

2024-O-42

**AN ORDINANCE OF COUNCIL AMENDING, MODIFYING AND RE-ENACTING
ARTICLES 121 AND 190 OF THE CODIFIED ORDINANCES OF THE CITY OF
HUNTINGTON, AS REVISED, CONCERNING OPEN MEETINGS.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUNTINGTON,
CABELL AND WAYNE COUNTIES, WEST VIRGINIA,** that Articles 121 and 190 of the
Codified Ordinances of the City of Huntington, as revised, is hereby **AMENDED, MODIFIED
AND RE-ENACTED** to read as follows:

**ARTICLE 121
COUNCIL**

121.03 OPEN MEETINGS

(a) Scope and Application. This ordinance applies to all public meetings conducted by the City Council and by any commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the foregoing, authorized by law to exercise some portion of executive or legislative power.

(b) Purpose. To promote open deliberation and meaningful public participation within the decisions of city government.

(c) Authority. This policy is adopted in accordance with the West Virginia Open Governmental Proceedings Act, West Virginia Code §§ 6-9A-1 *et seq.*, as it may be amended.

(d) Required. All meetings of the City Council and all City agencies shall be open to the public and to news media. This ordinance does not prohibit the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised.

(e) Regular Meetings. Except in the case of an emergency requiring immediate action, notice of the date, time, purpose, and place fixed and entered of record by Council or other City agency for the holding of regularly scheduled meetings and their agendas shall be made as follows:

(1) A notice shall be posted and maintained by the Clerk at the front door or bulletin board of the City Hall.

(2) A notice shall also be posted electronically to the City's website and any social media regularly used by the City for announcements.

(3) The Clerk also shall send an email notification to all parties requesting to be included in the regular email group.

(4) In addition, a copy of the agenda for each regularly scheduled meeting shall be posted at the same locations by the City Clerk not less than 3 business days before such regular meeting is to be held.

(5) This is in addition to any other notices required by law due to the subject matter to be presented. 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.

(f) Special Meetings. Except in the case of an emergency requiring immediate action, notice of the date, time, purpose, and place fixed and entered of record by Council or other City agency for the holding of regularly scheduled meetings and their agendas shall be made as follows:

(1) A notice shall be posted by the Clerk at the front door or bulletin board of the City Hall not less than two business days before a specially scheduled meeting is to be held.

(2) A notice shall also be posted electronically to the City's website and any social media regularly used by the City for announcements.

(3) The Clerk also shall send an email notification to all parties requesting to be included in the regular email group.

(4) This is in addition to any other notices required by law due to the subject matter to be presented. If the special meeting is canceled, a notice of such cancellation shall be posted at the same locations as soon as feasible after such.

(g) Emergency Meetings. In the case an emergency meeting is required, a notice and an agenda shall be posted as soon as practicable before the meeting is held in the same locations as required for regular and special meetings.

(h) Calculation of Time.

(1) When counting business days, Saturdays, Sundays, and legal holidays are excluded. Additionally, the day of the meeting is not to be counted.

(2) To comply with the posting deadline, the notice or agenda must be posted by the close of the business day.

(i) Location of Meetings.

(1) All meetings of City Council and all City agencies shall take place in Council Chambers in City Hall. In-person attendance at meetings will be limited to the capacity of the meeting room as determined by the City fire marshal. If Council Chambers reaches capacity, to the extent practicable, overflow seating within view of a monitor broadcasting the meeting will be made available.

(2) If the presiding officer of City Council or relevant agency for good cause shall determine that Council Chamber in City Hall is not or will not be an appropriate place for the holding of a meeting, the presiding officer may designate another place open to the public within the city for the holding of such meeting.

(3) Notwithstanding the provisions of subsection (i)(2) above, the presiding officer may make an emergency declaration that the scheduled meeting be held electronically, rather than in-person where a natural or man-made disaster has actually occurred or is imminent or that an emergency exists or may be imminent due to a large-scale threat beyond local control, including, but not limited to, existing or imminent weather conditions that have

caused or is expected to cause travel to be so treacherous as to put the safety of the Council, agency members, or the public in danger. An electronic meeting may be held over media such as audio, video, or computer-based communications when the presiding officer makes such an emergency declaration. If the presiding officer exercises the authority under this subsection to require an electronic meeting, the meeting shall be held in a manner that ensures city council members are able to participate and the public is able to observe the meeting consistent with the West Virginia Open Governmental Proceedings Act, W.Va. Code § 6-9A-1, et seq. If the meeting is unable to be held electronically for any reason, the scheduled agenda shall be heard at the next regularly scheduled meeting or special meeting, if properly noticed.

ARTICLE 190
BOARDS AND COMMISSION GENERALLY

190.04 OPEN MEETINGS

All boards, authorities and agencies of the City of Huntington are to comply with the open meetings requirements as specified in Article 121 of the City of Huntington Codified Ordinances.

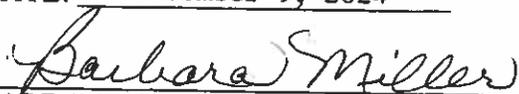
SPONSORED BY: COUNCILMAN BOB BAILEY

APPROVED AS TO FORM BY: SD

FIRST READING: 11/25/2024 - Ordered advertised

SECOND READING: 12/09/2024 - ADOPTED (10 yeas, 1 absent-Bowen)

DATE: December 9, 2024


BARBARA MILLER, CITY CLERK

DATE: 12-9-2024


STEVE WILLIAMS, MAYOR


APPROVE

DATE: 12-9-2024