

City of Elkins
Rules of Council
Amended: June 6, 2024

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1. Meetings

- a) The city council shall meet in regular public session at the council chamber in the city hall building at 7:00 p.m. on the first and third Thursdays of each month.
- b) Special meetings shall be held upon the written petition of two or more members of council or the call of the mayor.
- c) 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.
- d) 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: recommends an annual budget to council. Supervises budget management and makes reports to council; reviews and proposes to council municipal dept instruments and grants; makes fiscal forecasts and reports the same to council.
 2. Committee on rules and ordinances: considers and proposes to council new and amended ordinances, rules, and policies.
 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; reviews and proposes to council capital investment in buildings, real estate and associated infrastructure.
 4. Committee on personnel: reviews and proposes to council employment policies, including employee compensation and benefits and an employee handbook; reviews applications for primary staff positions recommended by the mayor and makes hiring recommendations to council.
 5. Committee on public safety: monitors and reports to council on the activities of, condition of and proposed plans for municipal public safety assets, including police, fire, and emergency services; reviews and proposed to council capital investment in public safety equipment and infrastructure.
- b) All standing committees shall consist of no fewer than three and no more than five councilors. All standing committees shall be appointed by the mayor.
- c) In addition to the foregoing standing committees, there may be one or more ad-hoc committees assigned a mission or missions by council or the mayor. All members of such committees shall be appointed by the mayor.
- d) The mayor shall also appoint one council representative to the Elkins Parks and Recreation Commission and one council representative to the Elkins Planning Commission.

3. Agenda Items and Informational Packets

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 and applicable to the conduct of city council and council committee meetings:

- a) Council meeting agenda items may be submitted to the city clerk by the mayor, by a committee chair, by any three members of council or by any administrative officer. Agenda

items may not be removed from the agenda without the permission of the individual or body who submitted the initial request.

- b) Committee meeting agenda items may be submitted to the clerk of the committee by the mayor, any member of the committee or by any administrative officer. Agenda items may not be removed from the agenda without the permission of the individual or body who submitted the initial request.
- c) Items may be provided for inclusion in the council or committee informational packets by the mayor, any member of council, or any administrative officer; such items may not be removed without the permission of the person who submitted the item.
- d) By law, agendas must be posted no later than three business days before a meeting. Therefore, every effort should be made to submit agenda items to the clerk no later than 12:00 p.m. on the fourth business day preceding a council or committee meeting (keeping in mind weekends and interceding holidays). Because council members' informational packets are prepared on the second business day before a council or committee meeting, every effort should be made to submit supporting documentation for agenda items (such as agenda items reports, invoices, explanatory correspondence, etc.) no later than 12:00 p.m. the second business day preceding the council or committee meeting.
- e) The 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.
- f) To ensure that items docketed on the council agenda are as ripe for consideration and action as possible, the standard practice shall be to bring matters to the attention of the relevant council committee prior to laying them before full council. The city clerk, in consultation with the relevant committee(s), shall advise and support anyone needing assistance in navigating this process.

4. Order of business at regular meetings

- a) The order of business for each meeting shall be determined by the clerk. The presiding officer, being the mayor, mayor designee, or chair, shall abide by the order of business as presented in the duly posted meeting agenda.
- b) The presiding officer may, by publicly stated reason and with unanimous consent of the body, change the order of business irrespective of the order as set forth in subsection (a).
- c) All meeting 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 members of the body are permitted to be included in any executive session. Other elected officials, staff, citizens, or attendees may be included in the executive session at the request of the member making the motion.

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. M. Upon motion, duly approved, the minutes may be amended and 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. No substantial deliberation or action shall be taken in response to a presentation unless the item is otherwise listed in the order of business.

8. Reports

All reports of committees shall be delivered by the committee chair when requested by the mayor during the regularly scheduled Council meetings. In the absence of the chair another committee member may be called upon to report.

Staff reports shall be delivered by the administrative officer, or their designee. When appropriate the chief water operator, chief wastewater operator, city staff or representatives of the city's boards and commissions may be called upon by council or committee to report.

9. When a member abstains from voting

No member shall vote on any question before the city council if they are 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 their reason for not voting.

10. Executive session

Rules regulating the application and confidentiality of executive session during council and committee meetings shall be adopted separately and titled *City Council Rule on Executive Session*. They shall appear as an addendum to the adopted City of Elkins Rules of Council.

11. 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.

12. Discussion, debate, and voting

- a) Agenda business items must be moved before being debated or discussed. At their discretion, the chair may propose 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 recognized by a member or the chair 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 they will next ask all those opposing a motion to say “nay.” If the result of the voice vote is not unanimous, the chair or any member shall request a roll-call vote.

13. 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.

14. Members of the public speaking before city council

- 1) Per Elkins City Code Chapter 31.05, 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.

15. 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.