

Morgantown Board of Park and Recreation Commissioners
Public Meeting Policy

1. Scope and Application. This policy applies to all public meetings conducted by the Morgantown Board of Park and Recreation Commissioners (the “Board”).

2. Purpose. This policy describes the process by which the Board will conduct public meetings. The policy is designed to help the Board conduct its business efficiently and promote open deliberation with meaningful public participation.

3. Authority. This policy is adopted in accordance with the West Virginia Open Governmental Proceedings Act (“OGPA”), codified at *W. Va. §§ 6-9A-1 et seq.*, West Virginia Code Chapter 8, Article 21, entitled “Board of Park and Recreation Commissioners,” as they may be amended, and guidance published by the West Virginia Ethics Commission regarding holding public meetings.

4. Meetings.

a. Regular meetings. The Board holds regular meetings on the second Wednesday of each month. Regular meetings begin at 3 p.m. and are held in City Council Chambers at Morgantown City Hall, 389 Spruce Street, Morgantown, West Virginia. Meetings may be held by electronic means only, without a physical meeting space, in accordance with the **City Council Policy on Conduct of Public Meetings by Electronic Means**. The Board may change the dates, times, and location of regular meetings.

b. Special meetings. The Board may hold special meetings at any time upon the call of the President or of at least four members of the Board. Special meetings will be held upon at least two business days’ notice, which shall be contained in a publicly posted agenda identifying the matters to be considered at the meeting.

c. Emergency meetings. The Board may hold emergency meetings upon the call of the President, the Executive Director, or at least three members of the Board for the purpose of addressing an unexpected event which requires immediate attention because it poses: (A) An imminent threat to public health or safety; (B) An imminent threat of damage to public or private property; or (C) An imminent material financial loss or other imminent substantial harm to a public agency, its employees, or the members of the public which it serves. Public notice of the emergency meeting shall be posted as soon as practicable prior to the meeting and shall state the date, time, place, and purpose of the meeting and the facts and circumstances of the emergency.

d. Cancellation or rescheduling. Any meeting may be canceled or rescheduled by the President or a majority of the members of the Board prior to the start of the meeting.

e. Work sessions. Work Sessions are meetings at which the Board may discuss one or more specific topics in depth among themselves, or at which the Board desires to receive an in-depth presentation from staff or an outside party on a particular topic. The Board may vote on matters discussed at a Work Session (OGPA does not prohibit voting), but generally the purpose of a Work Session is to inform Board Members on a topic and for Board Members to give staff or others general direction. Work Sessions may take place within a regular meeting or may be scheduled as a special meeting.

5. Agenda.

a. Format; Posting. The agenda shall state the date, time, and place of the meeting and identify the matters to be considered by the Board at the meeting. The agenda will be posted by the Executive Director at the Board's administrative offices and available for review during regular business hours. The Executive Director will ordinarily also publish the agenda to the Board's website. The agenda will be posted at least 3 business days before any regular meeting and may be amended no later than 2 business days before any regular meeting. The agenda will be posted at least 2 business days before any special meeting. The agenda will be posted as soon as practicable before any emergency meeting. For purposes of these rules, a "business day" is any day except a Saturday, Sunday, or a legal holiday as defined by *W. Va. Code* § 2-2-1. When calculating business days, the day of the meeting is not counted.

b. Contents. An item may be placed on the agenda by determination of the President, the Executive Director, or at least three members of the Board. Determinations whether to place an item on the meeting agenda are logistical matters that need not be made in public meetings. The determination to place an item on the agenda, and communication of that determination to the Executive Director, shall be made and communicated to the Executive Director sufficiently in advance of the meeting to permit posting of the required notice.

6. Minutes. The Secretary shall prepare minutes of each meeting of the Board and present the minutes for approval by the Board. The minutes will include the date, time, and place of the meeting; the name of each member of Board member present and absent; all motions, orders, resolutions, ordinances, and measures proposed, as well as the name of the person proposing each action and the disposition of the matter; and the results of all votes. The minutes should describe each item on which the Board acted, including a record of any amendments to any item before the Board and the record of the vote on each amendment and action taken. The Executive Director shall keep a record of all adopted meeting minutes.

