

ORDINANCE 324

**AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA  
AMENDING ELKINS CITY CODE §31.02.**

WHEREAS, the Common Council has previously adopted an ordinance concerning Council meetings which is codified in City Code, §31.02 Meetings Generally; and

WHEREAS, subsequent to the passage of the ordinance, it has become apparent that certain provisions of City Code, §31.02 Meetings Generally, need to be changed and amended to reflect changes in practices and for clarity; and

WHEREAS, the Common Council has determined that by making these changes to City Code, §31.02 Meetings Generally, it is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Common Council that City Code, §31.02, Meetings Generally, be amended to change and add the following language to the noted section:

§ 31.02 MEETINGS GENERALLY.

(A) Regular meetings. There shall be a regular meeting of the Council on the first and third Thursday of each month, at 7:00 p.m.; provided that council may elect to meet at other times and may otherwise approve temporary changes to this schedule from time to time.

(B) Special meetings. There may be a special meeting of the Council held at any time fixed by the Council.

(C) Special called meetings. There may be special-called meetings of the Council at any time fixed by the Mayor or by any three members of the Council. Notification of the time, date, location and agenda of any special-called meeting shall be provided in the same manner as for regular meetings, provided that, in the event that the usual notification methods are judged insufficient, every reasonable effort will be made using alternate methods to ensure timely notification. Except under unusual circumstances, all members of staff who customarily attend regular meetings shall be notified of any special-called meeting in the same way that members of Council are notified.

(D) Place of meetings. All meetings of the Council shall be held in the Council Chamber at City Hall; provided, that the Council may designate another place, open to the public and within the city when, in the opinion of a majority of the members, the Council Chambers would not be adequate to accommodate the number of persons expected to be present for a meeting, or when, for other good reason, the Council Chamber is not deemed suitable.

(E) Remote meetings. Council may elect to meet using telephonic or electronic tools and may under special circumstances elect to allow members to join otherwise in-person meetings using such tools, provided that the use of these tools must otherwise comply with all applicable

requirements of City and State Code, especially including requirements concerning access by members of the public.

(F) Open to public; exceptions. All meetings of the Council shall be open to orderly members of the public; provided, that the Council may, during any meeting, elect to enter executive session, as provided by W.Va. Code § 6-9A-4; at which time, the Council may exclude from attendance any nonmembers whose presence is not necessary for the consideration of the subject being considered in executive session; and provided further, that no final decision shall be made or vote or action taken upon any matter until the meeting has been reopened to the public.


If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon the date of its final adoption.

**PASSED AND APPROVED ON THE FIRST READING: March 7, 2024.**

**PASSED AND APPROVED ON THE SECOND AND FINAL READING: March 21, 2024.**

Attest:

  
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Sutton Stokes, City Clerk

  
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Jerry A. Mardo, Mayor