

AN ORDINANCE OF THE CITY OF CLARKSBURG TO CREATE SECTION 115.16 –
RULES OF ATTENDANCE FOR COUNCIL MEMBERS

WHEREAS, West Virginia Code § 6-6-7 provides that a council member may be removed for official misconduct, neglect of duty, incompetence or for any of the causes or on any of the grounds provided by any other statute.

WHEREAS, Council may set forth rules and procedure regarding the conduct and appearance of its meetings, including by its members.

WHEREAS, attendance at Council meetings is an important and core part of each member's duties and encourages all members to attend each meeting.

WHEREAS, in accordance with this, Council desires to set forth its position as to the duty of a member to attend regular meetings.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF CLARKSBURG, WEST VIRGINIA, AS FOLLOWS:

115.16. COUNCILMEMBER ATTENDANCE

- (a) All members of Council are expected to attend and participate in all Council meetings when proper notice has been given.
- (b) To carry out a member's duties, such member is expected to appear at a minimum of fifteen regular meetings per year or, in the event that Council holds less than twenty-four regular meetings, then at least sixty percent of the regular meetings held.
- (c) To carry out a member's duties, such member shall not miss three consecutive regular meetings.
- (d) For purposes of this Article 115.16, the conference sessions, as set forth in Article 115.04(a), are considered part of the regular meeting when held immediately before. A member's absence at such a conference session will not be considered an absence at the regular meeting so long as the member appears at the regular session at the time of the Clerk's roll taking.
- (e) To carry out a member's duties, such member is expected to appear at a minimum of fifty percent of the special meetings held. For purposes of this Article 115.16, special meetings include the special meetings commonly referred to as work sessions.
- (f) A member who is unable to attend a meeting may notify the Clerk in advance of such meeting and may state whether the absence is due to a business, family, medical, or personal reason. The member may provide such information as he or she deems proper to the Clerk as evidence of such absence. The Clerk shall not disclose such additional information

without authorization unless Council seeks to remove such member and in the ordinary course of business shall only disclose that the member contacted the Clerk regarding his or her absence.

(g) Council may excuse any member from the attendance policy herein, whether in advance or not, for reasonable and appropriate reasons, such as extended illness, military duty, conflicting public service obligations, immediate family illness, or any other reason Council, in its discretion, deems reasonable.

(h) If a member in his or her regular course of employment (outside of the member's position as a councilmember) takes a leave of absence from such employment pursuant to the Uniformed Services Employment and Reemployment Rights Act; Civilian Reservist Emergency Workforce Act of 2021; Family and Medical Leave Act or similar statute, then Council shall honor such leave of absence and excuse the member from the attendance policy herein.

(i) If a member violates the attendance policy herein and Council does not excuse such member from its enforcement, then Council may use such violation as a basis for seeking such member's removal. In seeking removal, Council shall comply with and act pursuant to West Virginia Code § 6-6-7. The member may address Council prior to and during its consideration of the resolution setting forth the neglect of duty. In determining whether to pass such resolution, Council may consider any mitigating or aggravating reasons for the alleged neglect of duty.

PASSED by Council of the City of Clarksburg on FIRST READING on this 6th day of April, 2023.

PASSED by Council of the City of Clarksburg on SECOND AND FINAL READING, following a public hearing, on this 20th day of April, 2023.

JAMES MARINO, Mayor

ATTEST:

ANNETTE M. WRIGHT
CITY CLERK

APPROVED AS TO FORM

RICHARD R. MARSH
CITY ATTORNEY