirement is also contained in Portsmouth City Code §2-59 and thus applies even if the Rules are suspended.

meeting, and also such audio and video tapes of the meeting as may be available. When tasks are assigned to any Council appointee at a meeting, a written record of those assignments, and their subsequent status, shall be maintained and reported to Council in such manner as is satisfactory to Council. This record shall also be available to interested citizens. Minutes of all meetings, including informal work sessions, shall include records of all Council requests for reports from management, including the date when any such report is due. The reports shall be timely provided in future meetings under the category of reports on pending items.

## **Section II. PLACE**

All meetings of the City Council shall be held in the Council Chamber, 6th Floor, City Hall, 801 Crawford Street, unless the call of a special meeting or other notice with respect to a regular meeting specifying some other place of meeting shall have been delivered to each member of the Council personally or at such member's usual place of business or residence at least twenty-four hours prior to the time of such meeting, but nothing herein shall be construed as prohibiting the continuation of any meeting to any other time or place.

## **Section III. PRESIDING OFFICER**

The Mayor shall preside at the meetings of the Council, or in the Mayor's absence, the Vice Mayor, and at the hour appointed for the Council to meet, shall immediately call the members to order.

## **Section IV. TEMPORARY CHAIRMAN**

In the event the Mayor and the Vice Mayor are absent from a meeting or unable to preside, the City Clerk shall call the Council to order and call the roll of the members. If a quorum is found to be present, a Mayor Pro Tempore shall be elected by a majority vote of those present to preside during the absence or disability of the Mayor and Vice Mayor. The City Attorney shall preside over any such meeting until a Mayor Pro Tempore shall have been elected, which shall be the first order of business of any such meeting.

## **Section V. DECORUM AND ORDER**

No language or conduct detrimental to the function of the meeting shall be permitted. The Presiding Officer shall maintain the dignity of the meeting, preserve decorum and order, and shall call out of order any person violating these rules of order and procedure. Applause shall be permitted only during awards and presentations. During all other agenda items, a speaker may request an expression of consensus, support, or opposition by calling for a show of hands or for members of the audience to silently stand.

No citizen shall be permitted to make personal accusations or attacks against another citizen.

The Presiding Officer shall decide all questions of order, without debate, which shall be subject to appeal to the Council by any member thereof. A question of order takes precedence over the question giving rise to it. Except for conduct reasonably perceived as posing an immediate threat to the physical safety of the other members of Council or the public, no member of Council shall be ejected from a Council meeting for disorderly conduct except by majority vote of the members of Council then present.

The Chief of Police or his designee shall act as Sergeant-At-Arms at all City Council Meetings. The Sergeant-At-Arms shall, under the direction of the Presiding Officer, have charge of the Council Chamber and shall prevent any interruption of the business of the Council by disorder within or without.

Cameras, video recorders, and other recording devices may not be used any closer to the dais than the speaker's podium, unless otherwise directed by the Sergeant-At-Arms. This restriction does not apply to devices used by the City's Information Technology and/or Marketing & Communications Departments to record the official video recordings of Meetings and Public Work Sessions.

#### **Section VI. QUORUM; ATTENDANCE**

A majority of the members of the City Council shall constitute a quorum for the transaction of business. In the absence of a quorum, the City Clerk shall, at the time appointed for the meeting, enter upon the record the names of the members present. Council may adjourn upon recorded vote of a majority of those members present.

Members of Council are expected to make every reasonable effort to be present at all meetings. No member, after his or her name has been duly entered as present, shall be absent from the Council Chamber for a period longer than ten minutes, without being denoted by the City Clerk as absent.

#### **Section VII. CITY CLERK**

The City Clerk shall attend all meetings of the Council and keep a written record of the proceeding thereof, including subjects and issues discussed, and what actions are taken or are anticipated to be taken at all meetings of Council. Any and all powers and duties imposed on the City Clerk by these rules may be performed by the designee of the City Clerk.

