



The Municipal Handbook for Elected Officials

West Virginia Municipal League
2020 Kanawha Blvd., East
Charleston, WV 25311
304-342-5564
www.wvml.org

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About this Handbook

Introduction

Since 1968, municipal officials have received assistance from the West Virginia Municipal League in dealing with local government affairs. Representing 230 municipalities, the West Virginia Municipal League prides itself on providing useful and current information to its membership. As a result, we have developed the following *Municipal Handbook for Elected Officials* in an effort to increase local leadership and capacity development in West Virginia's municipalities.

Much of the information obtained for compilation of this handbook has been borrowed from West Virginia Municipal League Conference Presentations, the Elected Officials Handbooks (published by ICMA, International City/County Management Association), Steptoe and Johnson, West Virginia Ethics Commission, and various state municipal league handbooks for elected officials. The Handbook was originally prepared by Lisa Sharp, Community Development Consultant, under the direction of the West Virginia Municipal League and has been updated by Municipal League Staff. While this handbook has been designed as a guide for municipal officials it should be noted that it is only a guide and should not be used for legal opinions. Since every charter may be different, always check with your city attorney on specific questions regarding your municipality.

Chapter 1 - You Have Just Been Elected, What Now?

What is Municipal Government?

According to the American Heritage College Dictionary, a municipality refers to “a political unit, such as a city, incorporated for local self-government”. It goes on to say that typically there is a “body of officials appointed to manage the affairs of a local political unit.” Broadly speaking, a municipality typically refers to a geographic area of residents organized in an effort to provide public services. According to the Code of the State of West Virginia, all municipal corporations are classified by population into four classes, as follows:

- (1) Every municipal corporation with a population in excess of fifty thousand shall be a Class I city;
- (2) Every municipal corporation with a population in excess of ten thousand but not in excess of fifty thousand shall be a Class II city;
- (3) Every municipal corporation with a population in excess of two thousand but not in excess of ten thousand shall be a Class III city; and
- (4) Every municipal corporation with a population of two thousand or less shall be a Class IV town or village.

Whatever the case may be, the state grants the municipality the authority that it exercises in order to conduct its affairs.

Roles and Responsibilities of Municipal Public Officials

The only criteria for becoming an elected official is “winning the votes”! Which means, that in some communities, officials take office without a real knowledge of what the job entails. Most other municipal government positions require specific education and/or experience. There are also a host of training programs for municipal employees, some being mandatory in order to maintain a level of competence, however there is no requirement for newly elected officials to learn about the government structure for which they now have leadership responsibility. This chapter is designed to provide a brief orientation for newly elected officials that will allow them to get a sense of the responsibilities of their new role and offer insight into what the public and other members of the council will expect of them.

In an effort to find out exactly what the job entails, the elected official should start with the municipal charter. The charter is the basic legal document that enables the municipal government to exist and act and it also informs the elected official, in general, what authority he or she possesses or does not possess. If the municipality does not have a charter, there are other state codes, laws or ordinances of a municipal government that will inform municipal officials of the concerns they must assume as their own.

Newly elected officials may also want to utilize municipal officials elected or appointed before them, the municipal attorney, and the West Virginia Municipal League as valuable resources of information.

Whether you are elected or appointed to your position, it is important to fully understand the roles and responsibilities that may be necessary to effectively fulfill the duties of your position. Even though each community is unique, each has its own set of problems and each arranges those problems in a different order of importance.

Following are some ways that a new official can discover the needs of a community and how they should be ranked.

Observation. As you go back and forth to work or to city hall, take the opportunity to look for problems that exist or are developing. You may want to consider a tour of the community with the rest of the council accompanied by the city administrator, some department heads, and perhaps members of the press. Such a tour is especially valuable for the newly elected official, for you might be able to discover parts of the city that you never have seen before and, in general, observe where the major trouble spots are located. Although there really is no substitute for first-hand observation, there must be additional methods of input of information to supplement the visual approach.

Talking with Citizens. Direct interaction with members of the community is desirable both politically and rationally. You should be perceived as accessible, concerned, and open-minded - and will be if you make a regular practice of talking, not just with friends, but with strangers and with persons representing various economic backgrounds, professions and occupations, and cultural differences. In talking with citizens, you should be concerned primarily with listening; you should avoid arguing or defending. Your whole attitude should be one that reflects a genuine desire to secure information. In addition to seeking information in a person-to-person setting, you can expect to get unsolicited information and criticism from citizens who seek you out.

Reading. A large amount of printed material will reach you during your tenure as a municipal official. For example, you will receive minutes, reports, articles, letters, recommendations, proposed state and federal legislation and much, much more. While much of this relates to the nature of problems and possible solutions, some of it may help you discover the needs and wishes of the community. A letter or a newspaper article may reveal a problem that previously had not surfaced. Problems in other communities will also be spelled out in journals and other printed sources and may cause you to think about whether this is a problem in your community.

Having defined the problems and needs of the community, you should put these needs in some order of priority. Obviously, the human and financial resources of any municipality are limited. Even if they were unlimited, the local government would not - and should not - engage in many of these activities for various reasons. The level of taxes, the demands of citizens, the availability of similar services from other agencies and many other factors make it necessary to determine, first of all, what services and activities to support and promote and then, having determined this, what the programs shall be and in what order they shall be addressed.

Participating in Formal Council Meetings

The culmination of determining community needs and priorities and gathering and analyzing data related to those needs is the council meeting itself. Here, under public scrutiny and sometimes accompanied by hostility, suspicion and distrust, the municipal lawmaker must transact the business of the community.

An important element in each council meeting is the agenda. An agenda is an orderly process for discussing business and making decisions. It also serves to protect the council from unproductive use of meeting time. A written agenda for each meeting is mandatory and must be noticed (see Open Governmental Meetings W. Va. Code §6-9A-1 through 12). For council meetings, the agenda usually is assembled by the mayor, city manager/administrator or city clerk. Items of business and topics for discussion should be placed on the agenda before each meeting.

During Council meetings it is important that the city officials:

1. Appear attentive, sound knowledgeable and be relatively straightforward and meticulously honest.
2. Have some acquaintance with a systematic and efficient way of handling business that is brought before the council. This includes the development of an agenda that outlines the order in which items of business are to be considered. This agenda should be concise, readily understandable and provide opportunity for the general public to address the council as well as make it possible for the city officials themselves to bring up items of business they would like to have discussed.
3. Bring to the meeting all appropriate documents, notes and memoranda. The material should be arranged in the same order as the agenda so that pertinent data can be consulted as needed.
4. Be equipped with a reasonable knowledge of your city's parliamentary procedure to keep the meeting moving smoothly and efficiently, with a clear indication as to the exact action taken on each item. However, too much attention on procedure can cause the meetings to bog down in complicated rules.
5. Make every attempt to eliminate personal remarks that are intended to ridicule or "put down" another person. Regardless of the actual relationships between one official and another, the general atmosphere of any council meeting should be relaxed, friendly, efficient, and dignified. Sarcasm, innuendo, and name-calling are approaches to be avoided in interacting with the other officials, staff and the general public. This does not mean to suggest that falsehoods, misinterpretations, distortions and challenges to one's integrity or honesty should be left unanswered. They should be answered, and sometimes vigorously, but these rejoinders should address the facts rather than the qualities of the person being addressed.

Public hearings are a type of formal council meeting. Such hearings, which are mandatory for some business matters, should be viewed as a serious effort on the part of city officials to secure as much information as possible about the matter before a final decision is made. Two general suggestions can be made with respect to the conduct of public hearings:

1. City officials should do everything possible to encourage as much participation in the discussion of the issue as possible. Although limits may have to be placed on how much time an individual can talk, everyone who wishes to be heard should be allowed to speak. Public hearings can be tiring, and there is a temptation to close the discussion before everyone has spoken. Officials should resist this temptation and err in the direction of permitting “over talk” rather than “under talk.” In general, city officials should avoid debating with citizens at a public hearing; instead, they should encourage the individual to express himself. You can help in this process by looking directly at the person talking, by using nonverbal cues such as nodding affirmation, and physically leaning in the direction of the speaker. At the same time try to avoid such negative, nonverbal cues as scowling, appearing to read a paper, talking to another official, or using facial expressions that suggest ridicule or contempt.
2. City officials must be careful to avoid being trapped into accepting the view that the number of citizens who speak on one side of an issue should determine the nature of the decision to be made. Although the numbers speaking on one side may be employed as one factor in arriving at a solution, it should not be the only factor. There is no easy way to determine to what extent the speakers represent their claimed constituents; the other side may be far more numerous but far less vocal. Decisions should be the result of a careful balancing of the facts and arguments both from the point of view of those directly concerned and of the community at large, with all citizen input given equal consideration, if not equal weight.

Interacting with Citizen Boards and Commissions

Citizen participation in finding answers to complex questions that face city councils today can be secured in a number of ways. The most formal and efficient method is through the use of committees, commissions and boards. Such groups are meant to make recommendations after sifting and analyzing data. Both committee members and city officials should keep in mind that, for the most part, citizen committees and boards are advisory in nature, and the council must make the ultimate decision.

The council decision may not always coincide with the board recommendation, for city officials must be concerned with the interrelationship of those decisions with decisions made in other areas. For example, changes recommended by a planning board may not have taken into account traffic problems that would be created by such a change. One solution is to send proposed legislation to every possible board. However, caution should be exercised, since this practice may complicate and slow down the decision-making process and perhaps increase the relevant costs.

Bonding of Municipal Officers

According to *West Virginia Code §6-2-11*, every officer or employee of a municipality who handles public funds or property, and every other officer or employee of a municipality of whom it shall be required, shall, unless otherwise provided by law, give bond, with good security, to be approved by the council or other similar body of such municipality, and in such penalty as such council or other similar body shall prescribe, conditioned upon the faithful discharge of the duties of his office or employment and the faithful accounting for and paying over, as required by law, of any funds or property coming into his possession.

Check with your local insurance agent for details on your bonds and refer them to *WV Code 6-2-11*, which deals with same.

Elected Officials of Municipal Government

The principal elected officials in West Virginia's incorporated municipalities are the mayor and members of the city/town/village council. While no two municipalities are precisely alike, each falls into one of the structural categories common to all municipal governments in the United States. Some West Virginia cities have an elected police chief or public works commissioner. The structure of the government for a particular community, as it is provided for in the municipal charter or West Virginia State Code, defines the specific responsibilities of elected officials who may be mayors, recorders, commissioners, council members, clerks, or municipal judges.

At issue is the amount of legislative and executive authority that rests in each office. Understanding the distinction between the two will allow for an orderly alignment of policy making and administrative powers. A government needs someone to make policy and someone to execute it. For example, staff members need to know who their boss is and contractors must know who has the authority to bind the municipality to payment for an extra cost item.

In the 20th century, municipalities have developed several general structures for the allocation of legislative and executive authority. The structure and organization of a city government may be specified by the charter. Among the various types of city governments are the mayor-council, strong-mayor, manager-mayor, manager, and commission forms of government. The plans are described as follows:

Mayor-Council Plan

Under this plan:

- (1) There shall be a city council, elected at large or by wards, or both at large and by wards, by the qualified voters of the city; a mayor elected by the qualified voters in the city; and such other elective officers as the charter may prescribe; and
- (2) The mayor and council shall be the governing body and administrative authority.

Strong-Mayor Plan

Under this plan:

- (1) There shall be a mayor elected by the qualified voters of the city; and a city council elected at large or by wards, or both at large and by wards, by the qualified voters of the city;
- (2) The council shall be the governing body;
- (3) The mayor shall be the administrative authority; and
- (4) Other officers and employees shall be appointed by the mayor, but such appointments may be made subject to the approval of the council.

Manager-Mayor Plan

Under this plan:

- (1) There shall be a council of not less than five nor more than eleven members, elected either at large or from such geographical districts as may be established by the charter, or partly at large and partly from such geographical districts. The charter may empower the council to change, from time to time, such districts without amending the charter. However, the change of such districts shall not take effect during the terms of office of the members of such council making such change;
- (2) There shall be a mayor elected at large by the qualified voters of the municipality as may be established by the charter, who shall serve as a member and the presiding officer of the council; and a city manager who shall be appointed by the council;
- (3) The council shall be the governing body; and
- (4) The manager shall be the administrative authority. He/she shall manage the affairs of the city under the supervision of the council and shall be responsible to such council. He/she shall appoint or employ, all subordinates and employees for whose duties or work he/she is responsible to the council.

Manager Plan

Under this plan:

- (1) There shall be a council of not less than five nor more than eleven members, elected either at large or from such geographical districts as may be established by the charter, or partly at large and partly from such geographical districts. The charter may empower the council to change, from time to time, such districts without amending the charter. However, the change of such districts shall not take effect during the terms of office of the members of such council making such change;
- (2) There shall be a mayor elected by the council from among its membership who shall serve as the presiding officer of the council; and a city manager who shall be appointed by the council;
- (3) The council shall be the governing body; and
- (4) The manager shall be the administrative authority. He/she shall manage the affairs of the city under the supervision of the council and he/she shall be responsible to such council. He/she shall appoint or employ all subordinates and employees for whose duties or work he/she is responsible to the council.

Commission Government

Under this plan:

- (1) There shall be a commission of five members elected at large by the qualified voters of the city;
- (2) The members of the commission shall be a commissioner of public affairs, a commissioner of finance, a commissioner of public safety, a commissioner of public works and a commissioner of streets. However, a charter for a Class I or Class II city may, and a charter for a Class III city may provide for a commission of three members (a commissioner of finance, a commissioner of public works and a commissioner of public safety);
- (3) The members of the commission shall elect a mayor from among their membership;
- (4) The commission shall be the governing body and administrative authority; and
- (5) Officers and employees, other than members of the commission, shall be appointed by the commissioners or by each commissioner with respect to his/her department, as the charter may prescribe.

