



City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414

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RESOLUTION

A Resolution to Temporarily Suspend the Rules of Council to Allow for Meetings by Electronic Means

WHEREAS, on March 16, 2020, Governor Jim Justice declared a state of emergency for all counties in West Virginia to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, on March 23, 2020 Governor Jim Justice issued Executive Order 09-20 requiring West Virginians to stay-at-home and non-essential businesses within the state to temporarily cease operations as a means for slowing the spread of COVID-19; and

WHEREAS, the intent of the Executive Order is to ensure the maximum number of people self-isolate in their places of residence to the greatest extent feasible, while enabling essential services to continue; and

WHEREAS, Governor Justice also ordered that essential businesses and operations shall continue to operate, including essential government functions as determined by the political jurisdiction, to ensure continued operation of the government and to provide for or support the health, safety, and welfare of the public; and

WHEREAS, one of the essential functions is the ongoing governance of the municipality, including critical and time-sensitive decision making by city council and other boards, committees, or commissions on matters related to essential government functions and supporting essential businesses and operations; and

WHEREAS, the West Virginia Ethics Commission has issued an opinion (1999-08) that a governing body may meet telephonically or via live audio or visual stream if members of the public may also attend; and

WHEREAS, it is the opinion of the West Virginia Ethics Commission staff that allowing citizens to attend a meeting in person is not required if the governing body determines, based on guidance issued from federal or state authorities authorized to make such decisions, that it constitutes a public health risk to allow citizens to attend in person (based on staff interpretation of Open Meetings Act Opinion 2010-02); and

WHEREAS, the Rules of Council in Section 111.01 of the Charles Town City Code, provide that all regular meetings of the City Council shall be held at the Council Chambers unless otherwise agreed by a unanimous vote of the members, albeit contemplated that these meetings will be relocated to another physical location within the City; and

WHEREAS, Section 111.01(13) of the Charles Town City Code provides for the rescission, amendment, or suspension of the rules to meet special circumstances.

NOW, THEREFORE BE IT RESOLVED, the Charles Town City Council determines that, due to the ongoing COVID-19 pandemic and the state of emergency currently existing throughout the State of West Virginia declared by Governor Justice, Council Chambers are not an appropriate place for the public to gather and hold meetings of the Council; and

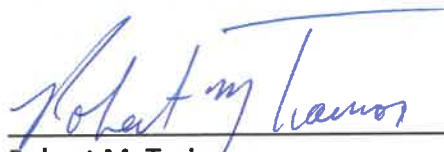
NOW, THEREFORE BE IT FURTHER RESOLVED, pursuant to Section 111.01(13) of the Charles Town City Code and until such time as Governor Justice revokes Executive Order 09-20 or any subsequent executive order that is primarily intended to address the public health emergency and spread of COVID-19 by restricting public gatherings and invoking physical distancing, Council temporarily suspends Section 111.01(1)(a) of the city code to the extent such section mandates that meetings of Council be held at Council Chambers or any other physical location; and

NOW, THEREFORE BE IT FURTHER RESOLVED, Council determines that meetings of Council, whether regular, special, or emergency, may be conducted telephonically or by other electronic means (including without limitation, internet-based streaming platforms) by which all members of the governing body and necessary city staff may hear, and be heard, by each other, and by which members of the public may, at a minimum, hear the proceedings until such time as the Governor's Executive Order and any subsequent order is revoked; and

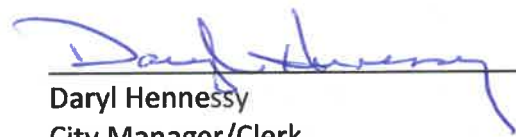
NOW, THEREFORE BE IT FURTHER RESOLVED, to the extent it does not conflict with any other rules or by-laws, that other City Boards, Committees, and Commissions may also conduct meetings telephonically or by other electronic means during this same period of time under the same requirements that all members and staff may hear, and be heard, by each other, and by which members of the public may, at a minimum, hear the proceedings.

Unanimously adopted the 30th day of March, 2020.

Attest:



Robert M. Trainor
Mayor



Daryl Hennessy
City Manager/Clerk