The City Clerk shall set forth the language in full of any resolution and motion and the title of any ordinances which may be adopted by the Council; the City Clerk shall also set forth the name of the Council member who proposes and seconds any motion, resolution or ordinance, and shall record the votes of the Council members thereon.

The City Clerk shall cause to be recorded in an Ordinance Book all ordinances and all amendments to ordinances adopted by the City Council, and shall cause to be published such ordinances, resolutions, motions and records as are required by law or directed by the City Council.

The City Clerk will make a complete copy of the minutes of the meeting of Council available to the public within five working days following the close of such meetings, noting thereon that the minutes are subject to approval by City Council.

#### **Section VIII. CITY MANAGER**

The City Manager shall attend all meetings of the Council, with the right to take part in the discussion, but having no vote. Any and all powers and duties imposed on the City Manager by these rules may be performed by the designee of the City Manager.

#### **Section IX. CITY ATTORNEY**

The City Attorney shall attend all meetings of the Council and shall render opinions when requested upon question of law or procedure, including questions of parliamentary procedure. Any and all powers and duties imposed on the City Attorney by these rules may be performed by the designee of the City Attorney.

#### **Section X. CITY ASSESSOR.**

The City Assessor shall attend all meetings of the Council and shall, at the request of City Council, render opinions and provide other information related to the valuation and assessment of real property in the City. Any and all powers and duties imposed on the City Assessor by

these rules may be performed by the designee of the City Assessor.

## **Section XI. CITY AUDITOR**

The City Auditor shall attend all meetings of the Council and shall, at the request of City Council, provide information related to the proper expenditure and use of City funds. Any and all powers and duties imposed on the City Auditor by these rules may be performed by the designee of the City Auditor.

## **Section XII. SEATING ARRANGEMENT**

The Presiding Officer shall be seated in the middle of the Council table, with the City Manager, City Clerk, and City Attorney to the right of the Presiding Officer. At the biennial reorganization of the Council, the remaining members of the Council shall select their seats in order of seniority on City Council. Thereafter, Members may change seats among themselves by mutual consent. Council may at any time modify the seating arrangement.

## **Section XIII. MEETING PROCEDURE**

### a) Agenda.

No resolution or ordinance shall be brought before the Council unless it appears on the agenda of business for that meeting, or is relevant thereto; provided they may be included on the agenda at such meeting by motion approved by a majority vote of all Council members present.

### b) Change of order.

The Presiding Officer may at any time, with approval of a majority of the members present, permit consideration of an ordinance, resolution or motion without the regular order.

### c) Speech by members of City Council.

A member of the City Council may speak only after being recognized by the Presiding Officer and shall confine his or her remarks to the question before City Council.

## **Section XIV. ORDER OF BUSINESS**

The business of all regular meetings of the Council shall be transacted in the following order unless the Council by consent of a majority of the members present, shall suspend the rules and change the order:

- A. Invocation
- B. Pledge of Allegiance to the Flag
- C. Roll Call by the City Clerk
- D. Approval of Minutes of Previous Meetings
- E. Recognitions and Presentations
- F. Public Hearings
  1. Public hearings on non-zoning matters
  2. Public hearings on zoning matters
- G. Unfinished Business
  1. Consent Agenda
  2. Other Unfinished Business
- H. City Manager's Report
- I. New Business
  1. Appointments to Board and Commissions
  2. Items Submitted by Council Members
- J. Report of the City Manager to City Council and citizens on matters assigned to

- management by City Council during a prior Council meeting.
- K. Remarks by citizens.
- L. Adjournment

## **Section XV. INTENTIONALLY OMITTED**

### **Section XVI. VOTING**

- a) Voting Requirement; Abstention.

Each member present, when a question is put, shall vote either “aye” or “nay” except as provided in this section. No member shall abstain from voting on any matter unless such vote is prohibited by applicable provisions of the Virginia State and Local Government Conflict of Interests Act or would constitute an act of impropriety under the circumstances<sup>2</sup>. In all cases of abstention, the member shall advise the Council of the intention to abstain and the reasons therefor; and thereafter the member shall not participate in the transaction in any other way.