Appointed Officials of Municipal Government

In West Virginia, the principal appointed officials in municipal government are the city or town manager or administrator, the clerk, the treasurer, and the attorney. Other top appointees include the heads of various departments. Depending on the charter provisions, department heads may be career employees, and thus protected employees, or they may be appointees of the mayor, or the mayor and council, or of the municipality's chief administrator in which case the department heads serve at the pleasure of the appointing authority.

City Manager/Administrator. This form of government is utilized in many West Virginia municipalities. This type provides for a high degree of centralization of administrative authority under a professionally trained public administrator who is charged with extensive financial and personnel management responsibilities. This authority is carried out, however, under the policy discretion of the elected municipal officials.

Recorder, Clerk, or Treasurer. The city clerk/recorder and city treasurer (in some instances) are other appointed positions frequently found in West Virginia municipal governments. The functions of the clerk/recorder involve attending all council meetings, keeping a journal of the proceedings of the governing body and preserving and maintaining the records of the municipality. In addition, unless otherwise provided by charter provision or general law, whenever the mayor is unable because of illness or absence from the municipality to perform the duties of the office, and during any vacancy in the office of mayor, the recorder shall perform the duties of the mayor and be invested with all of the power and authority. Depending on the charter, the clerk/recorder may have other duties as well, such as personnel and financial administration.

The treasurer may be the community's chief financial officer who is responsible for collecting and managing all funds, accounting and financial reporting, and budget

preparation. In larger municipalities with more complex budgets, this position is often filled by a professionally trained financial director. The duties of both the clerk/recorder and treasurer may be greater or lesser, depending on the charter.

It is not uncommon in small communities to find the positions of clerk, recorder and treasurer combined. Nor is it uncommon in these places to find the clerk/recorder combined with that of a city or town administrator. The clerk/recorder and treasurer are visible and important in small municipalities, especially when they are formally or informally granted general administrative responsibilities. This is particularly true when the elected officials are essentially part-time, meet infrequently, and have little time or expertise to devote to managing the day-to-day affairs of the municipality.

Municipal Judge. Any municipality may provide by ordinance for the creation and maintenance of a police or municipal court, for the appointment or election of an officer to be known as municipal judge or municipal court judge, and for his compensation. The judge shall also be granted judicial powers, authority, and duties. Any municipal judge who is not an attorney must complete the Municipal League's next available training after their appointment.

Municipal Attorney. The final position to be discussed is that of the municipal attorney, the chief legal advisor of the city or town. In all but the largest governments, the attorney serves in a part-time capacity. A few larger cities may have an in-house legal staff with a full-time city attorney and perhaps several full-time assistants or deputies. Smaller municipalities simply cannot afford full-time legal advisors.

The municipal attorney should prepare or at least review for form and legality all ordinances, resolutions, contracts, and other legal documents. The attorney should also review and advise the municipality about state legislation and court decisions and represent the city or town in court actions. However, the extent to which the municipality uses the attorney varies from place to place.

In addition to municipal structure and the contents of the city or town charter, other factors that determine the precise responsibilities of both elected and appointed officials are the municipality's size and its historical, political, and cultural traditions. For example, a small town with a part-time clerk may vest all of its administrative authority in this one person. In a larger municipality, responsibilities will probably be more evenly divided among a larger and more formally trained staff.

Further, the philosophy, personality, and talent of the individual worker can also affect the job description and performance of staff members. Some people can wear many hats more comfortably than others. Finally, federal and state policies and program mandates often determine the type and level of services that a town or city will deliver to its citizens. These mandates will directly affect how municipal officials, both elected and appointed, will spend their time.

Chapter 2 – Municipal Powers and Limitations

Powers and Limitations

Municipalities have been granted a variety of powers through the West Virginia State Code. Some of those powers are basic: use of a common seal; to contract and be contracted with; to institute, maintain and defend any civil action or other proceeding in any court; to take, purchase, hold and lease for any municipal purpose real or personal property within or without the corporate limits of the municipality; to acquire by condemnation real or personal property; and to take by gift, donation, grant, bequest and to hold and administer real or personal property within or without the corporate limits of the municipality.

A more detailed description of municipal powers and limitations are set forth in *Chapter 8 of the State Code of West Virginia*. Some of the topics contained within are as follows:

Article 1: General Provisions

Article 2: Creation of Municipalities

Article 3: Framing, Adopting and Amending Charter

Article 4: Framing and Adopting A Charter Other Than Immediately Following Incorporation; Revising or Amending A Charter; Elections and Expenses

Article 5: Election, Appointment, Qualification and Compensation of Officers; General Provisions Relating to Officers and Employees; Conflict of Interest

Article 6: Annexation

Article 7: Decrease of Corporate Limits

Article 8: Consolidation of Municipalities

Article 9: Proceedings of Governing Bodies

Article 10: Powers and Duties of Certain Officers

Article 11: Powers and Duties With Respect to Ordinances and Ordinance Procedures

Article 12: General and Specific Powers, Duties and Allied Relations of Municipalities, Governing Bodies and Municipal Officers and Employees; Suits Against Municipalities

Article 13: Taxation and Finance

Additional articles provide further information related to municipal powers and limitations granted to West Virginia municipalities.

Charters

Chapter 8; Article 4 of the State Code of West Virginia sets forth direction for incorporation and the steps that follow to become a municipality. Chances are you may already have a municipal charter in place. But this section of WV Code is still a good read to provide you with a history of how your charter was probably born. First and foremost, upon incorporation the governing body framed and adopted a charter for the municipality. The governing body may have done so by providing by ordinance for the submission to the qualified voters of the city at a general election, or at a regular municipal election or by special municipal election, the question, “Shall a charter be framed by representatives of the people?”.

The ordinance provided for the creation of a charter board to be elected at large from the municipality. These members received no compensation for their services but were probably reimbursed by the municipality for all reasonable and necessary expenses actually incurred in the discharge of their duties. Any individual who had been a resident and qualified voter of the city/town for at least two years prior to the date of election would have been eligible for membership on the board.

Once the charter was framed and presented to the voting population for approval, the results of the election along with a signed copy of the charter should have been forwarded by the recorder/city clerk of the city to the clerk of the county commission for filing, as well as the Clerk of the WV House of Delegates. The new charter entirely superseded any previous charters of the municipality.

West Virginia code provides that any new charter cannot be revised or amended within one year of the effective date of the charter or the last revision. An amendment may be initiated in the future by providing an opportunity for municipal residents to review, comment and vote on the revision to the charter and the amended charter is also forwarded to the clerk of the county commission as well as, the Clerk of the WV House of Delegates.

Dissolution of Municipality

The process to forfeit a charter or certificate of incorporation or dissolve a municipality is not a simple one. The thing to keep in mind is that all debts of a municipality seeking to do such, are generally ordered to be paid by the county commission and the forfeiture and dissolution does not become effective until such debts have been paid. Upon such forfeiture and dissolution all interest of such municipality in corporate funds, if any exist, in excess of the amounts required to pay corporate debts, is transferred to and vested in the State of West Virginia to be controlled by the State Auditor.

Ordinances

To carry out the powers and authority conferred upon any municipality or its governing body, the council has the authority to make and pass all ordinances, orders,

bylaws, acts, resolutions, rules and regulations not contrary to the laws established by the State of West Virginia.

Some actions taken by a municipal government must be undertaken with an ordinance. Some of those situations include: levying taxes or providing for the collection of fees of any kind; requiring a license to do business; relating to offenses and penalties; authorizing the issuance of bonds or other forms of indebtedness; providing for a public improvement; providing for the purchase of private property by the municipality or for the sale of property belonging to the municipality; laying out or vacating a public street, avenue, road, alley or way; relating to planning and zoning; granting franchises to public utilities; providing for a contractual or other agreement with another jurisdiction; and relating to such other matters as the charter may require.

It is not necessary, unless otherwise indicated in your charter, for a municipality to publish in a newspaper any proposed ordinance prior to the adoption thereof or any enacted ordinance subsequent to the adoption. Instead, a proposed ordinance must be read at not less than two meetings of the governing body with at least one week intervening between each meeting.

Exception: At least five days before the meeting at which a proposed ordinance, **the principal object of which is the raising of revenue for the municipality**, is to be finally adopted, the governing body shall cause notice of the proposed adoption of said proposed ordinance to be published as a Class I-O legal advertisement. The notice shall state the subject matter and title of the proposed ordinance, the date, time and place of the proposed final vote on adoption, and the places within the municipality where such proposed ordinance may be inspected by the public. The notice shall state that interested persons may appear at the meeting and be heard with respect to the proposed ordinance.

Annexation

The creation of municipalities, and alterations to their boundaries, are inherent prerogatives of the legislature. Although some states have reserved to the legislature a direct role in annexation matters, the statutory procedures established in West Virginia have no role for the legislature.

Annexation is entirely controlled by statute, and in West Virginia the statutes provide only three means of effecting an annexation: annexation by election, annexation without election, and annexation by minor boundary adjustment. All three methods are contained in a single article of *WV Code, Article 6 of Chapter 8*.

First, a statement about annexing hotels/motels needs to be made. If a municipality annexes a hotel or motel, separate requirements apply under *WV Code, Chapter §7-18-2*. A municipality may not impose an occupancy tax on a hotel when a county was imposing an occupancy tax. If a municipality annexes a hotel on which a county imposed an occupancy tax, the county continues to collect the occupancy tax. Some exemptions may apply, and municipalities should consult their legal professional before including hotel occupancy taxes from an annexed property in their valuation of the annexation.

Annexation by Election

Under this form of annexation, a boundary change is initiated via a verified petition outlining by a metes and bounds description of the proposed boundary change and signed by at least five percent of the resident freeholders of the municipality. The petition must be filed with City Council and it must be accompanied by an accurate survey showing the territory to be included within the boundaries and request a vote.

The additional territory may be of any type, urban, rural, or in-between. Additionally, the population density requirement has been removed. The Circuit Court retains jurisdiction to review the conduct of the election.

Upon receipt of a proper petition and survey, council is required to submit the question of boundary change to the voters. The petitioners must furnish bond as determined by council in order to guarantee payment of the costs of the election. The bond shall be forfeited if a majority of the votes cast is against the proposed annexation. Council then orders an election on the proposal to be held not less than twenty or more than thirty days from the date of the order. Publication, at municipal cost, as a Class II-0 legal advertisement in the municipality and the additional territory with the first publication at least fourteen days before the vote is to be taken is required. Publication shall contain an accurate description by metes and bounds of the additional territory proposed to be annexed, a summary of the municipality's plan for providing services to the additional territory and, if practicable, contain a popular description of the additional territory.

Any individual who is a qualified voter and freeholder of the municipality or the additional territory is entitled to vote on the proposal, but only once. Any freeholder who is a firm or corporation may vote by its manager, president, or executive officer duly designated in writing by such firm or corporation.

For the purposes of this section, the term "qualified voter of the additional territory" includes a firm or corporation in the additional territory regardless of whether the firm or corporation is a freeholder. In instances where the freeholder leases or rents real property to a firm or corporation the freeholder and the renting or leasing firm shall determine between themselves which entity is entitled to vote in the annexation election.

A majority of votes cast within the municipality and a majority of votes cast within the territory to be added must be in favor of the proposal in order for the annexation to be affected.

City Council certifies the results of the election to the County Commission and if the majority of the votes are in favor of such annexation, the Commission enters an order describing the new corporate boundaries. In addition, the description and action of Council shall be sent to the County Assessor upon the effective date of such annexation. *See WV Code §8-6-6.*

If the proposal to annex is rejected, another election relating to the same territory or any part thereof shall not be held for a period of one year.

Annexation Without Election.

This annexation procedure under W. Va. Code § 8-6-4 is accomplished when City Council by ordinance, provides for the annexation of additional territory without ordering a vote on the question (1) if a petition is filed with City Council by all of the qualified voters of the additional territory to be annexed and (2) a petition to be annexed is filed by the majority of all freeholders of the additional territory whether they reside or have a place of business therein or not.

The definitions for who may sign the petitions are the same as for those authorized to vote under WV Code §8-6-2. (See "*Annexation with Election-Who may vote on the proposal*"). Someone who is both a freeholder and a qualified voter can sign only one petition. If all freeholders are qualified voters, only a voter's petition is required.

The City must verify the total number of petitioners from the additional territory. Before the adoption of an ordinance to annex, a public hearing must be held by the city. The City Council, upon its determination that the petitions are sufficient enters such fact on its journal and forwards a copy to the County Commission, which Commission is required to enter an order to such effect confirming the additional territory, as part of the municipality. In addition, as in the case with annexation by election, thereafter notice of the annexation is given to the County Assessor in compliance with WV Code §8-6-6.

It should be noted that there is no limitation on the number of petitions that may be filed within a given period if the first or succeeding petitions are found to be deficient.

Annexation by Minor Boundary Adjustment.

