

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