

Ordinance Amending Section 2-42 of the City Code Concerning Special Meetings of City Council

WHEREAS, The City Council of the City of Charlottesville is authorized by Virginia law to establish procedures for the conduct of its meetings, subject to applicable provisions of the Code of Virginia; and

WHEREAS, Section 15.2-1418 of the Code of Virginia prescribes the manner in which special meetings of local governing bodies shall be called and conducted, including requirements relating to the call of such meetings, notice to members, and limitation of business transacted; and

WHEREAS, The Virginia Freedom of Information Act, codified at § 2.2-3700 et seq. of the Code of Virginia, requires that all meetings of public bodies be open to the public and that public notice of such meetings be provided; and

WHEREAS, Section 2-42 of the Code of the City of Charlottesville was originally enacted in 1976 and has not been substantively amended since its adoption; and

WHEREAS, The City has at all times conducted the meetings of City Council in compliance with applicable requirements of state law, including public notice and open meeting requirements; and

WHEREAS, Section 2-42 of the Code of the City of Charlottesville currently contains language that may be construed to authorize special meetings without notice in a manner inconsistent with state law; and

WHEREAS, The City Council desires to amend Section 2-42 to clarify that all special meetings shall be called and noticed in accordance with state law and to eliminate any ambiguity regarding public notice requirements;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville:

Section 2-42 of the Code of the City of Charlottesville is hereby amended and reenacted in its entirety to read as follows:

Sec. 2-42. Call of special meetings; limitation on business transacted.

(a) A special meeting of the council may be called by the mayor, or by the vice-mayor if acting in the mayor's stead, or upon the written request of any three (3) members of the council. The call or request shall be made to the clerk of council and shall specify the matters to be considered at the meeting.

Upon receipt of such call or request, the clerk of council shall, after consultation with the mayor or vice-mayor, provide written notice to each member of council, delivered in person or to the

member's place of residence or business, or by electronic mail or facsimile if so requested by the member, to attend such meeting at the time and place stated in the notice.

(b) Notice of special meetings shall be given in accordance with the requirements of the Virginia Freedom of Information Act, including public notice reasonable under the circumstances for special, emergency, or continued meetings.

(c) No business shall be transacted at a special meeting except that specified in the call or request, unless all members of council are present and unanimously consent to the consideration of additional matters.

(d) Failure to provide notice to one or more members of council in the manner prescribed by this section shall not invalidate any action taken at a special meeting if all members are present and unanimously consent to proceed.