A city may initiate annexation by minor boundary adjustment through an application containing to the County Commission. An application must contain the following:

- 1) The number of businesses located in and persons residing in the additional territory.
- 2) An affidavit of each business located in, each person residing in, and each freeholder of the additional territory consenting to the annexation. Additional provisions to reflect consent apply if the city is unable to obtain an affidavit.
- 3) An accurate map showing metes and bounds of the additional territory.
- 4) A statement setting forth the municipality's plan for providing the additional territory with all applicable public services such as police and fire protection, solid waste collection, public water and sewer services and street maintenance services, including to what extent the public services are or will be provided by a private solid waste collection service or a public service district.
- 5) A statement of the impact of the annexation on any private solid waste collection service or public service district currently doing business in the territory proposed for annexation in the event the municipality should choose not to utilize the current service providers.
- 6) A statement of the impact of the annexation on fire protection and fire insurance rates in the territory proposed for annexation.
- 7) A statement of how the proposed annexation will affect the municipality's finances and services.
- 8) A statement that the annexation meets all of the foregoing requirements.

The County Commission may or may not require an application form. If the Commission is satisfied that the application meets the foregoing threshold requirements including whether the annexation could efficiently and cost effectively be accomplished under WV Code §8-6-2 and §8-6-4, shall order publication of a notice as a Class II-0 publication that the annexation has been proposed setting a time for hearing on the question and post the same in five public places within the area proposed to be annexed. In making its decision that such application is sufficient, the County Commission must consider the following:

- 1) Whether territory is contiguous to corporate limits. For the purpose of this section, contiguous means that at the time the application for annexation is submitted, the territory proposed for annexation either abuts directly on the municipal boundary or is separated from the municipal boundary by an unincorporated street or highway, or street or highway right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, or lands owned by the state or federal government.
- 2) Whether the proposed annexation is limited solely to a division of highways right-of-way or whether the division of highways holds title to the property in fee.
- 3) Whether affected parties (freeholders, firms, corporations and qualified voters in the proposed territory and in the municipality) support the proposed annexation.
- 4) Whether the proposed annexation consists of a street or highway as defined in WV Code §17C-1-35 and one or more freeholders.
- 5) Whether the proposed annexation consists of a street or highway as defined in WV Code §17C-1-35 which does not include a freeholder but which is necessary for the provision of emergency services in the territory being annexed.
- 6) Whether another municipality has made application to annex the same or substantially the same territory.
- 7) Whether the proposed annexation is in the best interest of the county as a whole.

This set of criteria vests broad discretion in County Commissions.

The municipality pays the full cost of the proceedings. A Municipality may attempt to make modifications to the proposed annexation to meet Commission objections and the Commission must order a new public hearing if significant modifications are proposed. The municipality or any affected party may appeal the Commission's final order to the Circuit Court. The statute does not specify a standard of review. The County Commission may participate in any appeal from its order in the same manner and to the same extent as a party to the appeal. Interestingly, the new law, in contrast to the old law does not provide any direction as to the completion of the attempt to annex if the County Commission finds in favor of such application to annex. One would assume that in line with the old law the Commission would, if so inclined, enter an order reflecting its findings concerning all of the foregoing requirements and order that such application is approved with the concurrent requirement to file such order with the County Assessor in compliance with WV Code §8-6-6.

Chapter 3 – Time Management

As an elected official, you find yourself in a unique predicament. In most instances, elected officials already have full or part time jobs and families in addition to the responsibilities that come with this newly elected position. However, no extra time is factored into the equation. If you don't manage your time, you may become badly over-extended and frustrated by your inability to meet all of your commitments.

Too many people enter public office thinking that they can do everything without sacrificing any of their other commitments. Being able to cope with all of the dimensions of your new life begins with an understanding of reality--what can actually be accomplished in a twenty-four-hour time period. Once you are willing to accept this reality, you'll be able to find ways to work more effectively, by relying on others to do some legwork for you and thinking through your priorities and deciding how to approach them.

However, a preoccupation with time - schedules on the wall, lists on the door, a timer on the desk, and one eye on the clock--can make you less productive, by subjecting you to added stress. Part of the reality of your life as a public official is that other people will make demands on your time, and many of those demands will be unscheduled. Flexibility is the key to survival.

Getting Organized

Personal disorganization is a major time waster for nearly everyone. For elected officials, disorganization can be a more serious problem since you have more opportunities to be disorganized -- an extra part-time job that involves lots of paperwork and often no central office to store it in. Getting organized is a good way to start a time management program.

There are two levels of disorganization to consider. First there's physical disarray of your personal environment. Are you constantly looking through stacks of paper in a bulging briefcase? And then there is a more subtle, personal disorganization that causes you to miss appointments, do three things at once, and run around like a chicken with your head cut off. You will need to handle both problems before you can expect to manage your time effectively.

Organizing your environment is essential to productivity. The following are some suggestions on how to get organized for your role as a public official.

Identify resources - One important way to get organized is to learn the layout--physical and organizational--of your work environment. You need to know where to find things in city hall or whom to talk to when you need information, when and where important committees meet, and generally who does what. Having this kind of information available in your head, in your address file, or in a loose-leaf binder will save you time in the long run. If an orientation is not provided routinely to new council members, you

may want to request one. Get to know key staff and committee members as well. Prepare questions in advance and make notes to help you remember important points later.

Develop a work center - The next step in getting organized is to create a personal work center. If you don't have an office to call your own, create a special place for council papers in a corner in your home or in your office. Your goal is to have a central place for storing your materials and doing your "homework"--reading, making telephone calls, evaluating reports, and thinking about issues. Stock it well with office supplies, telephone books, address books, file drawers, and a computer. When you need to work, do it there. When you need to relax, walk away from it and try to leave the work there, mentally as well as physically.

Create a filing system - Once you have decided where you're going to work, plan a filing system that will help you get your work accomplished. Some of the files you might need include:

General subject files for reports and communications on topics such as transportation, housing, planning, and personnel;

Chronological files of agendas, meeting materials, and minutes, organized by month; and

Action files such as "pending," "priority," and "next meeting."

Keep in mind that most important documents are filed permanently in the municipal building (probably in the clerk's office) and that you aren't expected to be the community record keeper. Be selective in your filing. For example, some elected officials keep a separate file for each department but determine what materials to file based on the likelihood of citizen inquiries and the persistence of policy issues.

Use to-do lists - Work sheets, to-do lists, and calendars are common and easy approaches to time management. The key is not how many lists and calendars you have, but how you use them. A daily or weekly to-do list is a good way to map out strategy and set short-range priorities. Try to set aside a few minutes at the beginning or end of each day to jot down a daily list or review your weekly list. Figure out what's most important and how to organize the tasks to accomplish each most efficiently.

When the tasks are many and the time is short, some elected officials have found that they need something more than a to-do list. A simple work sheet or calendar that blocks out specific times for the tasks on your to-do list is a useful tool. Choose one that you will be comfortable carrying with you so that you can make notes, jot down appointments, and check your schedule easily.

Set your goals - Knowing clearly what you expect to do today, tomorrow, next week, or next year will increase your personal sense of organization and enable you to plan the best use of your time. To achieve the objectives that drove you to seek office, you'll need to take time to think again about long-term goals and how to achieve them.

You set goals on several levels--personal lifetime goals, career goals, family goals, and public policy goals. There will be overlaps in each of these categories.

Defining long-range goals can be a big job. You might find it's easiest to begin with a simple goal-setting exercise and gradually build toward a lifetime goal statement.

Regardless of the goal-setting process you choose, it's important to start with a time frame. Are you setting goals for the next two months, six months, one year, two years? The time frame is important because later you will want to be able to assess your progress toward your goals. Ask yourself what it is you want to accomplish during the time chosen, and think of some results. Be specific, so that you'll be able to assess whether or not you're achieving your goals. Be realistic, too, about what you can achieve in the time frame that you have specified. Revamping the comprehensive plan, for example, can't be done in three months. But set goals that will challenge you, not ones that are trivial. Then decide which goals you'll work on first. Ranking them will help you decide where to focus your energies because, if you're like most elected officials, you'll want to do more than you can realistically expect to achieve.

If you go through this process with the rest of the governing body, as a group, it will help you in ranking your personal goals. It's possible that some of your important goals aren't equally important to the group. That can affect whether your personal goals as a member of the governing body can be achieved, and how much effort you'll want to devote to these goals. You will want to set personal goals that are in conflict with the goals of the governing body only on those issues about which you and your constituents feel most strongly, those that you are willing to "go to the mat on."

Avoid a goal-setting process that is more complex and time-consuming than the goals themselves. Goals are bound to change along the way. You'll revise the old ones, add some new ones, and even abandon a few. Be flexible but principled. You need to know what you want, specify it, and get to work. Review your goals periodically and evaluate your progress. If a goal is no longer feasible and your efforts toward accomplishing it are serving no useful purpose, be willing to abandon it without remorse.

Delegate the right things at the right time - Delegation can be your best weapon in the battle against the clock, if you know what, when, how and to whom to delegate. Unfortunately, delegation is often easier said than done. If you are an elected official with no personal staff, you'll need to work closely with your chief administrator to determine what to delegate to which staff and how to do it appropriately. Additionally, you may find citizen volunteers and interest groups helpful in some cases, depending on the skills you need and the time they have available.

Ideal tasks for delegation include compiling background data to help you make a decision, determining public opinion on a particular issue and general legwork. Avoid delegating any potentially controversial jobs or political tasks that would be better handled by you.

Here are a few suggestions to help you in the process of effective delegation:

Delegate complete tasks whenever possible so that you can get a complete and usable product in return.

Be specific about what you want done, what you expect as a result of the work, and when you need it accomplished. Establish a system to keep track of delegated tasks and check progress periodically.

Expect a product that is different from what you would have done, but that is still useful to you. Don't impose your style on the person to whom you're delegating a job.

Return work that is incomplete or inadequate, with clear instructions for improvements. Don't confuse style variations with inadequate work, but if results are consistently poor even with the clearest of instructions, look elsewhere for assistance.

Manage your telephone time - If you don't have someone who can screen calls for you, you need to do it yourself. When you are making telephone calls, have a clear idea of what you want to accomplish with each call and anticipate what types of information you might need to have handy. You can avoid playing "telephone tag" by selecting a time when the person you're calling is likely to be in (avoid mealtimes and after business hours when you're calling an office number, for example). Set the tone for the call by indicating your own time constraints and what you want or need. Phrases such as "I only have a minute, but . . ." or "I just have a quick suggestion" are good openers if you don't have time to chat.

When handling incoming calls, let the caller know immediately if it's an inconvenient time for you. Learn to find out the purpose of the call quickly and decide if you can handle it immediately, despite other pressures. If you can, do so - it's one less item to go on your to-do list. Work on developing an ability to direct conversations politely and subtly minimize socializing. When a call involves a request for information, respond quickly and succinctly. If, however, you sense a problem, anxiety, or a need for discussion, establish a way to address that need--a meeting, or a return call when you'll have more time.

Set office hours - Some elected officials have found that they save time and make themselves more approachable if they schedule times each week when they are available to meet with citizens. If you set office hours, make sure that these blocks of time are necessary and well spent. You might try some variations--special hours in city or county hall, or appointments in your home, or a combination appointment and walk-in system in which you allow extra time between scheduled appointments. But don't stick with something unless it works for you and your constituents.

In addition to setting aside special times to meet with people, you may want to set aside specific times to handle certain types of routine work. Sorting mail, sending out announcements, and writing memos at a regular time will keep these tasks from

becoming overwhelming because you never get around to them, or never-ending as you try to squeeze them into spare moments at different points in the day.

Use your priorities - Use your priorities to help you determine when to say no. How many invitations or requests have you accepted recently that turned out to be a waste of time? When was the last time you said, “No, I can’t”? For a public official, it’s difficult to turn invitations down, but it’s a skill worth learning.

When you receive a political or a social invitation, ask yourself, “Will my family, my colleagues, my profession, or my ambitions suffer if I don’t do this? Will they benefit if I do?” When you’re asked to join something or serve on another board, think not only of the honor and the contribution you’ll make, but also of the time your service will require on a regular basis. Do you have that much to give up?

Become an expert on two or three issues that are important to you. Once you’ve chosen topics that are top priorities for you, do your homework, and try to find out where other council members stand and why. If there are intergovernmental aspects, become familiar with those as well. You can’t be an expert in everything; trying to do so will make you the proverbial “jack of all trades and master of none.” But if you become known for the knowledge and perspective you provide on transportation issues, for example, then you will have others turning to you for advice and ideas, which will increase your influence.

Make every meeting productive - Do you ever get the feeling that life is passing you by when you’re sitting in meetings? Careful preparation, managing the meeting itself, and good follow-up are the keys to productive meetings. Making meetings work requires effort on the part of the chairperson, but even the most organized chairperson can use some help from other participants. Pay attention to the discussion and the group dynamics, and direct your own points in these areas:

Be sure the problem being addressed is clearly defined and that relevant facts are presented.

Encourage participation by those who might normally be quiet but could have information to contribute. Discourage monopolization of time by any one person.

Encourage participants to evaluate what has been said, how it relates to decisions that need to be made, and whether more time needs to be spent on an issue. At the end of the meeting, be sure someone summarized the previous discussion and the group’s consensus on what will be done next.

Conclusion

There are many more time management techniques that this section hasn’t addressed. However, it is designed to encourage you to think about what you want to do, what you have to do, how much time you have in which to do those things, and how you can get them all done.

Try a few of the techniques discussed here--a time log, a game plan, the art of saying no. Remember that managing your time doesn't mean that you should develop a stopwatch mentality--it simply means that you should make some conscious choices about what you do, how you do it, and when you do it.

Chapter 4 – What You Need to Know About Meetings

Elected officials are expected to make value judgments regarding municipal government issues and most of this activity takes place in meetings. As a result, many citizens evaluate the performance of its elected officials to a great extent by the productivity that occurs at meetings of the city council. The public perception of the local government as an institution will also be determined not only by what the board or council decides, but also by the manner in which decisions are made. Consequently, how well a governing body conducts itself at its meetings will affect the overall success of the organization. However, too often, little thought is given to the details associated with a meeting. As a result, meetings are unproductive and many ultimately fail to accomplish the purpose for which they were held.

