

Moundsville City Council Rules and Regulations



MOUNDSVILLE CITY COUNCIL RULES
AND REGULATIONS
(As approved March 16, 2021 and amended September 3, 2024)

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RULES AND REGULATIONS
MOUNDSVILLE CITY COUNCIL
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I. GOVERNING RULES

Except as otherwise provided in the Constitution of the United States and the State of West Virginia, the laws of the State of West Virginia or the Charter of the City of Moundsville, all questions of order, the methods of organization and the conduct of business of the municipal council shall be governed by Roberts Rules of Order (Revised Edition) in all cases to which they are applicable, and in which they are not inconsistent with the following governing rules of council. "The Scott, Foresman ROBERT'S RULES OF ORDER, Newly Revised, 2020 Edition, 12th Edition"

II. MEETING TIMES AND PLACES ESTABLISHED

- a) Regular Meetings - The regular meetings of Council shall be held on the first and third Tuesdays of each month at 6:00 o'clock p.m., upon the effective date of this subsection. Adjourned and special meetings of Council may be held, the latter upon calls signed by the Mayor, or by any four members of Council. The place of the meeting shall be designated by Council, by order or resolution, and shall be known as the Council chamber of the City. (Ord. 1-10-94)
 - i. Cancellation and Setting Different Times. Any regular meeting of Council may be cancelled and reset during the same month if approved at least three days prior to the time Council shall meet, by a majority of the members of Council. After a majority of Council has indicated their approval to cancel a regular meeting, the City Clerk shall immediately publish such cancellation in a newspaper of general circulation in the City and shall also cause it to be posted upon the front door of the meeting place of Council.
 - ii. Nothing in this subsection shall be construed to prohibit Council, at any regular meeting thereof, to cancel or set a different time for the next scheduled regular meeting, by a majority vote of the members of Council taken at the Council meeting immediately preceding the Council meeting to be postponed or set for a different time.
- b) Special Meetings — Special meetings may be called at any time, upon reasonable notice, by the Mayor or City Manager, and shall be so called by the Mayor upon request of a majority of the Council or the City Manager. The requirements of reasonable notice of the time and place of the special meeting containing a brief statement of the purpose of the meeting in a method provided by city code section 121.05.
- c) Emergency Meetings — Emergency meetings may be called upon reasonable notice by the Mayor or City Manager.
- d.) All meetings of the Council shall be held in the Council Chambers of the Municipal Building of the City of Moundsville unless otherwise specified by the Mayor or City Manager.
- e.) All regular and special meetings of Council shall be open to the public provided however, that Council may recess for the purpose of conducting an executive session, limited to its membership plus any person or persons requested to attend such executive session by a majority of the Council. Such executive session shall be conducted and held in the manner specified in Chapter VI, Article 9A, Section 4 of the West Virginia Code, as amended, and only for the purpose therein stated.

III. MEETING NOTICES

Regular Meetings shall be pursuant to city code 121.05. A notice shall be posted and maintained by the City Clerk at the front door or bulletin board of the Moundsville Municipal Building of the date, time, and place fixed and entered of record by Council for the holding of regularly scheduled meetings. In addition, a copy of the agenda for each regularly scheduled meeting shall be posted at the same location by the City Clerk not less than 72 hours before such regular meeting is to be held. If a particular regularly scheduled meeting is canceled or postponed, a notice of such cancellation or postponement shall be posted at the same location as soon as feasible after such cancellation or postponement has been determined.

IV. EXECUTIVE SESSIONS

- a) The governing body of a public agency may hold an executive session during a regular, special, or emergency meeting, in accordance with the provisions of this section. During the open portion of the meeting, prior to convening an executive session, the presiding officer of the governing body shall identify the authorization under this section for holding the executive session and present it to the governing body and to the general public, but no decision may be made in the executive session. An executive session may be held only upon a majority affirmative vote of the members present of the governing body of a public agency. A public agency may hold an executive session and exclude the public only when a closed session is required for any of the following actions:
 - i. To consider acts of war, threatened attack from a foreign power, civil insurrection, or riot.
 - ii. To consider matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting.
 - iii. For the purpose of conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless the public officer or employee requests an open meeting. General personnel policy issues may not be discussed or considered in a closed meeting. Final action by a public agency having authority for the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal, or compensation of an individual shall be taken in an open meeting.
 - iv. To discuss any material the disclosure of which would constitute an unwarranted invasion of an individual's privacy such as any records, data, reports, recommendations or other personal material of any educational, training, social service, rehabilitation, welfare, housing, relocation, insurance and similar program or institution operated by a public agency pertaining to any specific individual admitted to or served by the institution or program, the individual's personal and family circumstances.
 - v. To plan or consider an official investigation or matter relating to crime prevention or law enforcement.
 - vi. To develop security personnel or devices.
 - vii. To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: Provided, That information relied on during the course of deliberations on matters involving commercial competition are exempt from disclosure under the open