7. Public participation.

a. Attendance; Capacity of meeting room. In-person attendance at meetings will be limited to the capacity of the meeting room as determined by the City of Morgantown fire

marshal. Attendees will be admitted in the order they appear for entry. When the meeting room reaches capacity, the presiding officer or a city law enforcement official present at the meeting will preclude any additional entrants unless an attendee leaves and permits space for an additional entrant. The presiding officer or law enforcement official may allow temporary entry when capacity has been reached so that members of the public wishing to speak during the public portion or a public hearing may enter to speak. Attendance at meetings conducted by electronic means only will be governed by the **City Council Policy on Conduct of Public Meetings by Electronic Means**.

b. Observation of meeting; decorum. Public attendees of the meeting are entitled to hear the proceedings of the Board. In order to ensure the attendees may hear the meeting and to ensure that public business can be conducted effectively, members of the public may not speak during the meeting except during designated public portions and in accordance with the rules for those portions. Members of the public may not disrupt the meeting by other means, including by displaying signs that may inhibit others' view of the meeting or by making noises or gestures that interfere with the meeting. Members of the public are entitled to record the meetings of the Board by audio, visual, or audiovisual methods so long as the recording does not interfere with the conduct of the meeting or the rights of public attendees to observe the meeting. The meetings of the Board are a limited public forum, established for the purpose of conducting the Board's business and obtaining public input on the Board's business, where speech is only regulated by content-neutral, generally-applicable rules, and this policy will not be used to limit speech based on the content or viewpoint of the speaker; provided, that comments not related to the business of the Board, that include vulgar or discriminatory language, or that constitute personal grievances rather than addressing matters of public concern are not permitted. The presiding officer will determine whether the conduct of an attendee violates this policy, and the presiding officer shall have the right to order any attendee to cease violation of the policy or to leave the meeting.

c. Public portion. Public comment is permitted only at times designated on a meeting agenda, and is governed by the rules in this Policy and subsection.

i. **Comment Topics.**

A. When the agenda for a meeting of the Board includes a time for comments from citizens, any person may speak on any issue arising out of:

(i) any existing or proposed ordinance, resolution, policy, or pending or previous action of the Board; or

(ii) matters that may warrant action by the Board.

B. Any Board member may raise a point of order as to whether a speaker's topic falls within one of the above categories. No further comments will be allowed on that topic unless the President determines that the topic is within one of the above categories. When a Board member so raises a point of order, and absent a determination that the topic is within one of the above categories, the President will direct the speaker to terminate all remarks on that topic.

ii. **Order in Which Comments Will Be Received.**

A. Each person wishing to be heard at a meeting is encouraged to sign in before the beginning of the meeting, listing the person's name, physical address, and subject matter of the person's comments. Persons who have signed in will be heard before persons who have not signed in, in the order their names appear, except that the President may take speakers out of order so that:

(i) persons addressing agenda items may be heard first;
or

(ii) persons speaking on the same subject matter may be heard consecutively.

B. After all persons who have signed in have been heard, the President will ask if anyone else wishes to make comments. The President will individually acknowledge each person who wishes to be heard at that time and ask them to come forward to make their comments. Alternatively, the President may ask persons who wish to make comments to form a line from the speaker's podium and speak when they reach the podium.

iii. **Identification of Speakers.**

When recognized by the President, each speaker must address the Board from the designated podium and must state their name and physical address. The speaker must provide either the speaker's physical home address or a physical business address, depending on the relevance to the speaker's comments. If the speaker is speaking on behalf of another party, the speaker may provide the name and physical address of that party.

iv. **Recognition Required.**

A person may not address the Board or make audible remarks during a meeting unless recognized by the President. Unless a meeting is conducted only by electronic means, or unless specific advance arrangements have been made, only members of the public who are present in person may speak during the public comment portion of the meeting. If arrangements are made to permit members of the public to speak from a remote location during the public comment portion, the option to participate will be made available on similar terms to all members of the public, subject to reasonable rules that the Board or the presiding officer may adopt for that purpose.

v. **Time Limit.**

A. No speaker may speak more than three minutes. The President will inform a speaker when the speaker has reached the time limit, and the speaker must stop speaking. A speaker may not yield any part of the speaker's time to any other person.

B. No speaker may speak more than once during the same comment period.

C. The time limits established under this section do not apply to presentations on agenda items as provided for in **subsection 7.c.xi**.

vi. Comments to Be Directed to Entire Board.

Citizens must address their comments to the Board as a whole, rather than individual Board members, staff, or other persons in attendance. The President may suspend this rule for the purpose of allowing a person to:

A. Submit proposed questions to be asked of a party who has a proposal that is to be considered by the Board.

B. Question such a party directly, if the party consents.

vii. Redundant Comments.

To avoid redundant comments, the President may ask persons having the same or similar viewpoints on a topic to designate one representative speaker to comment on their behalf. The President may also ask persons whose viewpoints are represented by the speaker to stand or raise their hands.

viii. Responses to Speakers.

A. Board members may not interrupt a speaker during the speaker's allotted comment time, except that:

(i) the President may inform a speaker when the speaker is close to or has reached the established time limit for their comments.

(ii) a Board member may raise a point of order about whether the topic of the speaker's comments is permitted by the public meeting policy.