It has been said that meetings fail for a number of reasons, such as:

Purpose of the meeting not well defined - no consensus is reached as to the nature of the problems being debated.

Poor use of the group's time - the group spends excessive time on inconsequential issues or problems not worth solving and avoids addressing more important and essential issues.

Failure to recognize who should make a decision and that some issues are more appropriately handled by staff or committees.

Decisions are based on opinions and value judgements, rather than on available facts.

Inadequate time, effort or resources to resolve an issue.

Some groups fear success, uncertain that constituents or other interest groups will approve.

Personality “powder kegs” can “bomb” group consensus.

In order to avoid these kinds of problems, the group should begin by examining some key questions. The first may be “Why meet?”.

Meetings are called for a variety of reasons and each purpose requires differing leadership styles, structure and meeting management. From the standpoint of governance, the regularly scheduled meetings at which policy is made and administrative matters resolved are generally a local governing body's most important meetings and they tend to be the most formal. The following are some examples of other types of meetings.

Types of Meetings

Essentially, there are six types of meetings: organizational meetings; regular meetings; special or emergency meetings; work sessions; public hearings; and executive sessions. This section is intended to describe the features of each of these meeting types.

Organizational Meetings - Usually very soon after each election, a meeting is necessary to establish the procedures concerning conduct of council meetings. Local practices may vary from community to community, but for the most part the meeting should establish: regular meeting dates, times, locations, rules of procedure for conducting business and assignment of council member duties. Many municipalities establish a regular meeting date and publish a schedule for the entire year.

Regular Meetings - This is the official, final public action meeting. It is the meeting where the council may adopt ordinances or regulations. There is no state requirement that councils meet any set number of times per month. Typically, this decision is left to each municipality. Many municipal charters throughout the state prescribe regular meetings and require that the meeting dates be set at the annual or semi-annual organizational meeting of the council.

One very important feature of the regular meeting is the public forum aspect. The regular meeting generally includes at least a citizen comment period and often incorporates a formal public hearing on one or more subjects. While allowing public comment to some degree, the regular meeting always allows the public an opportunity to hear the council's discussion on each subject. Council may adopt procedures for public input and participation.

Special or Emergency Meetings - Regular meetings are scheduled in advance (usually one or two per month) to allow the public, press, and persons having business for the council to address to attend the meetings. However, emergencies and special situations sometimes occur and may require convening a special meeting often with little, if any, advance notice. Examples of special meeting items include, but are not limited to: emergency ordinances, unexpected matters requiring official action before the next regularly scheduled meeting, emergency equipment replacement, financial problems, and health and safety emergencies. While the occasional need for such meetings cannot be denied, the term "emergency" should be used very carefully to avoid abuse of the special meeting privilege and notice is posted.

The procedures for calling special meetings are generally provided in each municipality's charter. However, special meetings, by not being routinely scheduled and if not advertised in advance, run the risk of violating the state Open Meetings Act. Therefore, it is particularly important in conducting special meetings to record the vote which calls the meeting and the notice of the meeting. It is also important to note that no other business other than that on the special meeting agenda may be acted upon at the special meeting.

Work Sessions - These are the most common meetings in most municipalities. Work sessions are essentially meetings where the council discusses issues informally to achieve a more complete understanding of one or more subjects. Many work sessions are held in another room away from the formal council chamber with a “round-table” type seating arrangement to promote informal discussion.

These sessions take many forms and cover virtually any subject matter. Typical work sessions will include a variety of items and will generally serve as a background discussion about items scheduled for official action at the next regular meeting. For example, the council or committee may discuss possible designs for a new playground, hear status reports, discuss an ordinance that has been introduced and awaits enactment, or consider ideas for new programs. Some subjects, such as the annual budget, may be the topic of many such sessions before official action at a regular meeting.

Work sessions are not formal meetings; therefore, the council cannot take official action or final votes.

The West Virginia Ethics Commission has previously determined that any gathering of a quorum of the members of a governing body to discuss matters requiring official action, other than logistical and procedural arrangements for a future meeting, constitutes a “meeting” under the Act. This decision may include “work sessions”. Even if no official action is formally taken at such a session, the governing body is required to follow normal open meeting requirements, including providing advance public notice, an agenda of items that will ultimately require official action which will be discussed, and minutes prepared in accordance with West Virginia Code.

Municipalities may find it desirable to schedule a regular date and time for work sessions throughout the year. This allows council and staff to plan workloads and schedule other events.

Public Hearings - The council holds public hearings when it is considering a subject having unusually high community impact and when it is considering items for which local, state, or federal regulations mandate such hearings. The main purpose of such a hearing is to obtain testimony from the public. An issue on which a public hearing is held may be the subject of several work sessions and may generate potentially more citizen participation than can be accommodated at a regular meeting with its other normal business items.

An additional meeting of the council for a public hearing can be valuable in providing the public an opportunity to learn the current status of a project and give the council, as the public policy makers, clear indications of public sentiment before making a decision. Public hearings are most effective when they focus on only one set of issues- for example, the budget, or zoning, but not both. Additional work sessions at a subsequent meeting generally follow the public hearing before final council action on the matter at a regular hearing.

You may want to make a copy of the listing that follows and maintain it in your council folder or meeting room for quick and easy reference during meetings.

Executive Sessions - These meetings are closed to the public and press and may be held during a regular, special or emergency meeting. Perhaps the most important restriction is that **no decision may be made in an executive session**. Before entering an executive session, the presiding officer must identify the specific authority for holding an executive session and present that authority to the governing body and to the general public. An executive session is only authorized in the following circumstances:

To consider an act of war, threatened attack from a foreign power, civil insurrection, riot, an official investigation or matter relating to crime prevention and law enforcement, and development of security personnel or devices.

Unless an open meeting is requested by the person who is the subject of the proceedings: to consider the appointment, employment, retirement, promotion, transfer, demotion, discipline, resignation, discharge, dismissal or compensation of a public officer or employee or prospective public officer or employee (but general personnel policy issues may not be discussed in an executive session, and any final action on a particular personnel matter must be taken in an open meeting); to hear a complaint, charge or grievance against a public officer or employee; to decide on discipline, suspension or expulsion of any student in any public school or public college or university; to issue, effect, deny, suspend or revoke a license, certificate or registration under the laws of the state or of any political subdivision; or to consider the physical or mental health of any person.

To discuss any material the disclosure of which would constitute an unwarranted invasion of a specific individual's privacy (like welfare and social security service reports, insurance data, rehabilitation records, etc.).

To consider matter involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which, if made public, might adversely affect the financial or other interest of the state or any political subdivision (but the information relied on during the executive session is exempt from public disclosure only until the commercial competition has been finalized and completed).

To avoid the premature disclosure of an honorary degree, scholarship, prize, or similar award.

To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the state FOIA (Freedom of Information Act).

An executive session requires a majority affirmative vote of the members present. If a public agency approves or considers a settlement of a lawsuit in executive session and the settlement permits disclosure, the terms of that settlement must be reported by the agency and entered into its minutes within a reasonable time after the settlement is concluded.

Please note, however, that an executive session cannot be called simply because the attorney for the public agency is in attendance at a meeting. One of the specifically enumerated exceptions to the open meeting requirement must be present. A governing body may not decide in advance of a meeting that it will go into executive session and it is not included on agenda.

Minutes

Another requirement of the Open Governmental Proceedings Act is the preparation of written minutes. Minutes of all meetings, except executive sessions, must be available to the public within a reasonable time after the meeting and must include:

The date, time and place of the meeting.

The name of each member of the governing body, present and absent.

The Ethics Act requires that minutes be made available to the public within a reasonable time after the meeting. The Commission defines "a reasonable time" as immediately following the next regular meeting, but no later than close of business on the next business day following that meeting. In calculating days, Saturdays, Sundays, and legal holidays are excluded.

All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the item and the item's disposition.

The results of all votes, including, if taken, any roll call vote of each member by name.

Public bodies must keep written minutes of all meetings, except executive sessions within the regular meeting, and must make them available to the public. This record should be fully indexed and open to inspection. At each meeting of the governing body, the journal or minutes of the last meeting should be read, and corrected, if erroneous, and signed by the presiding officer for the time being.

However, the reading of the minutes or the proceedings of the last meeting may be dispensed with by majority vote of the governing body if the members have already received and examined a copy of the minutes prior to the meeting.

Points To Remember

Whatever the case may be, there are a few points to remember about the roles of elected officials in conducting meetings. First and perhaps foremost, unless otherwise provided by charter provision, the governing body of every municipality shall be presided over at its meetings by the mayor, or, in his/her absence by the recorder.

In the case that both the mayor and the recorder are absent, one of the members of the governing body selected by a majority of the members present shall preside.

In addition, a majority of the members of the governing body must be present to constitute a quorum for the transaction of business. No member of the governing body shall vote upon any ordinance, order, measure, resolution, or proposition, in which he/she may be interested other than as a citizen of the municipality.

In addition, the mayor and recorder have votes as members of the governing body and in case of a tie, the presiding officer at the time has the ability to cast the tie-breaking vote, unless he/she has previously voted.

The Open Meetings Act in West Virginia

The State statute on Open Governmental Proceedings, sometimes called the Open Meetings or “Sunshine” Act, was enacted to ensure that the proceedings of all public bodies are conducted in an open and public manner, so that the people may be informed about the actions of their governments and retain control over them. The OPGA states that it is the duty of the secretary of state, the clerks of the county commissions, joint clerks of the county commissions and circuit courts, if any, and the city clerks or recorders of the municipalities of the state to provide a copy of the material compiled by the attorney general to all elected public officials within their respective jurisdictions. The clerks or recorders will make the material available to appointed public officials. Likewise, it is their respective duties to provide a copy or summary to any newly appointed or elected person **within thirty days** of the elected or appointed official taking the oath of office or an appointed person’s start of term.

You can obtain a copy by logging onto the WV Ethics Commission website at <http://ethics.wv.gov/Pages/default.aspx> or by calling their office at (304) 558-0664.

The Act applies to all State, county and municipal executive, legislative and administrative bodies, including their agencies, committees, councils, boards, and commissions. It does not apply to the courts. The legislative intent of the Act clarifies that it is virtually impossible for every meeting and discussion of a governmental body to be open to the public. However, the Act does intend to find some balance. General discussions of members of a governing body without intent to conduct public business is not considered a meeting, even if a quorum is established. Also, members can meet for logistical and procedural purposes to schedule and regulate a meeting without it being considered a meeting.

Meetings of all public bodies, the convening of which requires a quorum, must be open to the public, unless a specific statutory exception applies. Each governing body may adopt reasonable rules for attendance of the public at its meetings.

Each governing body must promulgate rules for giving notice of all regularly scheduled and special meetings.

Notice must include date, time, place and agenda or purpose, for special meetings.

For meetings by a state executive branch agency, notice must be filed with the Secretary of State's Office to appear in the state register at least five days prior to the meeting.

For all other public agencies, notice must be reasonable, given the locality. Examples of notice are: Newspaper notices; posting at a public building; local radio announcements; or web site postings.

While the scope of the Act is expansive, it does provide specific exceptions for which a public body may hold an executive session, which is a meeting that is not open to the public. The exceptions are set forth in *W. Va. Code §6-9A-4*.

A governing body of a public body can hold an executive session (closed meeting) during a regular, special or emergency meeting, only after the presiding officer publicly identifies the specific exception under the Act for having a closed meeting, and a majority of the members present votes to hold an executive session. No decisions may be made during an executive session, and minutes are not mandatory.

Any citizen may bring a legal action in the circuit court of the county where the public body regularly meets to enforce the provisions of the Act. If the court finds an intentional violation of the Act, it may order the governing body to pay a maximum fine of \$500.00. If the public body is in violation on a second offense, a maximum fine of \$1,000.00 may be imposed.

However, in civil action complaints, if the court denies relief sought by a complainant and finds that the intent for the action was frivolous or for the intent of harassment of a governing body or member, the court may require the complainant to pay the governing body's necessary attorney fees and expenses.

Any governing body or member may seek advice and information from the commission. Opinions shall be binding. Governing bodies or members who act in good faith reliance on the opinion have an absolute defense to any civil suit or criminal prosecution for any action taken relying on the opinion, unless the Ethics Commission was willfully misinformed.

A guide to the West Virginia open meetings act published by the Ethics Commission is attached to this guide as Appendix X.

Rules of Procedure

Every local government has its own rules of procedure. These are simply guidelines to help you conduct public business in an orderly way. One of the first acts of a new council after an election may be adoption of the old rules of procedure; if you are a new member, you will be well served by becoming familiar with them.

Knowledge of the rules of procedure is an important tool as you fulfill your role as an elected policy maker. You generally will need to focus only on a few basic rules, and

you can be much more effective in discussion and in making motions if you take the time to learn them.

Typically, some important rules are associated with the following:

Meeting Plans. The usual date, time, and place for regularly scheduled meetings is likely to be provided. Provisions for the convening of special meetings typically are also addressed.

Order of business. The rules will probably set the format to be followed and designate the person responsible for preparing the agenda.

General meeting procedures. This section will cover time limits on debate (if any) and will explain who may speak at what point. Public debate may be limited to specified parts of the agenda, for example.

New business. A process will be specified to assure that new items can be added to the agenda.

Changes to the printed agenda. A process will be specified for altering the agenda.