- b) Electronic Roll Call Votes; Roll Call Votes.

(1) Electronic roll call votes, in which the name of each member voting and how that member voted are publicly displayed on the electronic voting board and duly recorded, shall be required for any official vote, unless an electronic roll call vote is not feasible.

(2) If an electronic roll call vote is not feasible for any reason, there shall be a roll call vote. On all roll call votes, each member of the City Council shall vote as the member’s name is called in alphabetical order, except that the Mayor or other Presiding Officer shall vote last.<sup>3</sup>

- c) Voice Votes; Verification.

Any vote for which an electronic roll call vote is not required shall be by voice vote, in which the members vote by voice and individual votes are not required. On the request of any member for verification of the outcome of any voice vote, the Mayor shall poll the members individually, in the order set forth in the preceding paragraph.

- d) Adoption on date of introduction.

All ordinances, resolutions, and motions may be adopted on the date of their introduction.

- e) Zoning matters.

An ordinance or resolution approving a zoning application may be adopted on the date of Council’s first reading of the application in accordance with subsection (d) above. If City Council approves a zoning application on first reading, then no additional reading shall be

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<sup>2</sup>This same requirement for abstention is also imposed by Portsmouth City Code §2-74.

<sup>3</sup>Matters upon which Council votes are generally passed by affirmative vote of a majority of members present. Robert’s Rules of Order, § 46. However, there are certain types of votes for which a special vote requirement is imposed. For any ordinance or resolution appropriating over \$500, imposing taxes, or authorizing the borrowing of money, there must be a recorded affirmative vote of a majority of all members *elected* to Council, not just members present. Portsmouth City Code §2-29. For any action to sell the rights of the City in and to its waterfront, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, there must be a recorded affirmative vote of “three-fourths of all the members elected to the [Council],” which is six votes. Constitution of Virginia, Art. VII, §9. After final rejection of an ordinance or resolution, another ordinance or resolution “of substantially the same import” shall not be placed on the agenda or considered by Council for three months without the “petition” of five members of Council. Portsmouth City Code, §2-71. If an application to amend the text of the Zoning Ordinance or the Zoning Map is denied by City Council, no application for substantially the same change shall be filed until twelve (12) months from the date of the denial. Portsmouth City Code §40.2-532(I) (See §40.2-533(I) for a similar provision for use permits).

required and the application shall be deemed finally approved. If City Council denies a zoning application on first reading, then at the discretion of City Council there may be a second reading of the application at a subsequent meeting. If the application is approved on a second reading, then the application shall be deemed finally approved. If the application is denied on a second reading, or if City Council declines to hold a second reading, then the application shall be deemed finally denied.

## **Section XVII. REQUESTS BY CITIZENS TO ADDRESS COUNCIL**

### **a) Speakers.**

All requests from members of the general public to address City Council on a subject on the business agenda or on a non-agenda item shall be submitted to the City Clerk prior to the calling of the meeting to order. Provided, however, prior requests shall not be required as a condition to speak during any public hearing. If City Council considers an official vote on a resolution or an ordinance during Section I(2) ("New Items by Council Members"), then it shall be treated as a public hearing, and any citizen shall be entitled to speak for up to five minutes prior to the vote, without having to make a prior request to speak.

Requests to speak shall be on registration forms prescribed by the City Clerk and shall include the name of the speaker, his or her address, telephone number, the name of the group or organization, if any, on whose behalf he or she is speaking, the number of the agenda item to which the citizen will speak and whether the speaker supports or opposes the agenda item. For non-agenda items, the request shall also identify the subject matter or topic on which the person will speak.

