

The City of Morgantown, West Virginia
City Council Policy
For
City Council Meetings

1. Scope and Application. This policy applies to all public meetings conducted by the City Council.

2. Purpose. This policy describes the process by which City Council will set meeting agendas, provide notice of meetings, and conduct its meetings. The policy is designed to help City Council conduct its business efficiently and promote open deliberation with meaningful public participation.

3. Authority. This policy is adopted in accordance with the West Virginia Open Governmental Proceedings Act (“OGPA”), codified at *W. Va. §§ 6-9A-1 et seq.*, as it may be amended, and guidance published by the West Virginia Ethics Commission regarding holding public meetings. This policy implements the provisions of City Charter Section 2.11 and City Code Article 121. The precedence of these authorities shall be as follows: the OGPA, the City Charter, City Code, this policy.

4. Meetings.
 - a. Regular meetings. City Council holds regular meetings on the first and third Tuesdays of each month in accordance with a schedule published annually in January. Regular meetings begin at 7 p.m. and are held in the City Hall Council Chambers located at 389 Spruce Street, Morgantown, West Virginia. Meetings may be held by electronic means only, without a physical meeting space, in accordance with the **City Council Policy on Conduct of Public Meetings by Electronic Means**. The annual schedule – or a later determination by Council – may change the dates, times, and location of regular meetings.

 - b. Committee of the Whole meetings. City Council meets as a Committee of the Whole on the last Tuesday of each month. These Committee of the Whole meetings are public meetings where deliberation of public business occurs. City Council intends these meetings as planning sessions where Council will receive presentations and plan its meeting agendas for the upcoming month. City Council generally does not take official action on business items at these meetings. Committee of the Whole meetings begin at 7 p.m. and are held in the City Hall Council Chambers located at 389 Spruce Street, Morgantown, West Virginia. Dates, times, and location of these meetings are subject to change by Council.

- c. Special meetings. City Council may hold special meetings at any time upon the call of the Mayor or of at least four members of Council. Meetings will be held upon at least two business days' notice, which shall be contained in a publicly posted agenda identifying the matters to be considered at the meeting.
- d. Emergency meetings. City Council may hold emergency meetings upon the call of at least four members of Council for the purpose of addressing an unexpected event which requires immediate attention because it poses: (A) An imminent threat to public health or safety; (B) An imminent threat of damage to public or private property; or (C) An imminent material financial loss or other imminent substantial harm to a public agency, its employees or the members of the public which it serves. Public notice of the emergency meeting shall be posted as soon as practicable prior to the meeting and shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.
- e. Cancellation or rescheduling. Any meeting may be canceled or rescheduled by the Mayor or a majority of the members of City Council prior to the start of the meeting.
- f. Work sessions. Work Sessions are meetings at which Council may discuss one or more specific topics in depth among themselves, or at which Council desires to receive an in-depth presentation from staff or an outside party on a particular topic. Council may vote on matters discussed at a Work Session (OGPA does not prohibit voting,) but generally the purpose of a Work Session is to inform Council Members on a topic and for Council Members to give staff or others general direction. Work Sessions may take place within a regular meeting or may be scheduled as a special meeting.

5. Agenda.

- a. Format; Posting. The agenda shall state the date, time, and place of the meeting and identify the matters to be considered by City Council at the meeting. The agenda will be posted by the City Clerk at City Hall and available for review during regular business hours. The City Clerk will ordinarily also publish the agenda to the City website and deliver the agenda to the City Council Agenda Distribution List maintained by the City Information Technology Department. The agenda will be posted at least 3 business days before any regular meeting and may be amended no later than 2 business days before any regular meeting. The agenda will be posted at least 2 business days before any special meeting. The agenda will be posted as soon as practicable before any emergency meeting. For purposes of these rules, a "business day" is any day except a Saturday, Sunday, or a legal holiday as defined by *W. Va. Code* § 2-2-1. When calculating business days, the day of the meeting is not counted.

