

**City of Elkins**  
**Rules of Council**  
**Version adopted: March 26, 2020**

**Rule Titles**

1. Meetings
2. Committees
3. Agenda Items and Informational Packets
4. Order of business at regular meetings
5. Reading of the minutes
6. Procedures for enacting ordinances
7. Informational presentation
8. Reports of committees
9. When a member abstains from voting
10. Rescission, amendment and suspension of rules
11. Discussion, debate, and voting
12. Parliamentary rules of order
13. Members of the public speaking before city council

**1. Meetings**

- a) The city council shall meet in regular public session at the council chamber in the city building at 7:00 p.m. on the first and third Thursdays of each month.
- b) If the city council shall determine that the council chamber in the city building is not or will not, for any reason, be an appropriate place for the holding of a meeting, the council may, upon motion, designate another place open to the public within the city for the holding of such meeting.
- c) During an emergency situation or a declared state of emergency the mayor may change the location of the meeting and/or permit meetings to be held telephonically or via live audio or visual stream, so long as they continue to meet the minimum standards of the W.V. Open Meetings Act as interpreted by the W.V Ethics Commission.

**2. Committees**

- a) The city council shall have the following standing committees:

1. Committee on finance: hears and makes recommendations to council concerning requests for budget revisions, compensation adjustments, and any other requests or proposals potentially affecting the city's financial condition; collaborates with Administrative Officers on each year's proposed general and enterprise fund budgets before making recommendations concerning same to council; and authorizes expenditures from the "uncommitted funds" category of each fiscal year's "Contributions to Outside Organizations" worksheet.
  2. Committee on rules and ordinances: devises and recommends new or changes to existing ordinances and rules.
  3. Committee on municipal properties: monitors and reports to council on the condition of and proposed plans for city buildings, real estate, and rights-of-way; hears and makes recommendations to council concerning public comments/complaints about city buildings, real estate, infrastructure, and rights-of-way.
  4. Committee on personnel: monitors effectiveness of and makes recommendations to council concerning personnel policies; reviews performance of administrative officers before salary negotiations/reappointment; selects recipients of Employee of the Quarter designation or similar awards.
- b) All standing committees shall consist of three members unless the city council by resolution specifically provides otherwise. All standing committees shall be appointed by the mayor.
  - c) In addition to the foregoing standing committees, the city council may authorize such select committees as may be provided by resolution.
  - d) The mayor shall also appoint one council representative to the Elkins Parks and Recreation Commission.

### **3. Agenda Items and Informational Packets**

In order to promote the orderly conduct of the business of the city council and the timely preparation of an accurate agenda, the following rules are hereby established:

- a) Agenda items may be submitted to the mayor or city clerk by any member of Council, any administrative officer, or the mayor. Agenda items may not be removed from the agenda without the permission of council. Items may be provided for inclusion in the council's informational packets by any member of council, any administrative officer, or the mayor; such items may not be removed without the permission of the submitter.
- b) By law, agendas must be posted no later than 72 hours before a meeting. Therefore, every effort should be made to submit agenda items to the mayor or clerk no later than 12:00 p.m. on the third business day preceding a council meeting (typically a Monday, although this may change because of interceding holidays). Because council members' informational packets are prepared on the last business day before a council meeting, every effort should be made to submit supporting documentation for agenda items (such as invoices, memos requesting

approval for overnight travel, explanatory correspondence, etc.) before the last business day preceding the council meeting.

- c) The mayor, city clerk, or city attorney will prepare and/or approve the final form of resolutions; the city attorney will prepare and must approve the final form of ordinances. The city clerk shall assign a number to each ordinance and resolution introduced and shall have authority to edit and correct resolutions as to form.

#### **4. Order of business at regular meetings**

- a) The order of business for each regular meeting shall be:

1. Invocation
2. Pledge of allegiance
3. Call to order and roll call
4. Agenda adjustments
5. Public comments (Rule 13)
6. Information presentation ( Rule 7)
7. To read, correct and approve of the minutes of previous meetings (Rule 5)
8. Unfinished business
9. New business
10. Approval of invoices
11. Committee reports (Rule 8)
12. Reports of administrative officers
13. Mayor's comments
14. Announcements
15. Adjournment

- b) The presiding officer may order any question a special order of business irrespective of the order of business set forth in subsection (a).
- c) All of a meeting's agenda items must be considered at that meeting. Agenda items may be withdrawn, postponed, or otherwise disposed only by a duly approved motion. If a member requests that an agenda item be considered in executive session, as permitted by W.V. Code §6-9A-4, said request shall be made by motion. The motion must state the grounds for convening an executive session and an executive session may be held only upon a majority

affirmative vote of the members present. All elected officials are permitted to be included in any executive session.