Unless the speech is limited by law, ordinance, or Council rules and procedures, or the item in question is a personnel matter which was or could have been discussed in a closed meeting under Va. Code § 2.2-3711(A)(1), a person may be recognized to speak on any item on the City Council agenda designated as a Public Hearing; and a person may register to speak on any item on the City Council agenda: (a) designated as Unfinished Business requiring Council action; (b) on the City Manager's Report requiring Council action; (c) designated as a forum for Non-Agenda Speakers; or (d) as otherwise required under these City Council Rules of Order and Procedure.

A speaker must remain on subject. Therefore, a non-agenda speaker may not address agenda items and vice versa. All remarks shall be directed to the City Council as a body rather than to any particular member of City Council or any member of staff or the audience. All comments should be limited to matters that only the Portsmouth City Council can influence. The Clerk shall advise citizens of this requirement and the Presiding Officer shall enforce it, as needed. Each speaker shall have a maximum speaking time of five minutes for each occasion on which he or she speaks. A person may not relinquish or transfer his speaking time to another person.

When two or more speakers desire to address the same subject, they shall be permitted to speak in the order in which the requests were submitted on the date of the meeting.

### **b) Addressing Council.**

Any person addressing the Council shall conform to this section, and for any failure to so conform, he or she shall be declared out of order by the Presiding Officer and shall forthwith yield the floor.

## **Section XVIII. PRESENTATION OF DOCUMENTS BY CITIZENS**

All documents, exhibits or other matters relative to the business before the City Council shall be submitted to the Sergeant at Arms' Table.

**Section XIX. APPOINTMENTS BY THE COUNCIL**

All appointments by the Council shall be by recorded vote, as per Section XIV(b). To be appointed, the nominee must receive a majority vote of those present.

**Section XX. ANONYMOUS COMMUNICATIONS**

Anonymous communications shall not be introduced to the Council.

**Section XXI. SUSPENSION OF THE RULES**

Any provision of these rules, other than an action for which a greater than majority vote is required by applicable authority, may be temporarily suspended with the approval of a majority of the members of Council present<sup>5</sup>.

**Section XXII. APPLICABILITY OF ROBERT’S RULES OF ORDER**

Robert’s Rules of Order shall govern the City Council in all cases to which they are applicable and in which they are not inconsistent with the rules of the Council or applicable special or general law<sup>6</sup>.

**Section XXIII. CLOSED MEETINGS.**

A closed meeting allows the City Manager and the City Attorney the opportunity to brief City Council on matters facing the City under circumstances in which the public interest would not be best served by discussion in open session. The topics which may be discussed in a closed meeting are limited to topics which may permissibly be discussed in closed meetings pursuant to the Virginia Freedom of Information Act. A closed meeting is permitted when authorized by law; but it is not required. City Council may conduct a closed meeting only after a recorded roll call vote to go into a closed meeting, in the manner required by law. At the conclusion of a closed meeting, City Council shall vote on certification of the propriety of the discussion that took place therein, by recorded vote in the manner required by law. Newly elected Council Members whose terms have not commenced shall be invited to attend all closed meetings and may participate in discussions at closed meetings and during work sessions.

**PART 2. Rules and Procedures Governing Council Matters Other Than Meetings.**

**Section I. Evaluation of City Council Appointees.**

City Council will evaluate the performance of each of its appointees annually. Each Council member will evaluate the City Clerk, the City Manager, the City Attorney, the City Assessor, and the City Auditor utilizing evaluation forms provided to Council by its Personnel Committee. Council will discuss the results of its evaluations with each appointee in closed meeting on the Monday immediately preceding its first regular Tuesday meeting in June.

**Section II. Written Communications.**

City Council will copy all Councilmembers, City Manager, City Attorney, and City Clerk

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<sup>5</sup>This same requirement is imposed by Portsmouth City Code §2-76.

<sup>6</sup>This same requirement is also imposed by Portsmouth City Code §2-75, which authorizes adoption of these rules.



on written correspondence and emails reflecting the policies and positions of the City of Portsmouth.