Exceptions to rules. Specific provisions will explain when and how the rules can be suspended.

Emergency items. A process will be specified for acting on urgent matters which arose after the agenda was published.

Parliamentary procedure. **Robert's Rules of Order** is a common source of rules of debate. These rules of debate govern motions, the order of issues to be discussed, and other discussion procedures. The book is available at most bookstores, libraries and online.

Parliamentarian. Normally, the presiding officer will decide matters of parliamentary procedure. However, most rules provide for a disinterested third party (often the attorney of the local government) to act as parliamentarian in the event that a ruling by the presiding officer is questioned.

It may be several months before you feel comfortable with your governing body's rules of procedure. You may get frustrated and feel that you would like to get rid of the rules. Ask questions if you are unsure of the consequences of your vote and remember to review your governing body's written rules often.

The formality of parliamentary rules and the meeting process can seem stifling, and you may be tempted at times to view these constraints as the "problem" with your meetings. But they have been developed over time and on the basis of experience to help groups of people who may disagree on issues make decisions in a more democratic way.

Problems, more often than not, stem from lack of information - or from a lack of preparation on the part of council members or staff.

Meeting Procedures

If your governing body's meetings are too long or accomplish too little, there are some techniques that you may want to consider for improving the effectiveness of your meetings. The agenda provides a guide or road map so that the meeting proceeds in an orderly fashion. It notifies members of the council, other officials, the public, and the media of the subjects that the council will address during the meeting. The agenda is included in the public notice of the meeting required by the Open Meetings Act.

Although there is no state mandated format for an agenda, its contents should be guided by the needs of the council. An agenda routinely includes the following items:

- Call to order
- Action on minutes of previous meeting
- Reports from committees or officials
- Old or unfinished business
- Ordinances for first reading
- Ordinances for second reading or final reading
- Resolutions
- New business
- Miscellaneous business
- Comments from the public
- Adjournment

It may also be helpful to include an approximate time for each agenda item. For example, committee reports may be limited to 10 minutes. This technique can help to facilitate the process of moving a meeting along as well as notifying the public of when, during a long meeting, an item is likely to come before the council. Although it can be a helpful guide to keeping the meeting on track, it should not become a rigid restraint if more or less time is required for fair consideration of a particular topic.

Basic Parliamentary Procedure. Parliamentary Procedure is a set of rules for conduct at meetings. It allows a process for everyone to be heard and for decisions to be made in an orderly manner. Unless a city's/town's charter imposes requirements on the format for conducting meetings, the municipality is free to adopt any process or procedure that will work for it. Today, ***Robert's Rules of Order Revised*** is recognized as the authority on parliamentary procedure. It is the basic handbook of operation for most cities and county governments and can be adapted to fit the needs of each municipality.

Many procedural items may also be found in the city's charter. This document should also be referenced for direction on a regular basis.

Motions. A motion is a proposal that the assembly take a stand or action on an issue. Members of an assembly can:

- Present Motions (Make a Proposal)

- Second Motions (Express support for discussion of another member's motion)

Debate Motions (Give opinions on the motion) Vote on Motions (Make a decision)

There are four general types of motions most often recognized.

1. Main Motions - introduce subjects to the assembly for its consideration. They cannot be made when another motion is before the assembly. They yield to privileged, subsidiary and incidental motions. (i.e. "I move that we . . .");
2. Subsidiary Motions - change or affect how the main motion is handled. They are voted on before the main motion. (i.e. "I move the question before the assembly be amended by adding the following...");
3. Privileged Motions - are most urgent. They concern special or important matters not related to pending business. (i.e. "I move we adjourn at ..."); and
4. Incidental Motions - are questions of procedure that arise out of other motions. They must be considered before the other motion. (i.e. "I move to suspend the rules for the purpose of...").

More About Motions

A motion must relate to the business at hand, and be presented at the right time. It must not be obstructive, frivolous or against the charter.

Usually a second is needed to a motion. A second indicates that another member of the council supports the motion and would like to have the motion considered by the entire group. It prevents spending time on a question which only interests one person.

Some motions can be amended by striking out, inserting, or both at once. Amendments must relate to the subject as presented in the main motion. Some motions that are not subject to amendments: move to adjourn; move to temporarily suspend consideration of an issue; move to end debate; and move to amend an amendment.

Some motions can be debated again and revoted to give members a chance to change their minds. The move to reconsider must come from the winning side. Some motions that can be reconsidered: move to postpone discussion for a certain time; move to give closer study to some issue; move to amend a motion; move to introduce business.

Some motions are so important that the speaker may be interrupted to make them. The original speaker regains the floor after the interruption has been recognized and attended to. An example is to complain about the heat, noise, etc.

Parliamentary procedure guards the right to free and full debate on most motions. However, some privileged and incidental motions are not debatable. Some motions that are not debatable: move to adjourn; move to call an intermission; move to suppress, limit, or to extend limits of debate; move to temporarily suspend consideration or "table" an issue.

Most motions require only a majority vote, but motions concerning the rights of the assembly or its members need a 2/3 vote to be adopted. The municipal charter may specify the vote required for passage under certain circumstances.

A motion may be tabled to take care of a more urgent matter. There is always the option to “take from the table” any motion for reconsideration by the assembly.

A motion to postpone indefinitely is a parliamentary strategy - it allows members to dispose of a motion without making a decision for or against the issue. It is useful in case of a badly chosen main motion for which either a “yes” or “no” vote would have undesirable consequences.

Typically, there are three accepted methods for voting on a motion.

1. By voice
2. By show of hands
3. By roll call

Routine business can take place without the formality of motions and voting, the Chair assuming unanimous consent (i.e. approving the minutes, etc.). If a motion isn't likely to be opposed, the Chair can say “If there is no objection...”. Members of the council show their agreement with their silence. If a member says, “I object”, the matter must be put to a vote.

As a rule of thumb, only the most formal councils and organizations strictly adhere to **Robert's Rules of Order**. A city/town may adapt them to fit their needs and meeting styles. The presiding officer or any elected officer should serve as the parliamentarian for the council with the principal duty of advising the presiding officer. The parliamentarian should familiarize him/herself with the rules for conducting meetings that the council has adopted and/or are found in the municipal charter.

How to Present a Motion

1. Obtain the floor:
*Wait until the last speaker is finished. Address the chair to be recognized.
Once recognized:*
2. Make your motion:
State the motion in an affirmative manner. Avoid personalities and stay on the subject.
3. Wait for another member to second the motion.
Or the Chair will call for a second. If there is no second, the motion will fail to be considered.
4. Chair states the motion by saying, “It is moved and seconded that we ...”.
Debate and voting can now occur.
5. Expand on the motion.
*Mover is allowed to speak first. Direct all comments to the Chair. Keep to the time limit (if there is one) for speaking.
In the debate of a motion, each member has the right to speak twice on the same question as long as any member who has not spoken on that question desires the floor.*
6. The Chair will ask, “Are you ready for the question?” or “Call for the question.”

If there is no more discussion, a vote is taken, and the Chair announces the results.

A table of examples of motions, how to make them and what to expect of the rules is included as Appendix B to this manual.

Chapter 5 – Citizen Boards, Commissions, and Committees

Who Can Help with All of This Work?

Most local governments have committees that oversee and advise in a number of functional and policy areas such as planning, housing, human relations, ethics, transportation, economic development, and public safety. A citizen committee may be called a board, commission or committee, depending on its function. However, the terminology used is often a matter of local preference.

Boards. A board is a formal committee with structure, duties, and powers established by ordinance. A board usually performs a quasi-judicial or adjudicative function such as licensing or regulation. For example, the Board of Appeals is an adjudicative committee that hears and decides appeals to the zoning ordinance. A Personnel Appeal Board is an adjudicative committee that hears city personnel management grievances and renders a binding decision on each case.

Commissions. Commissions are formal, standing committees with structure, duties, and powers established by ordinance. A commission often has an administrative or functional responsibility, such as performing a review of economic development or preparing a land use plan. The Housing Commission, for example, may study the community's supply of low- to moderate-income housing and administer a program to supplement the housing supply.

Committees. A committee is advisory in nature and can be either a formal (standing) committee established by ordinance or resolution, or an informal (ad hoc) committee created by the mayor and council. The committee may oversee and advise in service areas, such as housing or transportation, or it may advise the mayor and council on issues and recommend policy. A Downtown Development Committee, for instance, would advise the mayor and council on commercial development in the downtown area. An ad hoc committee is sometimes called a task force to emphasize its temporary nature. A municipality may create a Wild Geese Committee, for instance, to advise the town on how to deal with nuisance geese invading a local park.

Uses of Committees. While committees may perform different functions, in general, they can be an effective way of involving citizens in the decision-making process of local government. The citizens who volunteer to serve on committees bring diverse skills and talents, new perspectives and, often, a strong interest in subject matter to their task.

In addition to involving citizens in local government, mayors and councils find a number of uses for committees. The committee is an effective sounding board for new policies and programs. It can react to the mayor's and/or council's proposals and give them an immediate sense of community reaction.

A municipality can use a committee to dilute opposition to a particular program. Committee support may suggest that the program has popular support,

or a committee may give a program the status of association with prestigious local citizens. For example, a blue- ribbon committee may recommend a location for government- subsidized, low-income housing. The community may accept more readily the recommendation of the blue-ribbon committee than a decision announced by the mayor and council. The prestige of the town citizens serving on the committee lends legitimacy to the committee's recommendations.

Committee Procedures. A formal (standing) committee may adopt rules of procedure, such as bylaws, for its internal organization. Bylaws generally define procedures for the selection of committee officers, set limits on absenteeism, set quorum requirements, and define procedures to fill a vacancy should one occur. Bylaws may also specify the use of parliamentary procedure according to **Robert's Rules of Order** in conducting committee business.

Guidelines for Effective Committees. Committees can be most useful to the mayor and council and to the general public if they follow certain guidelines. Primarily, the committee should have a clearly written mission statement which describes the function the municipality expects the committee to perform. The mission statement should be included in the ordinance that creates the committee and should define the committee's goals, responsibilities, and legal obligations. The ordinance for a standing committee should also define the number of members, terms of office, and criteria for membership (if any).

There are a number of other factors, such as attendance, member vacancies, and committee budget, that directly affect a committee's productivity. A municipality with several committees may find it advisable to adopt a general policy on boards, commissions, and committees which addresses these issues. The policy should consider the following:

- a. the method of appointing members to the committee
- b. representativeness (how representative committee members are of the community at large, if this is important)
- c. rules of procedure
- d. attendance requirements
- e. how vacancies on the committee are filled
- f. terms of office for members
- g. staffing (should the municipality assign a town staff member to provide support)
- h. budget
- i. compensation (should the town pay committee members for their time)
- j. reimbursable expenses, and
- k. open meeting and reporting requirements.

Chapter 6 – Ethics: What’s Right? What’s Wrong? What’s Gray?

Public Ethics

Citizens must have confidence that their elected officials will handle the business of government in an ethical manner. The way in which officials make public decisions, such as the awarding of contracts, the management of public funds, and the hiring of staff, must be above reproach. Indeed, local officials and employees need to avoid even the appearance of misconduct.

In response to violations of the public trust by public officials, ethics laws and criminal statutes have been established to guide the conduct of officials and public employees.

In addition, municipal officials and employees are subject to many other local, state, and federal laws and regulations that are designed to control their ethical conduct. Some of these laws impose criminal sanctions and often seek to prevent certain overt misconduct. Other provisions are civil or criminal and may not only seek to prevent overt misconduct but also to avoid activities which give the appearance of misconduct. Finally, in addition to formal control of official conduct, public opinion and the media play a significant role in shaping the kind of conduct that a local community will expect.

Public Ethics Suggestions. Ethics codes address the basic situations and issues that face a municipality and its officials. However, in many situations the community will demand a higher standard. Successful city administrations will recognize and conform to these higher standards. One general guideline is to avoid doing those things which may be technically legal but would not reflect favorably on the official or the municipality should they be published on the front page of the local paper. Often, this means turning down attractive business opportunities or economic relationships which might damage the perceived quality of municipal government and its officials.

Ethics Codes and Administration. The goals of a sound ethics program are to promote public confidence in the city and its officials, to maintain fairness and impartiality in rendering municipal services, and to avoid the appearances of impropriety.

Ethics programs need to be designed to avoid conflicts and appearances of conflict by the use of established standards of conduct and procedures for financial disclosure. Ethics codes not only provide a mechanism for dealing with misconduct but, more importantly, they provide government officials and employees with a road map for acceptable behavior.

City/Town Ethics Check-Up. Municipal officials should periodically evaluate their local ethics program to determine if any action is needed to improve or update the law or its administration. The following steps should be part of this review: Employees and public officials should understand the requirements of the law, that these standards of conduct are supported by the city, and that their compliance is expected.

The West Virginia Governmental Ethics Act

The West Virginia Governmental Ethics Act was created to ensure proper ethical behavior among public officials and public employees. The Act covers those employees who are elected, appointed or hired to serve State, county, or municipal governments and their respective departments, agencies, boards and commissions.

Private Gain. The basic principle underlying the standards or code of conduct created by the Act is that those in public service should use their positions for the public benefit and not for their own private gain or the private gain of another. For example:

All Public Servants are Subject to the Ethics Act

The code of conduct established by the Ethics Act applies to all public servants including public employees, elected public officials, and appointed public officials, whether full-time or part-time, in the legislative, judicial, and executive branches of state, county and municipal government, including all boards, commissions and agencies.

WV Ethics Act

members derive no direct personal benefit. They shall not solicit a gift - not even for a charitable purpose - for any purpose from a subordinate.