- b. Contents. Absent special circumstances defined in Paragraph c., agenda items will be introduced at a Committee of the Whole meeting. An item may be placed on the agenda by determination of the Mayor, the City Manager, or at least four members of City Council. Absent special circumstances requiring more timely action, City Council will consider new business items for the first time at a Committee of the Whole meeting. Determinations whether to place an item on the meeting agenda are logistical matters that need not be made in public meetings. The determination to place an item on the agenda, and communication of that determination to the City Clerk, shall be made and communicated to the City Clerk sufficiently in advance of the meeting to permit posting of the required notice. City Council prefers that any resolution, ordinance, or agreement to be presented at Council Meetings be prepared by the City's legal counsel or reviewed by the City's legal counsel before inclusion on an agenda. The following are the expectations for determination of agenda items and communication of the items to the City Clerk:
- i. City Manager; Mayor. Item caption and document(s) for Council consideration delivered from the Mayor or City Manager by the end of the business day four (4) business days before the meeting.
 - ii. City Council Members. Item caption and document(s) for Council consideration delivered from the sponsoring Council Members, or in a message including all sponsoring Council Members stating each Council Member who agrees to include the item on the agenda, by the end of the business day four (4) business days before the meeting.
 - iii. Boards and Commissions. Item caption and document(s) for Council consideration delivered with (1) a written recommendation from the board or commission describing the action sought by Council; (2) a copy of the minutes of the meeting(s) at which the board or commission took action upon the item; and (3) a copy of the presentation materials and names of presenters who plan to present the item to a Committee of the Whole, or a request for waiver of the presentation at least thirty (30) calendar days before the Committee of the Whole at which the board or commission requests the item be considered. The determination whether to place any item on the agenda remains the option of the City Manager, Mayor, or City Council as described in these rules.
6. Minutes. The City Clerk shall prepare minutes of each meeting of City Council and present the minutes for approval by Council. The minutes will include the date, time, and place of the meeting; the name of each member of City Council present and absent; all motions, orders, resolutions, ordinances, and measures proposed, as well as the name of the person proposing each action and the disposition of the matter; and the results of all votes. The minutes should describe each item on which City Council acted, including a record of any amendments to any item before Council and the record of each Council Member's vote on

each amendment and action taken. The City Clerk shall keep a record of all adopted meeting minutes.

7. Public participation.

- a. Attendance; Capacity of meeting room. In-person attendance at meetings will be limited to the capacity of the meeting room as determined by the City fire marshal. Attendees will be admitted in the order they appear for entry. When the meeting room reaches capacity, the presiding officer or a city law enforcement official present at the meeting will preclude any additional entrants unless an attendee leaves and permits space for an additional entrant. The presiding officer or law enforcement official may allow temporary entry when capacity has been reached so that members of the public wishing to speak during the public portion or a public hearing may enter to speak. Attendance at meetings conducted by electronic means only will be governed by the **City Council Policy on Conduct of Public Meetings by Electronic Means**.
- b. Observation of meeting; decorum. Public attendees of the meeting are entitled to hear the proceedings of the City Council. In order to ensure the attendees may hear the meeting and to ensure that public business can be conducted effectively, members of the public may not speak during the meeting except during designated public portions and in accordance with the rules for those portions. Members of the public may not disrupt the meeting by other means, including by displaying signs that may inhibit others' view of the meeting or by making noises or gestures that interfere with the meeting. Members of the public are entitled to record the meetings of City Council by audio, visual, or audiovisual methods so long as the recording does not interfere with the conduct of the meeting or the rights of public attendees to observe the meeting. The meetings of City Council are a limited public forum where speech is only regulated by content-neutral, generally-applicable rules, and this policy will not be used to limit speech based on the content or viewpoint of the speaker. The presiding officer will determine whether the conduct of an attendee violates this policy, and the presiding officer shall have the right to order any attendee to cease violation of the policy or to leave the meeting.
- c. Public portion. Any member of the public may speak during the public portion of the meeting regarding matters of public concern relevant to the business of City Council. Each person speaking must state the person's name and residence address before making public comments, and each person's comments must be limited to four minutes so that the meeting may be conducted efficiently. Comments shall be addressed only to the City Council. Comments that are not related to the business of the city, that include vulgar or discriminatory language, or that constitute personal grievances rather than addressing matters of public concern are not

permitted, and the presiding officer will order any person engaging in such comments to cease and may order the person removed from the meeting. Unless a meeting is conducted only by electronic means, or unless specific advance arrangements have been made, only members of the public who are present in person may speak during the public portion. If arrangements are made to permit members of the public to speak from a remote location during the public portion, the option to participate will be made available on similar terms to all members of the public, subject to reasonable rules that City Council or the presiding officer may adopt for that purpose. By determination of the majority of Council before the beginning of the public portion of the meeting, the amount of time allotted to each speaker may be changed, or the total amount of time for public comment may be limited, or both changes may be made. By determination of the majority of Council posted along with the public notice of the meeting, public comment may be limited to persons who sign up to provide comment on a list provided for that purpose, but the opportunity to sign up to comment must be available until fifteen minutes prior to the beginning of the City Council meeting.