meetings requirements of this article only until the commercial competition has been finalized and completed: Provided, however, That information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session.

- viii. To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code.
- b) Nothing in this article permits a public agency to close a meeting that otherwise would be open, merely because an agency attorney is a participant. If the public agency has approved or considered a settlement in closed session, and the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the public agency and entered into its minutes within a reasonable time after the settlement is concluded.

V. AGENDA

- a) All reports, communications, ordinances, resolutions, claims, contracts, documents, or other matters to be submitted to the Council shall be delivered no later than 4:30 P.M. Thursday, prior to the regular Council meeting, to the City Clerk, whereupon the Clerk shall immediately prepare a calendar of such matters together with such additional matters that she may have to present, in conformity with the prescribed order of business as hereinafter provided and shall furnish a copy to each member of Council. Items received after that time will be placed on the next regular Council agenda at the discretion of the City Manager. When requested, the Clerk shall furnish the Mayor, City Attorney, and Directors of departments with a copy of the same, prior to the Council meeting and as far in advance of the meeting as time for preparation will permit.
- b) Addendum — An addendum may be issued by the City Clerk after the original agenda is issued, provided that the addendum is released as early as possible prior to the meeting date.
- c) The City Manager, a Sub-Committee recommendation, or majority of Council, is required for an item to be placed on agenda. This rule shall also apply to all Boards and Commissions of the City of Moundsville, and others, in accordance with the City Charter. There is an exception from this rule regarding any item received from the City's Municipal Planning Commission pursuant to W. Va. Code 8-24-1 et seq.

VI. PRESIDING OFFICER, DUTIES

- a) The Presiding Officer of the Council shall be the Mayor. The Council at the last regular meeting held in December of each year, shall elect one of its members to serve as Mayor for a term of one year commencing the first day of January of the coming year. The Mayor shall preside at meetings of the Council and shall be recognized as head of the City government for all ceremonial and military purposes but shall have no regular administrative duties. A person who has been elected or who has served as Mayor during all or any part of two consecutive terms shall be ineligible for the office of Mayor during any part of the term immediately following the second of the two consecutive terms. The Council at last regular meeting held in December of each year, shall elect one of its members to serve as Vice Mayor for a term of one year commencing immediately upon election. The Vice Mayor shall perform all the duties of the Mayor in the event of the absence or disability of the Mayor.

b) Procedure for Mayor Election

- i. The current Mayor shall entertain nominations from the Council for the position of Mayor of the Council. Each nomination requires a second.
- ii. After nominations for the Mayor have been closed, the Mayor shall call for a vote, which vote shall be by a roll call, pursuant to Rule XIV of these governing rules.
- iii. In case no nominee receives the most votes, additional votes by roll call shall be taken until one nominee receives more votes than the others. After electing a Mayor and a Vice-Mayor, the meeting continues.
- iv. In the absence of the Mayor and Vice Mayor at any regular or special meeting of the Council, the presiding officer of the meeting shall be elected by the majority of the members of the Council present. The City Clerk or her designee shall conduct the election.
- v. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall preside at meetings of the Council and shall be recognized as head of the City government for all ceremonial and military purposes but shall have no regular administrative duties. He or she shall state every question coming before the Council and announce the decision of the Council on all matters coming before it. A majority vote of Council shall govern and conclusively determine all questions of order not otherwise herein covered or as otherwise provided by law.

VII. PARLIAMENTARIAN

The City Attorney shall act as parliamentarian, and when requested, shall advise, and assist the presiding officer in matters of parliamentary law.

VIII. CITY ATTORNEY

The City Attorney, or his designee, shall be available to the Council at all regular and special meetings. The City Attorney or his designee, shall draft ordinances, resolutions, or other legal documents when requested by a majority of Council or City Manager.