**5. Reading of the minutes**

Members are provided copies of the minutes in advance of the meeting at which they will be considered for approval; because members have the opportunity to review minutes beforehand, minutes are not typically read at the meeting. Following the roll call, members have the opportunity to submit and make of record any alterations or corrections. Upon motion, duly approved, the minutes are adopted, including any submitted alternations or corrections.

**6. Procedures for enacting ordinances**

All ordinances shall be acted upon by Council in accordance with the City Code and the West Virginia Code.

**7. Informational presentations**

Council or the mayor may request or permit an informational presentation by anyone presenting business pertinent to the city.

**8. Reports of committees**

All reports of committees shall be delivered by the committee chair when requested by the mayor during the regularly scheduled Council meetings.

**9. When a member abstains from voting**

No member shall vote on any question before the city council if he is directly and immediately interested therein other than as a citizen of the City of Elkins; however, no member may abstain from voting without, prior to a vote being taken, having stated his reason for not voting.

**10. Rescission, amendment, and suspension of rules**

No standing order or rule of the city council shall be rescinded or amended except by a majority vote of the members elected to the city council.

**11. Discussion, debate, and voting**

- a) Agenda business items must be moved and seconded before being debated or discussed. At his or her discretion, the chair may propose to take action on an item by unanimous consent.
- b) Items not appearing on the agenda may not be substantively discussed.
- c) The mayor or acting chair may participate in debates and discussions without relinquishing the chairmanship.
- d) Members need not rise to speak. Members must be recognized by the chair before obtaining the floor, but the chair must recognize any member who seeks the floor while entitled to it.

- e) No one except council members and the chair may participate in or contribute to discussion and debate unless requested to do so by a member or the chair. Upon such requests, the chair shall recognize such individuals in due order.
- f) The standard method of voting will be by voice. The chair will first ask all those in favor of a motion to say “aye,” and he will next ask all those opposing a motion to say “no.” If the result of the voice vote is not unanimous, the chair or any member shall request a roll-call vote.

## **12. Parliamentary rules of order**

For circumstances not described in these rules, refer to *Robert’s Rules of Order, Newly Revised*, a copy of which shall remain on file in the office of the city clerk.

## **13. Members of the public speaking before city council**

- 1) Per Elkins City Code Chapter 2, Section 2-11, rev.:
  - a) Privilege of citizens and taxpayers to be heard; limitation on time to speak. Any citizen or taxpayer of the City may be heard either in person or by counsel upon any matter introduced or pending before the Common Council; but no speech or hearing shall exceed five minutes, except by the unanimous consent of the Council. If a citizen or taxpayer of the City requests to be heard either in person or by counsel upon any matter which is not introduced or pending before the Common Council, said citizen or taxpayer of the City may be permitted to address Council upon unanimous consent of the Council. Said speech or hearing shall not exceed five minutes, except again by unanimous consent of the Council.
  - b) Citizens or counsel to speak only once on one subject at any one meeting. No citizen or taxpayer of the City or his counsel shall speak more than once on one subject at any one meeting of the Common Council, except by unanimous consent.
  - c) Manner of addressing Council. Any person, before addressing the Council, shall rise to his feet, respectfully address the presiding officer and remain standing while delivering his address. The person addressing Council shall state his name and address, and if the person represents a group or is speaking on behalf of someone other than himself.
  - d) Order of recognition. If two or more persons desire to address the Common Council at the same time, the presiding officer shall recognize the person who first addressed the chair, and the other person shall at once be seated.
  - e) Acknowledgment. The Mayor or the presiding officer of the meeting shall acknowledge the person addressing the Common Council. The Mayor or the presiding officer may request that the matter being addressed in the public comment be referred to the appropriate Council committee.

#### **14. Expulsion**

If a citizen, council member, official, or any other person in attendance at a council meeting becomes unruly, the chair will, by gavel, advise such person that they are out of order and must cease and desist whatever speech or other actions that the chair deems unruly. If the unruly actions continue after such censure, the chair shall direct the chief of police or his representative to remove such person or persons.