- d. Public hearings. Any member of the public may speak during a public hearing during the meeting regarding matters of public concern relevant to the particular business item for which the public hearing is designated. General comments about public business should be made during the public portion of the meeting. Each person speaking must state the person's name and residence address before making comments during the public hearing, and each person's comments must be limited to four minutes so that the meeting may be conducted efficiently. Comments shall be addressed only to the City Council. Comments that are not related to the subject of the hearing, or that would not be permitted during the public portion, are not permitted during the public hearing, and the presiding officer will order any person engaging in such comments to cease and may order the person removed from the meeting. Unless a meeting is conducted only by electronic means, or unless specific advance arrangements have been made, only members of the public who are present in person may speak during the public hearing. If arrangements are made to permit members of the public to speak from a remote location during the public hearing, the option to participate will be made available on similar terms to all members of the public, subject to reasonable rules that City Council or the presiding officer may adopt for that purpose. By determination of the majority of Council before the beginning of the public portion of the meeting, the amount of time allotted to each speaker may be changed, or the total amount of time for public comment may be limited, or both changes may be made. By determination of the majority of Council posted along with the public notice of the meeting, comment at the public hearing may be limited to persons who sign up to provide comment on a list provided for that purpose, but the opportunity to sign up to comment must be available until fifteen minutes prior to the beginning of the City Council meeting.

- e. Council member questions or responses. In order to allow speakers equal opportunity to address City Council and to promote efficient conduct of public business at the meetings, City Council members will not respond to questions or participate in discussion during the public portion or public hearings. These portions of the meeting allow the members of the public the opportunity to address City Council and the community in a public forum. City Council members may speak to topics raised during the public portions of the meeting during the Council's discussion of the business item on the meeting agenda, or, if the item was not included on the meeting agenda, during the Council member's report.
8. Conduct of the meeting.
- a. Presiding officer. The Mayor shall be the presiding officer, except that the Deputy Mayor shall be the presiding officer at meetings of the Committee of the Whole. In the absence of the regular presiding officer, a majority of Council Members will select a presiding officer. The presiding officer will maintain order and decorum during the meeting to ensure the proper conduct of public business, and in order to do so shall have the authority to rule motions in or out of order, determine whether a speaker is unreasonably disturbing the meeting (and to entertain and rule on objections from other members on this ground), to entertain and answer questions of procedure (subject to members' appeal rights provided in *City Code* Article 121), to call a brief recess, or to adjourn in case of emergency.
 - b. Rules. City Council will generally conduct deliberations during the meeting in accordance with Robert's Rules of Order¹, except where those rules are modified by state law, the City Charter, the City Code, these rules, or by agreement of the City Council at the meeting.
 - c. Business before the Council. At meetings of the Committee of the Whole, City Council will move items to the regular meeting agenda by consensus or by majority vote. At regular Council meetings, City Council will take up agenda items in the order in which they are listed, unless the Mayor or a majority of Council elects to consider the items in a different order. City Council need not deliberate on all matters listed on the agenda, but it will confine its deliberations only to those items listed on the agenda.
 - d. Time. It is the intention of City Council to complete its regular meetings no later than 11 p.m.

¹ City Council will generally refer to Robert's Rules as published and freely accessible online at: www.rulesonline.com

- e. Access. Regular meetings are generally available for live viewing on public access television Channel 15 and on the City website, and past recordings of the meetings are generally available on the City website. Persons with disabilities may request reasonable accommodations by calling the City Clerk’s office at (304) 284-7434, emailing the City Clerk at cwade@morgantownwv.gov, or visiting the City Clerk’s office at City Hall, 3rd Floor, 389 Spruce Street, Morgantown, WV 26505.

- f. Participation by members and others. Council Members will ordinarily attend meetings in person when a meeting is held at a physical location. With the approval of the chair or a majority of the members present (in person or by electronic means) at the meeting, Council Members may participate by electronic means (telephone or videoconference), so long as the participation can be accomplished in a way that allows members of the public to observe the Council Member’s participation and allows the Council Member to appropriately participate in Council’s deliberation. City Council may also allow participation by staff or invited presenters by electronic means when convenient to conducting the business of City Council. Due to limitations on the technical capabilities of the City’s electronic communications services, electronic participation at in person meetings is not offered to members of the public.

- g. Executive sessions. Council may consider items in executive session as permitted by OGPA. Executive sessions will be conducted consistent with the **City Council Policy on Executive Sessions of City Council.**

- 9. Effect of policy; Posting. This policy is adopted by the Council pursuant to Section 2.11(b) of the City Charter and supersedes any prior City Council meeting rules. The rules and procedures set forth within this document do not create substantive rights for third parties or participants in proceedings before City Council, and City Council reserves the right to suspend or amend the rules in the manner provided in the City Code, applicable rules adopted by the City, or other law. The failure of City Council to strictly comply with the provisions of this document shall not invalidate any action of City Council. The adopted policy shall be posted on the City’s website and be available from the office of the City Clerk.