- You may not use your agency's supplies or equipment for personal projects or activities,
- Public employees and full-time appointed officials may not work on personal projects or activities during work hours for which they are paid by their employer,
- You may not use subordinates to work on your personal projects or activities during work hours or compel them to do so on their own time.

Gifts. The Act sets forth that those persons covered by the Act shall not use their public office or position for their own private gain or that of another. Those employees shall not solicit gifts, except for charitable purposes from which they or their immediate family

The Act's prohibition against solicitation of gifts does not apply to solicitation of political contributions. However, WV Code §3-8-12 dealing with regulation and control of elections provides that no person shall solicit any political contribution from any non-elective salaried employee of the state government or of any of its subdivisions. They shall not accept gifts from lobbyists, or from "interested persons", unless it fits into one of the following exceptions:

- meals and beverages
- ceremonial gifts or awards of insignificant value unsolicited gifts of a value \$25 or less
- reasonable expenses incurred in appearing at a speaking engagement
- reasonable honoraria (check Ethics Commission's rules)
- free tickets to political, charitable or cultural events customarily given as a courtesy to the office
- purely private and personal gifts

Nothing in the Act prohibits the solicitation, giving or receipt of a lawful political contribution.

Interests in Public Contracts. The Act places certain restrictions on public contracts. It says that no public official or employee or member of his or her immediate family (spouse, dependent parents or dependent children) or business with which he or she have an ownership interest greater than 10%, or a creditor's interest greater than 10% of the indebtedness of the business may have a financial interest in any contract, purchase or sale over which he or she may have control or direct authority to enter into. This provision applies only to (1) those contracts your job gives you authority to award or control and (2) those purchases and sales you are authorized to make or direct others to make.

Confidential Information. The Act also sets forth that those persons covered by the Act may not knowingly and improperly disclose confidential information acquired in the course of official duties or use it to further their personal interests or those of another.

Prohibited Representation. Those persons covered by the Act may not, during or after government service, represent another, without the Ethics Commission's consent, in a matter in which you are or were personally involved in a decision making, advisory, or staff support capacity on behalf of the agency. This includes:

- contested cases,
- rate-making proceedings, license or permit applications, or
- regulation filing or other specific matter.

Limitation on Practice. The Act states that no elected or appointed public official or full-time staff attorney or accountant shall, while, or within six months after, serving with a governmental entity authorized to hear contested cases or make regulations, represent another person before that entity in the following matters:

- contested case
- rate-making proceeding license or permit application regulation filing
- to influence the expenditure of public funds

However, this prohibition does not apply to current or former State legislators or current or former professional legislative employees. The West Virginia Ethics Commission has the power to grant exemptions to the six months prohibition if good cause is shown.

Employment by Regulated Persons Prohibited. Full-time public employees and officials may not (1) seek employment with, (2) be employed by, or (3) seek to sell or lease real or personal property to any person or business that has a matter before the agency on which they are currently taking, or a subordinate is known to be taking, regulatory action. This includes regulatory action taken within the previous 12 months. Neither may he or she take personal regulatory action on matters affecting a person whom they are secondarily employed or with whom they are seeking employment. The Ethics Commission can grant exemptions should good cause be shown.

Full-time public servants may not accept private pay for providing information or services that are within the scope of their public duties. This applies only to private work for people or businesses they serve as part of their public duties.

Licensing and Ratemaking Proceedings. Persons covered by the Governmental Ethics Act may not take official action in any license or rate-making proceeding that directly affects the license or rates of:

1. A company in which they, or the immediate members of their family, have more than a 10% interest or,
2. A person to whom such an entity has sold goods or services totaling more than \$1,000 during the previous year.

Other Ways to Ensure Ethical Behavior

In addition to codes of ethics, laws governing financial disclosure and public access to meetings have requirements for openness combined with legal sanctions for failure to comply. Open meeting laws were discussed in Chapter 4 of this Handbook. The underlying theory of all these approaches is quite simple. The more accessible information is to the public, the less likely it is that there will be questions regarding public official's and employee's conduct. The public has the right to know if its government is looking out for the public official's best interest rather than the good of the public.

Chapter 7 – Conflict Resolution

The Ins and Outs of Conflict

One of the first things you will discover as a newly elected official is that there will sometimes be major differences of opinion on the council, particularly when there is a major or controversial issue to be addressed. The debate can often become very emotional, and the real issues can fall out of focus. It is important to remain calm, stick to the issues and try to understand the other points of view. The following highlights some principles of conflict resolution.

Managing Conflict. When handling difficult or hostile situations, focus on your desired outcome and remember the following:

- Remain open. Be curious about what the real message is. Do not look for blame or excuses. Do not be judgmental.
- Remain empathetic. Put yourself in the other person's shoes. Actively listen with understanding. Clarify what is really bothering the person.
- Remain constructive. Focus on the issue - the problem. Work at problem solving. Ask effective questions.
- Remain involved. Offer help and focus on the desired outcome.
- Remain action oriented. Focus on solutions and make a commitment to act. Then, follow through on those commitments.

Prepare for Resolution. There is no substitute for preparation. Preparation is a key to successful outcomes. To prepare to deal with the conflict ask yourself some questions:

- How important is the outcome?
- Does this involve a short-term or long-term relationship? How important is the relationship?
- Am I the best person to negotiate in this situation?
- How many issues are involved; should we separate them? Do we both agree on which issue is most pressing?
- Do we have a deadline?
- What does the other side need most from me? What do I need most from the other party?
- Where might the process get hung up?
- Is the conflict emotionally charged beyond what seems predictable by the immediate problem?
- Is part of the cause for the conflict perceptual, emotional, or communication?
- Is this worth the time and energy required?
- What else do I need to know before I begin?

Early in the process, gain agreement that there is a conflict, that the common goal is to resolve it, and what has been done so far has not worked. Make the commitment to understand first, then to be understood.

Principled Negotiation. Collaborative conflict resolution requires that we try to be both: Cooperative and Assertive - Soft on People and Hard on Issues. It also requires that we turn conflicts into opportunities for mutual gain.

The criteria for good resolutions:

It is a wise solution.

It is an efficient solution.

It improves the relationship involved (or at least doesn't damage it.)

Conflict resolution takes place at three levels:

The substance of the conflict.

The process of resolving it.

The relationships between the parties.

Negotiation is a basic means of getting what we want from others. It is back and forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposite.

Whether we are conscious of it or not, we are negotiating the process for resolving a conflict with every move we make. Effective conflict resolution requires skill in managing that process. Most people have these skills to some degree, even though they may not consistently practice them.

Resolving Conflict. Four principles of effective WIN/WIN conflict resolution are:

1. Separate people from the problem. All people have their own perceptions, needs, fears, deep held values and emotions. If you perceive a people problem, immediately diagnose what the cause of the problem is. Examine to understand if the cause is perceptual, emotional, or communication.

2. Focus on interests, not positions. When negotiators bargain over positions, they often tend to lock themselves into those positions. The more each defends its position, the more committed they become to it. The more each tries to persuade the other side of the impossibility of changing the position, the more difficult it becomes. Our ego often becomes identified with our position.

3. Invent options for mutual gain. In most negotiations, there are four major obstacles that interfere with the inventing of an abundance of options:

- Premature judgement
- Searching for the single answer
- The assumption of the "fixed pie"
- Thinking that "solving their problem is their problem"

We need to understand these constraints in order to overcome them.

4. Insist on using objective criteria for agreeing on solutions. Early in the process, set objective standards, procedures, or common goals that will be used to arrive at a fair and mutually agreeable solution.

Questioning Techniques. Questions can help you to better understand the others' interests and points of view, explore specific information with greater depth, maintain a focus in your interactions, clarify information and perceptions, and let the other person know you are interested in his/her concerns, desired outcomes, etc.

Ask for clarification - Avoid confusion, misunderstandings, contradictions, and ambiguity. Help me to understand what you mean?

Check for understanding - Explore where the other party is. Am I explaining that clearly?

Leading comment - In a non-threatening manner, ask for more information without really asking a question. I'm concerned about that . . . I'd like your perspective.

Logical inquiry - Welcomes rational thinking to the process. What's the logical next step?

Seek and support - Ask for assistance, agreement, support, help. Would you agree this is a wise choice?

Hypothetical question - Explore possibilities, encourage lateral thinking, welcome imaginative ideas.

Chapter 8 – Finance and Budgeting

Municipal Government Finances

Understanding local government finances is an essential skill for elected leaders. No matter how clear a local official's vision is for the future of the community, his or her actions will be severely limited if he or she is unable to comprehend the local government's financial resources or to convey how its money can best be spent. Such lack of knowledge can lead to excessive caution, squandered resources, or lost opportunities.

Although you may have been involved in budgeting and financial management for other organizations, the business of budget planning, decision making, and administration for a local government is probably more complex than you anticipate. The reasons for this complexity include the following;

The population of your community may be diverse in terms of needs, preferences, and ability to pay for services.

State and federal regulations mandate some activities and affect many others.

The services delivered by local governments are often difficult to plan and evaluate.

Decisions must be made within a political environment, which makes it difficult to plan for the long term while addressing short-term problems. There is usually not enough money to satisfy all the perceived needs and desires.

There is usually not enough staff or time to do all the research that could be helpful or to study all the possible alternatives.

Your fellow elected officials may have very different ideas from yours about priorities for spending and raising funds.

For all these reasons, local government budget making, administration, and financial management can be one of the most challenging and frustrating responsibilities you will face as an elected official. But it's also the most important responsibility you will encounter.

Wise decision-making and fiscal responsibility both require that local leaders understand the major components of their government's financial management system. It is hard to imagine any significant changes to programs and services that will not have an impact on the community's finances.

Major Components of Financial Administration

An organization's financial management system is composed of several key systems that affect current and future policies and programs. They are:

The **accounting system** documents all financial transactions. Local government leaders should have at least a rudimentary understanding of governmental accounting in order to ensure that this important function is correctly handled. Sound budgeting and policy decisions rely heavily on a good accounting system.

The **financial reporting system** summarizes local government revenues and expenditures and organizes them for the purposes of monitoring and planning. Every municipality is required, within ninety days after the beginning of each fiscal year, to prepare and publish its annual financial report.

The **budgeting system** lays out plans for raising revenues and spending money. Budgets are the primary financial tool for implementing local government policies, and they have a direct impact on the quality and quantity of government services.

The **capital improvement plan** provides a long-term perspective on anticipated major acquisitions of land, buildings and equipment. This plan determines how the acquisitions will be financed and anticipates their impacts on the annual operating budget.

The Municipal Budget

Budgeting is the nerve center of municipal government. It is the primary decision-making system with which officials allocate resources to achieve governmental priorities and objectives.

Operating Budget. The operating budget outlines the annual spending plan for each fiscal year. It designates the purposes for which revenues will be spent and the amount of money to be spent for each purpose.

The budgeting process sets the procedures for identifying revenue sources, estimates amount of revenues available, allocates resources across departments and programs, and provides the basis for monitoring expenditures and assessing the efficiency of municipal services and programs.

A budget also provides internal and external accountability. Internal accountability is the assurance that department heads are using financial resources in conformance with appropriations made by the governing body. External accountability is the ability of the public to evaluate how well the governing body's priorities are "in sync" with the public's perception of the community's needs, the financial decisions of public officials and the management of public funds.

The budget also serves as a management tool, which provides a plan for raising revenues and making expenditures throughout the fiscal year. Without a budget, the available resources could be squandered without regard to the available amount.

As a result, it is important to carefully plan the budget taking into account historical revenues and expenditures, debt service requirements or clear instruction to those who will be responsible for its administration. As a result, developing a budget without careful consideration can result in serious policy implications.

When developing an actual budget document, it is best to compile preliminary information based on recommendations from department heads. These results can then be scrutinized, and priorities can be established to develop the actual budget document. At a minimum, the budget document should include the following information:



The WV State Auditor's website has a "Local Government" section, which contains publications regarding the municipal budget process and samples of municipal budgets, and actual municipal budgets posted online. The State Auditor's Office conducts training each year for government officials regarding financial administration. Contact their office to determine when their next training session will take place: 304-558-2251 or toll free 877- 982-9148 or visit their website.

Beginning fund balance - In most cases, there will be some money left over from the previous year that can be spent on the coming fiscal year.

Estimated revenues - These revenues include tax revenues, intergovernmental transfers, locally produced revenues, interest earnings, rents, etc.

Estimated expenditures - Most local governments classify similar expenditures such as personnel, supplies, contracts, utilities, equipment, etc. in categories called objects, activities, or cost centers. These expenditures are typically recorded as line items in the budget, and traditionally most small governments have used line-item budgets.

Capital Budget. A capital budget is a plan of major construction projects. Capital improvement items are budgeted separately from the operating budget because they involve large, one-time expenditures which are usually financed differently from day-to-day expenses. Capital expenditures are for projects whose useful life- span is multi-year or indefinite.

Capital outlays of funds can go for the purchase, construction, or repair of land; buildings; infrastructure such as wastewater treatment, roads, and water systems; and unattached equipment or furnishings such as trucks, road repair equipment, and automobiles. The classification of capital items depends upon the size of the city's budget.

Municipalities use capital budgets because decisions are being made about larger amounts of money. Capital expenditures usually entail the acquisition of land, purchase of major equipment such as a mainframe computer or telecommunication system, and construction or renovation of buildings and other public facilities. Capital projects require careful planning and coordination, which include developing realistic cost

estimates and implementation schedules to ensure timely completion of projects at an affordable cost.

