

MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., JANUARY 18, 2022

THE MEETING WAS HELD IN PERSON IN THE AV ROOM #308 IN CITY HALL.

Chad Robinson, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30p.m., JANUARY 18, 2022.

Committee Members Present:

Chad Robinson, Chair

Bobby Reishman, Vice Chair

Ben Adams

Becky Ceperley

Emmett Pepper

Keeley Steele

Absent:

Adam Knauff

Councilmembers also Present:

None

1. Approval of Previous – Councilmember Steele motioned to approve the previous minutes from 11-9-2021. Councilmember Ceperley seconded. With the members being present having voted unanimously in the affirmative, the Chair declared the minutes approved.

2. Resolution No. 582-21 – Amending the Rules of Council by adding thereto a new rule, designated Rule No. 23, clarifying the process related to absences from Council meetings.

Councilmember Robinson invited City Attorney, Kevin Baker, to describe the resolution. Baker stated that for some time, the City Charter has had a provision that talks about declaring a Councilmember's seat vacant if they accrue more than three consecutive unexcused absences. However, WV Code § 6-6-7 supersedes this section of the Charter (as noted in the Charter), which states that there must be a due process through the court system in order to remove someone from office. The resolution establishes a process for Councilmembers to notify the Clerk's Office via email of their absence. The benefit of listing an absence as excused is if someone were to try to instigate court proceedings to try to remove a Councilmember from office. The practical implication for City operations is virtually nothing.

Councilmember Steel asked if Council would have to vote to remove another Councilmember from office. Baker replied yes, but there would still need to be a filing through the Circuit Court.

With no further discussion, Councilmember Ceperley made a motion to approve Resolution No. 582-21. Councilmember Steele seconded. With those being present having voted unanimously in the affirmative, the Chair declared Resolution No. 582-21 as approved.

Councilmember Knauff motioned to adjourn the meeting. Councilmember Ceperley seconded. Meeting adjourned.

Resolution No. 582-21

Amending the Rules of Council by adding thereto a new rule, designated Rule No. 23, clarifying the process related to absences from Council meetings.

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That the Rules of Council be amended by adding thereto a new rule, designated Rule No. 23, to read as follows:

Rule No. 23. - Order of business at regular meetings; special order of business.

(a) The City Council hereby recognizes that the provision of Section 86 of the City of Charleston Charter that purports to automatically declare a member's office vacant if they have three consecutive unexcused absences have been superseded by state law. Namely, the West Virginia Legislature created a process for the removal of public officers, including members of City Council, that provides due process and is contained in West Virginia Code § 6-6-7.

(b) Notwithstanding section (a) of this rule, the City Council finds that attendance at City Council meetings is an important part of each member's duties and encourages all members to attend each meeting. In recognition of this, the City Council desires to formalize a process for alerting the City Clerk with respect to absences in advance of scheduled meetings, as contained in section (c) of this rule.

(c) Before 5:00 p.m. on the day of a scheduled meeting of City Council or on a day further in advance, a member that is unable to attend a scheduled meeting of City Council may contact the City Clerk by email to notify the Clerk of the impending absence and whether the absence is due to a business, family, medical, or personal reason. If timely notice of the absence is received by email, the absence will be declared excused and entered in the journal as such. If a member does not provide timely notice of the absence, they may provide notice as soon as possible thereafter to the City Clerk and the City Council may move to declare the absence excused at the next regularly scheduled meeting. If no notice is provided, the absence will remain classified as unexcused. The City Council further acknowledges that whether an absence is excused or unexcused, by itself, has no bearing on the potential removal from office of any member pursuant to the requirements contained in West Virginia Code § 6-6-7.