Adopted: _____

Effective: _____

Mayor

City Clerk

City Council Policy
on
Executive Sessions of City Council

Introduction

The Common Council of The City of Morgantown (“City Council”) conducts public meetings pursuant to the West Virginia Open Governmental Proceedings Act, as codified at *W. Va. Code* §§ 6-9A-1 *et seq.* (“OGPA”), including by holding portions of such meetings in executive session closed to the public pursuant to *W. Va. Code* §6-9A-4. This City Council Policy (the “Policy”) establishes the rules for conducting executive sessions of the meetings of City Council.

Policy

1. Scope and application. This Policy applies to public meetings held by City Council and to any and all executive sessions held within such meetings. This Policy is adopted in accordance with OGPA and consistent with Open Meetings Advisory Opinion 20220-1, adopted by the Open Governmental Meetings Committee of the West Virginia Ethics Commission on March 3, 2022. This Policy will be interpreted to be consistent with OGPA and applicable decisions of courts having jurisdiction over related matters. To the extent there is a conflict, or apparent conflict, between the provisions of this Policy and OGPA or binding judicial precedent, OGPA and decisional law shall prevail over the provisions of this Policy.

2. Definitions. Terms used in this Policy, unless specifically defined otherwise in the Policy, have the meanings supplied in OGPA.

3. Executive Session Procedures. City Council will conduct executive sessions in accordance with the following procedures:

a. Any matter on the public meeting agenda may be considered in executive session if it is permissible to do so under OGPA.

b. City Council will move into executive session only by majority vote of its members present at any public meeting.

c. The motion to enter executive session will identify the authority under OGPA for the executive session. This identification may be made by describing the purpose of the executive session – e.g. to consider matters affecting the acquisition or development of real estate – or by citing the specific portion of OGPA authorizing the executive session.

d. The executive session will include all members of City Council present, except any member who is disqualified from participating by law or applicable rule or regulation, and any other persons City Council determines appropriate.

e. No minutes nor any other record of the executive session will be made.

f. Each person present in the executive session shall have a duty to maintain as confidential all matters discussed in the executive session, and no such person may disclose, or allow to be disclosed, the information addressed in executive session. Disclosure of the matters discussed in executive session may be made only in the following instances: (1) when City Council affirmatively acts to permit such disclosure, and then only to the extent permitted by the City Council action and applicable law; and (2) when required by law.

g. City Council will exit executive session by majority vote of the members present.

h. The presiding officer of the City Council shall record the motion and votes to enter and exit executive session, noting the time of each and the vote of each member.

Adopted this ___ day of _____, 2022

The Common Council of The City of Morgantown, West Virginia

By: Jenny Selin
Its: Mayor

Attest:

Christine Wade
City Clerk

City Council Policy
On
Conduct of Public Meetings by Electronic Means

1. Scope and Application. This policy applies to all public meetings conducted by the City Council and the boards and commissions established by City Council, except where specifically provided by law. Application of this policy to the Morgantown Land Reuse and Preservation Agency is limited by state law requirements that members must be present in-person to vote.
2. Purpose. This policy describes the circumstances under which public meetings may be conducted with electronic participation by members of a public body, by members of the public, or both, as well as the methods by which the electronic participation may occur.
3. Authority. This policy is adopted in accordance with the West Virginia Open Governmental Proceedings Act, codified at *W. Va. §§ 6-9A-1 et seq.*, as it may be amended, and guidance published by the West Virginia Ethics Commission regarding holding public meetings telephonically or by audio or visual streaming methods, which is available as of the date of adoption of this policy at the following weblink: <https://ethics.wv.gov/Pages/default.aspx> (last visited March 19, 2020). The policy also relies on Ethics Commission Advisory Opinions 1999-08 and 2010-02.
4. Open to Public. Except as otherwise provided by law, all meetings of a public body shall be open to the public and conducted in a manner that provides the public the opportunity to hear and participate in the proceedings. Participation in meetings is subject to the meeting rules of the public body. This policy does not require a public body to hold a public portion of the meeting or otherwise allow public comment at a public meeting.
5. Electronic Participation by Members. The members of a public body may participate by electronic means at any regular, special, or emergency meeting in accordance with this policy.
6. Availability of electronic participation methods. A member may only participate in a public meeting by electronic means when there are resources available to permit the electronic participation and ensure that the public can observe the electronic participation and that all members participating electronically and in person can hear and participate in the proceedings. The available resources will commonly consist of a telephone conference number or videoconferencing service. The agency considering public participation must request assistance from City administration in advance to procure available services, and this policy shall not obligate funding of additional equipment or services to allow electronic participation.
7. Public Access. When a public body is conducting a meeting telephonically or via videoconference, the body may allow the public to attend by providing them a call-in number,

a web link, or access to a public meeting room where attendees may hear the telephonic or video meeting. All public meetings must provide the public with a method to hear the conduct of the public meeting and identify the persons speaking. If video of the meeting or participants is available to the public body, it must also be made available to the public.