Several methods are available to finance capital projects, including pay-as-you-go, bond issuance, and intergovernmental assistance. Short-term borrowing through the sale of municipal notes can be used as an interim measure to initiate capital improvements or fund unforeseen emergencies. These methods are not mutually exclusive. Municipalities should combine these approaches to optimize capital resources and lessen project costs. In addition, municipalities frequently finance capital decisions with borrowed funds.

Pay-As-You Go. The pay-as-you-go approach enables a municipality to finance capital projects with current revenues, rather than borrowing against future revenues. Fiscal surpluses from tax, grant, and fee receipts, less current operating expenditures, reserves, and contingencies, can be allocated annually for capital financing. Pay-as-you-go works well where capital needs are steady and modest, and financial capability is adequate.

Municipal Securities. Over the last century, the issuance of tax-exempt obligations by States and their political subdivisions has become an integral component of the financial system of nearly all governmental bodies. Tax exempt obligations provide a lower cost method for governments to finance capital projects to provide services to constituents and promote economic growth. During the last few years, significant changes have occurred in the laws and regulations affecting federal tax exemption and affecting the types of obligations which may legally be issued by West Virginia political subdivisions. The issuance of tax-exempt obligations is a complex process which involves a unique blend of finance, law and politics.

Generally, bonds issued by political subdivisions share most of the characteristics of corporate bonds: they represent the debt of the issuer; they are “securities;” they are sold and purchased through established markets; they are payable at stated times and carry stated interest rates and the rates borne by the obligations reflect the market’s perception of the degree of risk of nonpayment. However, public securities have a significant advantage over corporate debt, by virtue of the fact that interest on municipal bonds is (generally, but not always) exempt from federal income taxation and state income taxation of the state in which they are issued.

Municipal securities may be classified in a variety of ways, but the most common classification is based upon the source of payment of principal and interest. Three basic categories exist: general obligation (or G.O.) bonds, revenue bonds, and lease-purchase or appropriations-funded obligations.

- a) General Obligation Bonds. In West Virginia, the issuance of general obligation bonds (“G.O. bonds”) must be authorized by a vote of the citizens of the governmental unit. A 60% voter approval is necessary for the issuance of the G.O. bonds by a municipality, whereas a 50% voter approval is necessary for a school district. G.O. bonds are payable from and secured by the “full faith and credit” of the issuer, meaning that the issuer is obligated to use its taxing

power to raise sufficient funds to satisfy the obligations. General obligation bonds are considered by purchasers to be the most “secure” in terms of the issuer’s ability and obligation to pay principal and interest.

- b) Revenue Bonds. The issuance of revenue bonds normally does not require voter approval. Generally, revenue bonds are payable from and secured by the revenues generated by the project which the bonds finance. However, certain other types of finances which are paid from revenues other than those produced by the project being financed may also fall within the definition of revenue bonds. Revenue bonds are considered by purchasers to be less secure than G.O. bonds since repayment is dependent upon sufficiency of the revenue stream. If revenues prove to be insufficient, the issuer generally may not make payment from other sources.
- c) Lease-Purchase and Appropriations-Funded Obligations. A wide range of financing arrangements have developed which are neither general obligation nor revenue bonds in the traditional sense. Such bonds are payable from and secured by payments from annual appropriations, which payments are characterized as “lease” or “rental” payments and are commonly referred to as “lease purchase bonds.” These rental payments are usually paid from general funds, subject to annual fiscal year appropriations. Lease-purchase bonds are typically issued by a public body to finance the construction of a non-revenue producing building or facility which is then leased to another governmental body, such as a courthouse or office building. As a result of West Virginia Supreme Court decisions, the constitutionality of some lease-purchase bonds is questionable.

Legal Requirements. In order for a municipality to issue tax-exempt securities, certain state and federal laws and regulations must be satisfied. Specifically, state law must provide authorization for the issuance of the bonds for the intended purpose and the issuer must comply with all restrictions which state law places on the incurrence of debt by governmental units, including limitations on what sources may be applied to repayment of the bonds.

These limitations are both statutory and constitutional in nature. One should never assume that so long as a statute clearly authorizes a borrowing, that such borrowing is legal. The statute, if challenged, could be declared unconstitutional. In addition, the issuer must comply with the laws and regulations of the Internal Revenue Service to ensure that the interest on the obligations is exempt from federal taxation, as well as satisfy the requirements of the Securities and Exchange Commission specifically applicable to municipal securities.

Bond Ratings. Municipalities apply for a bond rating prior to the bond sale, usually to Moody’s Investors Service, to Standard & Poor’s Corporation, or to both. Bond ratings provide the investor with an indication of the quality of the issue, and consequently, greatly influence the interest rates payable on the bonds. Thus, a municipality with a rating of AAA can expect to pay much less in interest costs over the life of the bond than a municipality with a lower rating.

Bond Insurers. Municipal bond insurance is insurance purchased by an issuer for all or a portion of an issue, which guarantees the timely payment of the principal and interest to the bondholders. This added security usually provides a higher credit rating for the issue and thus, a lower borrowing cost for the issuer.

Bond Counsel. The role of bond counsel is that of an independent expert who provides an objective legal opinion concerning the issuance and sale of bonds. Bond counsels are specialized attorneys who have developed expertise in a broad range of practice areas, including municipal, constitutional, tax, securities and commercial law.

A good bond counsel does much more than simply prepare documents and render an opinion. Bond counsel should work with the issuer and issuer's local counsel through every step of the financing to guide the issuer through the process and advise the issuer as to the best courses of action.

Generally, bonds are not marketable without an accompanying opinion of a nationally recognized bond counsel, which usually addresses the following matters:

- a) That the bonds are valid and binding obligations of the issuer;
- b) The sources of payment and security for the bonds; and
- c) Whether and to what extent interest on the bonds is exempt from federal income taxes and from taxes, if any, imposed by the state of issue.

The purpose of the bond counsel opinion is to provide assurance to investors. It removes from the pricing of the issue the risk of invalidity, lack of enforceability, or of interest being includable in gross income for federal income tax purposes. Accordingly, the pricing of the issue, and the interest which the issuer will be required to pay thereon are in part dependent upon bond counsel's expertise and objectivity.

Taxing Authority

Municipalities have been granted plenary power and authority to levy taxes, require licenses and collect fees for certain activities conducted within the corporate limits of the municipality. Municipal taxing authority per WV Code is detailed in the following paragraphs.

Real and Personal Property (WV Code §8-13-1). Every municipality has the power and authority to levy and collect taxes on real and personal property for any municipal purpose with the limitations and subject to the classifications prescribed by the Constitution and the State of West Virginia.

B & O Tax (WV Code §8-13-5). Whenever any business activity or occupation, for which the state imposed its annual business and occupation or privilege tax prior to July 1, 1987 is engaged in or carried on within the corporate limits of any municipality, the governing body has the authority to impose a similar business and occupation tax thereon for the use of the municipality.

Sales & Use Tax. West Virginia Code provides three different methods by which municipalities may impose a municipal sales and use tax:

- a) Alternative Municipal Sales and Use Tax of 1 percent (1%) must replace the B & O Tax. (WV Code §8-13C-1 thru 14).
- b) Sales Tax for Home Rule Cities (WV Code §8-1-5A).
- c) Pension Relief Municipal Use Tax (WV Code §8-13C-1 thru 14).

License Tax (WV Code §8-13-4). Whenever a business license is required and the activity occurs within the corporate limits of any municipality, the governing body has the authority to impose a municipal license. A small fee may be required for the municipal tax but it cannot exceed the amount of the state license tax.

Liquor/Wine Tax/Private Clubs (WV Code §8-13-7 and §60-3a-12e). Every municipality has the authority to levy and collect a tax upon all purchases of intoxicating liquors within such municipality. The tax should be levied upon the purchaser and should be added to and collected with the price of purchase. The tax cannot exceed five percent of the purchase price. A municipality may levy and collect a fee from any private club licensee whose premises are situated therein.

A municipality may require an annual license from each retail licensee and require payment for the license in amounts not to exceed \$1,000 for class A & B.

Hotel/Motel Tax (WV Code §7-18-2). Every city has the power to levy and collect an excise tax upon the occupancy of hotel rooms within the corporate limits of the municipality. The rate should not exceed six percent of the cost of the hotel room or rooms. The tax is levied on the person paying for the occupancy of the hotel room and is collected as part of the use of the hotel room.

Public Utility Tax (WV Code §8-13-5a). Every municipality also has the authority to levy and collect an excise tax on the privilege of purchasing, using or consuming within the corporate limits of such municipality, public utility services and tangible personal property from public utilities subject to the jurisdiction of the Public Service Commission of West Virginia.

Amusement Tax (WV Code §8-13-6). A municipality may levy and collect an admission or amusement tax upon any public amusement or entertainment conducted within the corporate limits for private profit or gain. The tax should be added to the regular cost of admission. The tax should not exceed two percent of the admission price.

Horse and Dog Racing Tax (WV Code §8-13-8). Every municipality within the corporate limits of which a horse racetrack or dog racetrack is located in whole or in part has the authority to impose upon the operator of the track a daily license tax for the privilege of conducting business within the corporate limits of the municipality. The daily license tax should not exceed the amount of the daily license tax due from the operator to the state.

Motor Vehicle Operators Tax (WV Code §8-13-9). Every municipality has been granted authority to levy and collect an annual motor vehicle operator's license tax not to exceed two dollars. The tax applies only to the inhabitants of the municipality.

Domestic Animal Tax (WV Code §8-13-10). Every municipality has the authority to levy and collect an annual license tax upon the privilege of keeping a domestic animal within the corporate limits of the municipality.

Coal Severance Tax (WV Code §11-13A-6). Distributed quarterly (.25% of the additional severance tax collected distributed to municipalities-formula determined by population).

Oil and Gas Severance Tax (WV Code §11-13A-3a). Distributed annually (.25% of the additional Severance tax collected distributed to municipalities-formula determined by population).

Special Charges for Municipal Services (WV Code §8-13-13). Every municipality which furnishes any essential or special municipal service, including, but not limited to, police and fire protection, parking facilities on the streets or otherwise, parks and recreational facilities, street cleaning, street lighting, street maintenance and improvement, sewerage and sewage disposal, and the collection and disposal of garbage, refuse, waste, ashes, trash and any other similar matter, shall have plenary power and authority to provide by ordinance for the installation, continuance, maintenance or improvement of such service, to make reasonable regulations with respect thereto, and to impose by ordinance upon the users of such service reasonable rates, fees and charges to be collected in the manner specified in the ordinance.

Conclusion

As you can see, finance, budgeting and taxation issues can be difficult subjects to fully grasp. However, it is essential for local government leaders to have a sound understanding of local finances to be good stewards for the public's money. Good money management is essential to ensuring that the avenues can be developed to fund your vision for the community.

Chapter 9 – Public Relations and Making the Most of Your Relationship with the News Media

Working with the Media

Having successfully run for public office, you know that gaining public understanding of your views and enough support to act on those views is hard work. As an elected official, you are acutely interested in how well your local government gets information to and from the citizens. The process of ensuring effective communication is the focus of this chapter.

The news media has traditionally been the watchdog of government. It is important to remember that the media reports news. While the public does have a right to know an official's opinion, you may find that the local media will often pass over routine matters in favor of reporting conflicts and controversies that make headlines. However, a little effort spent on developing a good relationship with a reporter can have important benefits for the public official. You will most likely be fairly treated and the constituents will be well informed.

The relationship between a public official and a reporter may be based on stereotypes. The public official may assume that the reporter is ruthless and exploitative, and the reporter may assume that the official is distorting information to his/her advantage. Sometimes these assumptions are so deeply ingrained that there is little chance for a good relationship. One solution for many public officials is to just refuse to speak to the media. There are several problems with that solution. It eliminates one of the best opportunities for communication between public officials and their constituents. If officials do not comment, their constituents will not know what their positions are. Second, a refusal to comment may suggest that a public official has something to hide. Finally, when a story is damaging or inaccurate, public officials who do not comment lose the opportunity to correct the story.

A well-organized public relations program can help to alleviate some of these problems. A public relations program encourages public trust and support by identifying government policies, procedures, and concerns for citizens and facilitating public involvement in planning and implementation. A good public relations program also acknowledges the importance of information from all segments of the community.

The Role of the Elected Official in Dealing With the Media

As a community leader, you know that you must understand the opinions of the public if you are to make effective and informed decisions. You also know that citizens who come out to meetings do not necessarily represent the majority opinion on some issues. You may be surprised by how difficult it can be to inform people about issues and to change inaccurate perceptions of plans or programs.

In an effort to meet this challenge, you can encourage your city or county manager to use effective media-relations techniques, to make speakers available for

various meetings, and to produce informative, well-designed publications. You can authorize citizen's surveys, paying special attention to the acquisition of adequate feedback from all citizens. You can set the tone for public employees by emphasizing each individual's importance as a representative of the local government. Finally, you can use your personal network to find out how well your local government's public relations activities are working and provide feedback to help improve them. All of these efforts will help you obtain a better understanding of citizens' diverse perspectives. This understanding will aid you in developing policies that the majority of the constituency will find acceptable.

Being Accessible. As an elected official, you must make a genuine effort to be accessible to the public. Being accessible goes beyond complying with sunshine or open meeting laws. Even if closed meetings of various types are allowable by law, think carefully before you hold such meetings; you risk criticism from the media and your constituents. You may be meeting just to plan strategy, but you may find it harder to convince the public of the integrity of your motives if you plan in closed session.

Supporting the Manager's Role. Because effective public relations includes motivating employees and using budgeted resources to collect and share information about ongoing activities, the manager typically has ultimate responsibility for public relations.