IX. CALL TO ORDER, ROLL CALL

- a) The Mayor shall take the chair at the hour appointed for the meeting and shall immediately call the Council to order.
- b) Before proceeding with the business of the Council, the Clerk or designee, shall call the roll of the members alphabetically, except the presiding officer shall be called last, and the names of those present shall be entered in the minutes.
- c) Council may meet by telephonic conference, Zoom, or other electronic means, if deemed necessary by the Mayor or City Manager.
- d) A member shall be considered present and therefore in attendance at a meeting if the member participates by telephonic conference, Zoom, or other electronic means of communication in accordance with the following:
 - i. Prior arrangements must be made with the City Clerk to set up and establish the telephone conference or other electronic means of communication.
 - ii. The member must be able to hear and be heard by all other members of Council and the general public attending the meeting:
 - iii. The member shall be so present for the entire meeting, unless the member's continued presence is interrupted by an equipment failure or an emergency.

- iv. A member's physical presence is expected, the use of attendance by telephonic conference or other electronic means of communication shall be limited to four (4) occasions per calendar year per member unless such failure to be physically present is due to the member's illness or injury.

X. QUORUM

A majority of the total number of the Council shall constitute a quorum. Should no quorum attend within fifteen (15) minutes after the hour appointed for the meeting of the Council, the Mayor, or in his absence the Vice Mayor, may thereupon cancel the meeting.

XI. READING OF MINUTES

- a) At each regular meeting of the Council, minutes of the last meeting shall be presented, and corrected if erroneous, and signed by the presiding officer; provided, that the minutes of the last meeting are approved by a majority vote if the members thereof have received and examined a copy of the minutes or a synopsis thereof prior to the meeting.
- b) Any tape, CD, or other recording medium utilized to record a City Council meeting or City Council committee meeting shall be destroyed or otherwise disposed of immediately following the approval of the minutes of the meeting recorded. (West Virginia State Auditor's Office Records Management and Retention Manual — 2013)

XII. OPEN MEETINGS, ORDER OF BUSINESS

- a) All regular and special meetings of the Council shall be open to the public. The business of the Council shall be taken up for consideration and disposition in the following manner:
 - i. Call to Order
 - ii. Invocation
 - iii. Pledge of Allegiance
 - iv. Roll Call
 - v. Minutes of the Previous Meeting
 - vi. Public Forum. Five (5) Minutes per Person (See Rule XV)
 - vii. Items by the City Manager
 - viii. Old Business
 - ix. New Business
 - x. Items by the Mayor
 - xi. Items by Council
 - xii. Adjournment
- b) The order of business may be changed at any meeting, by the Mayor, or with the unanimous consent of Council or by a majority vote of the members of Council present.

XIII. RULES OF DEBATE

- a. Questions under consideration - A motion presented and seconded is under consideration and no motion shall be received thereafter, except to 1.) To adjourn; 2.) To lay on the table, to postpone or to amend, until the question is decided; or 3.) To refer to a committee. These motions shall have preference in order in which they are mentioned and the first two shall be decided without debate.
- b. Limitations on debate: No member shall speak more than twice upon the same subject without leave of the Council. Nor more than once until every member choosing to speak shall have spoken.

- c. A member of the Council once recognized, shall not be interrupted when speaking unless it be to call him or her to order or as herein otherwise provided. If a member of the Council, while speaking, be called to order, he or she shall cease speaking until the question of order be determined by the presiding officer, and if in order he or she shall be permitted to proceed. Any member of the Council may appeal to the Council from the decision of the presiding officer upon a question of order, whereupon without debate the presiding officer shall submit to the Council the question. "Shall the decision of the chair be sustained?", and the Council shall decide the question by a majority vote.
- d. Privilege of closing debate: Any member of Council may close debate by moving the previous question which requires 2/3 vote.

XIV. ROLL CALL FOR VOTING

Upon any roll call there shall be no discussion or explanation given by any member of Council voting, and he shall vote "yes" or "no" unless he shall first receive permission from a majority of the Council to explain his vote. A member of the Council may abstain from voting on any matter. The vote upon every contract, ordinance, by laws, resolution, and appropriation of money shall be taken by roll call vote, and the vote of each member shall be placed in the minutes.