8. Public In-Person Attendance Not Required. The public body is not required to allow the public to attend a meeting in-person if in-person attendance poses a public health risk as determined by the federal, state or local government. The determination that in-person attendance will not be permitted must be made by a majority of the public body and indicated on the posted notice of the public meeting, along with the means by which the public may access the public meeting. The determination that in-person attendance will not be permitted is a logistical matter that a public body can decide outside of a public meeting.

9. Public Comment. Members of the public may comment on items on the meeting agenda or on matters within the purview of the public body, if the public meeting includes a public comment portion or public hearing. The time allotted for the public comment period as well as time allotted for individual comments may be limited by the public body and noted on the meeting agenda. Members of the public that would like to provide comments during the meeting may do so telephonically or by submitting written comments electronically. The public body shall provide the public the necessary electronic or call-in information needed to make comments.

10. Voting. When a meeting is conducted without permitting in-person public access, voting shall be conducted by roll call so that each member of the public body can be identified and the vote of the member can be observed and recorded, except that a matter upon which the public body may take action by consensus need not be the subject of a roll call vote.

11. Deliberation. When conducting a meeting without in-person attendance, members of the public body should identify themselves prior to speaking so that members of the public are aware of the member who is speaking. Recognition of a member by the chair of the meeting serves the purpose of identifying the member who will speak.

Adopted: _____

Effective: _____

Mayor

City Clerk

City Council Training



August 26, 2021

Topic Outline

- City government – form, charter, state and local legislation
- Ethics Act for public officials and employees
- Freedom of Information Act
- Open Governmental Proceedings Act
- Meeting Procedures

City Government

- Council-Manager Form
- Council is legislative; directs policy
- Manager is executive; implements policy and directs staff
- Boards and Commissions established and appointed by Council
- Governing laws:
 - WV Code ([Chapter 8](#))
 - City Charter and Ordinances ([link](#))
 - Home Rule Program ([site](#))

Ethics Act

- WV Code Chapter 6B ([link](#))
- Administered by Ethics Commission – www.ethics.wv.gov
 - Overview – [link](#)
 - Advisory Opinions - [link](#)
- Issues:
 - Use of Public office for private gain - [link](#)
 - Gifts - [link](#)
 - Conflict of Interest - [link](#)

Freedom of Information Act

- WV Code Chapter 29B ([link](#))
 - City FOIA Rules - [link](#)
- City records are available to the public, including:
 - email
 - Text messages
- Exemptions:
 - Attorney-client communications
 - Personal matters

Open Meetings

- WV Code Chapter 6, Article 9A ([link](#))
- Ethics Commission – [overview](#); [advisory opinions](#)
- Meetings by quorum for City business require notice and must be open to the public
- Issues: group email, social media (limited public forum)
- Exemptions: social gatherings, training, logistical matters
- Executive Session – 6-9A-4
 - Vote to enter and exit, minutes optional
 - Common purposes: specific employment issues, property acquisition, legal advice

Meeting Procedure

- Meetings are open to the public
- Only agenda items published in accordance with the Open Governmental Proceedings Act may be considered
- Parliamentary Procedure and Robert’s Rules of Order ([link](#))
- Procedure FAQs ([link](#))
- City Rules for All remote/electronic meetings:
 - <http://www.morgantownwv.gov/DocumentCenter/View/3327/2020-City-Council-Policy-on-Conduct-of-Public-Meetings-by-Electronic-Means?bidId=>
 - Roll call voting required (Section 11)

Social Media

- Social media accounts may be considered public fora if used for public business
- Take care to avoid discussion of agency business on your personal accounts or take precautions to avoid censoring speech (avoid blocking people or limiting access)
- You retain the right to speak on matters of public concern, but consider when possible the impact on the agency from your social media posts given your role as a board member
- City Social Media Policy - <http://www.morgantownwv.gov/DocumentCenter/View/108/Social-Media-Policy-PDF?bidId=>

Questions?