For announcements and major decisions, council members may designate one person to provide information to the public through the media. The staff's role in public relations is to facilitate the sharing and gathering of information, not to substitute for elected officials.

Working with Community Groups and Associations. The community groups in your city, town or county play an important role in the evolution of opinions and attitudes about local government programs and policies. Knowing each group's interests, leadership capacity, and membership strength can be helpful when you are exploring new ideas or assessing existing programs.

Organizing for Public Relations

Depending on the size of your local government, you may have a full-time or part-time public relations staff person, or you may designate the mayor or another council member as the person in charge of dealing with the media. However, should you choose to have a public relations office, they can:

- a) Counsel local officials on public opinions and on support or opposition to various services and programs being provided or considered by the local government;
- b) Help to determine future budget priorities by surveying citizens to evaluate their satisfaction with current services; Respond directly to citizen inquiries and complaints; Coordinate efforts to gather and share information with the public;
- c) Coordinate and conduct tours of government offices and facilities as well as publish reports and pamphlet;
- d) Provide instructional materials and speakers for local schools;

- e) Conduct public information campaigns to gain support for bond referenda or state legislation;
- f) Handle media relations; and
- g) Prepare speeches and advise officials on their public presentations.

It is important that whoever is in charge of public relations representing your community, recognize all of the media outlets. They include: television and radio, videotapes, newspapers, news releases, newsletters, booklets and pamphlets. You can take advantage of some of these mediums with little or no cost involved. However, it may be necessary to choose between the others to determine your most cost-effective means of communicating with the public.

If your community lacks local media resources to effectively communicate the activities of your council, you may want to consider a newsletter. A newsletter can be published on a monthly or quarterly basis for minimal cost and articles can even be prepared by volunteers. The costs associated with mailing a newsletter can be further reduced by including the letter with a monthly or quarterly utility bill.

The Interview

As a government official, you may be asked to publicly comment on an issue currently being addressed by the council. The following are a few tips to keep in mind during a media interview:

- DO:**
- a) Look at every interview as a glorious opportunity. Ask 10 questions when accepting an interview:

1. Topic?	6. How long?
2. When?	7. Alone or panel?
3. Where?	8. Live or taped?
4. Interviewer?	9. When on the air?
5. Why me?	10. Source of inquiry?
 - b) Watch or listen to show or read articles by reporter to become familiar with style and format.
 - c) Be honest, sincere, non-defensive, proud.
 - d) Be brief - get message across in 20 seconds or less. Be Energetic, Enthusiastic, and Entertaining.
 - e) Be Positive - get in your positive points using positive words. Gesture which adds vocal variety to your voice.
 - f) Say you don't know if it's true BUT promise to get information for them, then DO.
 - g) Maintain eye contact especially during the first and last few seconds of answer. Always look at whomever is speaking.

- h) Be friendly.
- i) Talk conversationally and simply.
- j) Use bridges to get to you positive points; i.e. The real issue is...Let me add...A common concern is...I'm often asked...
- k) Correct misinformation quickly and state positive points.
- l) Visualize a good interview and you will give one.
- m) Smile and relax!

- DON'T:**
- a) Volunteer or repeat negative or inaccurate information.
 - b) Say “No Comment”, or anything you don’t want to hear on the air or read in print.
 - c) Go “off the record.”
 - d) Use jargon, acronyms, initials, technical terms or percentages.
 - e) Lie, guess, or speculate.

Conclusion

As this chapter indicates, there are a number of ways to communicate information to citizens in your community. It is important to examine the media outlets in your community to determine which will effectively deliver your message to the public. Whether you decide to hire a public relations staff or elect the mayor/council person to lead the effort toward public relations, it is important to maintain consistency. This person should serve as the primary contact for the media and be responsible for coordinating all media efforts.

Most importantly, take advantage of the media resources at your disposal and capitalize upon them to communicate with your constituency.

Chapter 10 – Your West Virginia Municipal League

The League

Serving the State of West Virginia since 1968, the West Virginia Municipal League (League) is a non-profit, voluntary association of municipal governments. Whether you are serving your community in an elected or appointed capacity - we can make your job easier. Your League staff is always available to answer questions on all aspects of local government.

Membership

There are no formal procedures involved in getting information or assistance from the League office. Merely telephone, email, or write - whichever is more convenient. You will receive prompt, knowledgeable attention to your problem. And remember - the membership dues which your municipality pays, entitle you to use the League's information at no extra cost.

The League was created to serve local officials. It is your organization, your partnership. Take advantage of your membership.

Beneficial Programs

Through research and service negotiation, League members participate in a variety of member programs at reduced costs. Services include:

- Unemployment Insurance Program with guaranteed rates below the State.
- West Virginia Communities Risk Pool providing an alternative to the insurance marketplace for property, casualty, and worker's compensation.
- WVML Resource & Advocacy Program to help members secure funding and other resources for community projects and priorities.
- Equipment lease-purchase financing through Country Roads Leasing, LLC.
- Online Driver Safety Education Course.
- NLC Service Line Warranty Program.
- Forward Focus, telling municipalities' stories.

Training and In-Service Programs

The changing demands on local government mean that last year's knowledge does not always apply to this year's problems. The complexity of new regulations, as well as new opportunities, sometimes requires more than a quick phone call or newsletter article. That is where the League's informative seminars play a role. These programs are attended and instructed by many city officials each year.

Additionally, municipal judges who are not attorneys are required to attend training conducted by the League once each year. Training is held in November of each year in Charleston.

Contact the League office to suggest a topic you would like included as a seminar.

Legislative

Whether your municipality has a population of 50 or 50,000, it has a major stake in Legislative deliberations in Charleston. Consequently, an important League priority policy is municipal autonomy. The League has a long-established reputation as an articulate advocate for municipal interests.

Every bill pending before the Legislature which might affect localities is evaluated by the League's Legislative Policy Committee, and aggressively opposed or supported by the league's lobbying team in concert with local officials from around the state.

The League's position on the respective measures, which number close to 300 in the average session, is reported to officials in every community through our legislative bulletins, conference calls, and with a final bill summary at the close of each legislative session.

A quick telephone call or visit to the League's website (www.wvml.org) will get you up-to-the-minute status reports on pending legislation, copies of bills or laws and general background data on any legislative matter.

Conference

The League's service program is a daily way of life, with a continuing exchange of information taking place throughout the year. One week is special, however, and, of course, that is the week of the Annual Conference. Held each August in a different member municipality, the Conference is a time when more than 400 municipal officials, exhibitors, and guests merge into what is the greatest municipal affairs talent bank of its kind in West Virginia.

New officials and old, with urban, suburban and rural interests, come to learn, discuss, and comment. They attend consulting periods, workshops, and roundtable seminars sponsored by the League and its sponsors. Whatever the format of the meetings, participants leave better informed and better equipped to serve their communities.

Throughout the year, League staff monitors the daily pulse of municipal affairs around the state with an eye to the program content of the Conference. Then, a tightly woven schedule of sessions is arranged which offers the kind of help local officials need - timely answers to the problems they are facing today.

The League also has a Mid-Winter Conference held each year in Charleston. Legislative updates, roundtables and committee meetings are on the agenda. Meetings with members of the Legislature on topics of the session are also arranged.

WV Municipal League Lites

Edited with the busy local official in mind, the *LEAGUE Lites* quarterly publication is a source of new ideas and information on state and local programs which the municipal leader needs to keep well informed.

In a sense, the pages of *LEAGUE Lites* serve as a mini-training manual in a continuing-education course for local officials, whether they are mayors, governing body members, or administrative and professional members of the municipal management team. Articles span the broad spectrum of local administration, both functionally and geographically. Material of interest to the rural communities in Southern West Virginia could appear in the same issue with an article explaining a large municipality's program in Northern West Virginia.

Articles reach the pages of *LEAGUE Lites* only if they have something which will benefit other communities or officials. The issues are editorially balanced so that a year's publication will bring articles of interest to all officials. Readers of the newsletter also know that much of its value goes far beyond the seven or eight feature articles appearing each quarter. Every issue carries notices of forthcoming meetings, announcements of training courses and administrative directives from state agencies.

Issues of *LEAGUE Lites* are circulated to over 1,700 local officials, state administrators and our Business/Association members each quarter.

Governmental Relations

The League, through its staff and membership, acts as a liaison between municipal, county, state and federal governments. A constant objective is the promotion of cooperation and coordination among various governmental units. In order to reach this goal, the League is represented on many state committees and task forces.

League Internet

The League Home Page is available to keep you informed on issues affecting municipal government. With this website you can:

- Get information on League services and publications.
- See a list of important state, local and national contacts.
- Keep updated on League events.
- Search ordinance files.
- Access information on specific and timely issues.

The League also hosts an online database for members. Members can create a personal profile page and have access to a searchable database of cities, city officials, and corporate and foundation partners. The database also offers Member Engagement Communities where members can communicate with each other on topics of concern.

Come visit us at: www.wvml.org.

Legal Counsel

In court cases or proceedings of major concern to municipal governments where the interests of cities are at issue, the League periodically intervenes on behalf of its membership at the Supreme Court level.

National League of Cities

Your municipality is linked to a powerful network of nearly 18,000 other municipalities across the nation through the partnership of your West Virginia Municipal League and the National League of Cities (NLC). As the top organization representing municipal interests before Congress, the White House, and the Supreme Court, the NLC can be credited with helping to achieve the bulk of federal legislation helpful to municipalities and with working for compromises and amendments to other measures which have detrimental aspects.

In addition to benefitting from NLC's advocacy work through state municipal league participation, any League member municipality, regardless of size, can become actively involved in influencing federal policy and programs as a direct NLC member. NLC dues are scaled to population and benefits of direct membership include: reduced registration fees for annual national conferences and regional seminars; free inquiry services for NLC's Municipal Reference Service and access to NLC's on-line services; free copies of *Nation's Cities Weekly* newspaper and reduced rates on other NLC publications; and, full voting rights and opportunities for participation and leadership in policy steering committees. For more information visit the NLC's website at www.nlc.org.

Appendix A – References

The following reference materials have been consulted and referenced to develop the West Virginia Municipal League’s *Municipal Handbook for Elected Officials*. We appreciate the permission granted by various organizations to consult and reference their excellent materials.

For further reading of the topics contained within this document, we suggest consulting any of the following:

Elected Officials Handbooks. Third Edition. International City/County Management Association, Washington, D.C. 1988.

Elected Officials Handbooks. Fourth Edition. International City/County Management Association, Washington, D.C. 1994.

Open Meetings Advisory Opinion No. 2001-25. West Virginia Ethics Commission

Open Meetings Advisory Opinion No. 2003-11. West Virginia Ethics Commission

Open Meetings Advisory Opinion No. 2010-04. West Virginia Ethics Commission

Open Meetings Checklist. West Virginia Ethics Commission

Appendix B – Robert’s Rules of Order Examples of Motions

TO DO THIS:	YOU SAY THIS:	MAY YOU INTERRUPT THE SPEAKER?	DO YOU NEED A SECOND?	IS IT DEBATABLE?	CAN IT BE AMENDED?	WHAT VOTE IS NEEDED?	CAN IT BE RECONSIDERED?
ADJOURN MEETING	“I move that we adjourn”	NO	YES	NO	NO	MAJORITY	NO
CALL AN INTERMISSION	“I move that we recess for . . .”	NO	YES	NO	YES	MAJORITY	NO
COMPLAIN ABOUT HEAT, NOISE, ETC.	“I rise to a question of privilege”	YES	NO	NO	NO	NO VOTE	NO
TEMPORARILY SUSPEND CONSIDERATION OF AN ISSUE	“I move to table the motion”	NO	YES	NO	NO	MAJORITY	NO *1
END DEBATE AND AMENDMENTS	“I move the previous question”	NO	YES	NO	NO	2/3	YES *2
POSTPONE DISCUSSION FOR A CERTAIN TIME	“I move to postpone the discussion until . . .”	NO	YES	YES	YES	MAJORITY	YES
GIVE CLOSER STUDY	“I move to refer the matter to committee”	NO	YES	YES	YES	MAJORITY	YES *3
AMEND A MOTION	“I move to amend the motion by . . .”	NO	YES	YES *4	YES	MAJORITY	YES
INTRODUCE BUSINESS	“I move that . . .”	NO	YES	YES	YES	MAJORITY	YES
THE MOTIONS LISTED ABOVE ARE IN ORDER OF PRECEDENCE					
PROTEST BREACH OF RULES OR CONDUCT	“I rise to a point of order”	YES	NO	NO	NO	NO VOTE *5	NO
VOTE ON A RULING OF THE CHAIR	“I appeal from the chair’s decision”	YES	YES	YES	NO	MAJORITY	YES
SUSPEND RULES TEMPORARILY	“I move to suspend the rules so that . . .”	NO	YES	NO	NO	2/3	NO
AVOID CONSIDERING AN IMPROPER MATTER	I object to consideration for this motion”	YES	NO	NO	NO	2/3 *6	YES *7
VERIFY A VOICE VOTE BY HAVING MEMBERS STAND	“I call for a division” or Division!”	YES	NO	NO	NO	NO VOTE	NO
REQUEST INFORMATION	“Point of information”	YES	NO	NO	NO	NO VOTE	NO
TAKE UP A MATTER PREVIOUSLY TABLED	“I move to take from the table. . .”	NO	YES	NO	NO	MAJORITY	NO
RECONSIDER A HASTY ACTION	“I move to reconsider the vote on . . .”	YES	YES	YES *8	NO	MAJORITY	NO