XV. MANNER OF ADDRESSING COUNCIL, TIME LIMIT

Each person desiring to address the Council at the Public Hearing portion of the meeting only, shall stand and give his or her name and address in an audible tone of voice for the record, and unless further time is granted by the majority of the Council, shall limit his address to 5 minutes. All remarks shall be addressed to the presiding officer and Council as a body and not to any individual member of the Council. No person, other than members of the Council, and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No question shall be asked a member of the Council except through the presiding officer.

XVI. DECORUM

City Council meetings shall be conducted in a fair and impartial manner that allows the business of the City to be effectively undertaken. Citizens, City staff and Council members alike must be allowed to state their positions in a courteous atmosphere that is free of intimidation, profanity, personal affronts, threats of violence, or the use of Council as a forum for politics that have no relation to city functions. All remarks shall be directed to the City Council as a whole, not to City staff or to the public in attendance. Members of the public shall not approach the dais without first seeking and obtaining the permission of the Mayor or presiding officer. Warnings may be given by the Presiding Officer at any time that a speaker does not conduct himself or herself in a professional and respectful manner and anyone whose loud, defiant, threatening, personal, vulgar, uncivil, or abusive language or behavior impedes the orderly conduct of a City Council meeting shall, at the discretion of the presiding officer, be barred from speaking further and may be ejected from the meeting.

- a. By Council members:
 - i. While the Council is in session, the members must preserve order and decorum. A councilperson shall not, by conversation or otherwise, except as herein provided, delay, or interrupt the proceedings or the peace of the Council or disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.
- b. By other persons:

- ii. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall forthwith be barred by the presiding officer from further audience before the Council, unless permission to continue or again address the Council be granted by the majority vote of the Council. The Chief of Police, or such member or members of the Police Department as he may designate, shall be the sergeant-at-arms of the Council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting.

XVII. COUNCIL COMMITTEES

- a) At the first Council in January of each year, or as soon thereafter as conveniently possible, the Mayor shall appoint members of the standing committees of Council in accordance with then currently effective resolutions of Council which create such committees and prescribe their composition, jurisdiction, powers, and duties. The Mayor shall appoint such special committees as Council may from time to time authorize by resolution or motion.
- b) Committee members may attend committee meetings by telephone conference or other electronic means as set forth and limited by Rule VIII of these rules and regulations.
- c) Standing Committees may refer items to council agendas upon consensus of a majority of such committee. Should a member or members of a committee be absent, the presiding officer may appoint temporary replacements for the present meeting. There shall be three (3) standing committees.
 - i. Finance, whose duties will include the following: Review budget revisions, review financial statements; Review and make recommendations regarding requests for funds from agencies and groups not associated with the City; Recommend to the Administration the promise of expending available funds; Recommend additional sources of funds for capital improvements; Recommend to Council resolutions suggesting revisions in State Tax structure that apply to cities; Receive, consider and recommend financial resources for standing committee's recommendations; or other matters reasonable related to city finances.
 - ii. Policy, whose duties will include advising the Administration in the following areas: Consider City Council's appointments to Boards and Commissions and make recommendations thereon; All matters of personnel (to be discussed in executive session); To keep the codified ordinances updated as required by the City Charter; To study rules and procedures; or other matters reasonable related to city policies.
 - iii. Traffic, whose duties will include the following: Consider recommendations relating to travel, signage, resurfacing and the like on public ways; or other matters reasonable related to city traffic.

XVIII. PREPARATION OF ORDINANCES, ETC.

The City Attorney or his/her designee, when requested, shall prepare ordinances, resolutions, motions, contracts, or other documents, which shall be delivered to the Clerk in conformity with Rule IV. and Rule VII. A copy of the same shall be forthwith furnished to each member of the Council by the Clerk. All prepared ordinances, resolutions and legal documents shall be approved by the City Attorney or his/her designee and bear his notation that they are correct in form.

XIX. REPORTS AND RESOLUTIONS

All reports and resolutions shall be filed with the City Clerk and entered in the minutes.

XX. READING AND ACTION OF ORDINANCES

Ordinances will be voted on at first reading, and if defeated will not be brought back up for second reading.

XXI. ADJOURNMENT

A motion to adjourn shall always be in order and decided without debate.