

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.

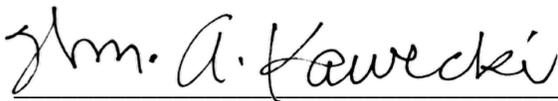
9. Public Comment. Members of the public may comment on items on the meeting agenda or on matters within the purview of the public body, if the public meeting includes a public comment portion or public hearing. The time allotted for the public comment period as well as time allotted for individual comments 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: May 5, 2020

Effective: May 5, 2020



Mayor



City Clerk