B. Board members do not respond to speakers during their comments and are not obligated to answer speakers' questions during a meeting. However, if a speaker's comments pertain to an item that is on the meeting's agenda, Board members may address comments, answer questions, or ask questions of the speaker when the item is considered on the agenda. If a matter addressed by a speaker does not pertain to an agenda item:

(i) a Board member may ask for the floor at the end of a speaker's comments to ask questions of the speaker;

(ii) the President may refer the matter to staff, at the President's discretion or upon the request of a Board member; or

(iii) if the matter warrants action by the Board, the Board may schedule the matter for consideration at a future meeting, upon motion by a Board member and majority vote of those members present.

ix. Lengthy Comment Periods.

After 30 minutes of citizen comments, the Board may, by majority vote of those present, vote to move any remaining comments not dealing with an agenda item to the end of the meeting, or to limit the total amount of meeting time devoted to citizen comments.

x. Public Hearings on Designated Topics.

These policies also apply to citizen comments during public hearings on specific matters, except that all comments during a public hearing must pertain only to the matter for which the hearing is held. When a public hearing occurs during a meeting that includes other matters, a person speaking during the public hearing may address a separate topic during the portion of the meeting reserved for general citizen comments for an additional period of up to three minutes.

xi. Presentations on Agenda Items.

When an item appears on the agenda upon application or request of a person other than a member of the Board or staff, the President will allow that person or the person's representative(s) to address the Board at the point the item is considered during the meeting. Furthermore, upon motion of any member of the Board, and approval by a majority vote of those members present, the Board may hear a presentation or seek information from any person about an agenda item under consideration during a meeting. Presentations will be limited to 15 minutes, but the time period may be extended by the President if necessary to complete presentation of the topic identified on the agenda.

8. Conduct of the meeting.

a. Presiding officer. The President shall be the presiding officer at meetings of the Board. In the absence of the President, the Vice President will be the presiding officer. In the absence of both the President and the Vice President, a majority of Board members present at the meeting will select a presiding officer. The presiding officer will maintain order and decorum during the meeting to ensure the proper conduct of public business, and in order to do so shall have the authority to rule motions in or out of order, determine whether a speaker is unreasonably disturbing the meeting (and to entertain and rule on objections from other members on this ground), to entertain and answer questions of procedure, to call a brief recess, or to adjourn in case of emergency.

b. Rules. The Board will generally conduct deliberations during the meeting in accordance with Robert's Rules of Order¹, except where those rules are modified by state law, the Morgantown City Charter, the Morgantown City Code, these rules, or by agreement of the Board at the meeting if permitted by governing law.

¹ City Council will generally refer to Robert's Rules as published and freely accessible online at: www.rulesonline.com

c. Business before the Council. The Board will take up agenda items in the order in which they are listed, unless the President or a majority of the Board elects to consider the items in a different order. The Board need not deliberate on all matters listed on the agenda, but it will confine its deliberations only to those items listed on the agenda.

d. Access. Regular meetings are generally held in person at Morgantown City Hall and accessible to the public. Persons with disabilities may request reasonable accommodations by calling the Executive Director's office at (304) 296-8356, emailing the Executive Director at mwiles@boparc.org, or visiting the Board's administrative office at Marilla Center, 799 East Brockway Avenue, Morgantown, WV, or alternate locations of Board offices, or through using a public request system made available through the Board's website.


e. Participation by members and others. Board Members will ordinarily attend meetings in person when a meeting is held at a physical location. With the approval of the presiding officer or a majority of the members present (in person or by electronic means) at the meeting, Board Members may participate by electronic means (telephone or videoconference), so long as the participation can be accomplished in a way that allows members of the public to hear the Board Member and allows the Board Member to appropriately participate in the Board's deliberation. The Board may also allow participation by staff or invited presenters by electronic means when convenient to conducting the business of the Board. Due to limitations on the technical capabilities of the Board's electronic communications services, electronic participation at in person meetings is not offered to members of the public, except as specifically stated in this policy.

f. Executive sessions. The Board may consider items in executive session as permitted by OGPA. Executive sessions will be conducted consistent with the **Morgantown Board of Park and Recreation Commissioners Policy on Executive Sessions.**

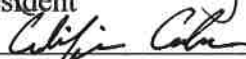
9. Effect of policy; Posting. This policy is adopted by the Board as of the effective date and supersedes any prior Board meeting rules addressing the topics covered herein. The rules and procedures set forth within this document do not create substantive rights for third parties or participants in proceedings before the Board, and the Board reserves the right to suspend or amend the rules, including in any manner provided in any applicable law, regulation, rule, or policy. The failure of the Board to strictly comply with the provisions of this document shall not invalidate any action of the Board. The adopted policy will be available in the Board's administrative offices upon request and may also be posted on the Board's website.

Adopted: April 10, 2024

Effective: April 10, 2024



President



Secretary