

**Director's Monthly Report
December Report**

Item #1

The Directors continue to attend numerous meetings during the past four weeks relating to JCESA business and/or operations such as County Leadership, County Commission meetings, EMS Chiefs monthly meetings, JMC Trauma Multidisciplinary Program Committee, Jefferson Memorial Hospital Emergency Department management, Robert Jones, MD - County Medical Director, Michelle Mason - CIP Specialist, CAD Implementation meetings @ ECC, Debbie Keyser - County Adm, Stephanie Grove, Esq. Homeland Security, Jefferson County ECC 911, Accurate Systems, Inc. and employee monthly staff meetings.

No action needed

Item #2

Initial paperwork has been officially submitted to WVOEMS for JCESA designation as a State approved **Training Institute**. This endorses JCESA as a certified training facility able to provide continuing education without relying on outside sources. JCESA will meet all the requirements set forth by the State mandates.

Mission Statement: To provide exceptional EMS training and education that directly supports all of the EMS providers in Jefferson County. Training will be open to any EMS provider who wishes to participate.

This certification process with WVOEMS State the review and onsite inspection should be finalized within sixty days.

No action needed

Item #3

Seven (7) JCESA OG's revised, printed and distributed to employees and Board members as the result of changes made in the past sixty days. Board copies enclosed in packet

No action needed

Item #4

WVOEMS State Protocols (BLS and ALS) became effective January 01, 2015. JCESA has purchased the new ALS medications needed and the cost was shared by the volunteer departments accordingly. These new additions to the drug bags county wide were done on December 29th & 30th by staff.

No action needed

Item #5

The Selection Committee appointed to review and award the Squad Medical Director contract met on Wednesday, January 07, 2015 and made their decision. Dr. Jennifer Robertson will be the new Jefferson County Squad Medical Director with an effective date of February 01, 2015. All applicants were notified in writing of the Selection Committee decision. The Director will submit a modified WVOEMS application to show change of Jefferson County Squad Medical Director prior to Feb 01, 2015.

By bidding this contract, JCESA has a confirmed cost saving of \$12,000 annually . No action needed

Item # 6

JCESA received a donation from the Charles Town Women of the Moose on Dec. 19, 2014.

No action needed

Item# 7

Staffing modifications levels continue to be modified on occasions due to personal leave and medical leave request. This practice has been beneficial in reducing our salary expenses as needed to maintain projected funds for salaries in the FY 2014-2015 budget. We will continue to monitor this line item expense closely with the assistance of the Business Manager and Treasurer. It is extremely necessary to continue this practice and all departments are being affected by the reduction in staffing provided by JCESA.

No action needed

Item #8

JCESA is hosting an Emergency Medical Technician class with thirty (30) students enrolled. This class meets on Monday and Thursday evenings from January thru June 2015.

No action needed

Item #9

This Agency has implemented a new employee scheduling software program starting January 04, 2015. This program is known as EMSchedule that will allow JCESA to show exact hours that will be funded by the current JCESA budget, as well as hours to be funded by the Ambulance Fee budget. All time cards will be created electronically and proved to be more efficient than the old paper time card system. We will have many more options with the new software program besides time cards.

No action needed

Item #10

The Panasonic Tough Tablets for all JCESA owned vehicles have been programmed and installed for the CAD system. Training on the mobile CAD system tablets was held on Thursday, Jan 8th at ECC(911) Center. After that training, our mobile CAD tablets were activated. Station 11 monitors and computers will be active with the CAD displays on January 14, 2015.

No action needed

Item#11

JCESA is reviewing a contract offer for employee physicals from Harpers Ferry Family Medicine. Currently, we are using Amherst Family Medicine in Winchester, VA. If this contract meets our standards and we change vendors it will be an estimated annual cost saving of \$10,400.

No action needed

Item #12

JCESA has received letter stating that U S Senator Joe Manchin III supports our application for Assistance to Firefighters Grant for requesting twenty one (21) cardiac monitor defibrillators. He will be contacting the FEMA officials on our behalf. Copy of letter in Board packet No action needed

Item #13

JCESA 2014 yearly EMS training report enclosed. This Agency held fifty-three (53) training classes with 2,769 hours of CE hours awarded. The student attendances for these classes were 670 ems providers. These numbers do not include the 140 hour EMT class hosted by JCESA that had 28 students in attendance during 2014. Copy of complete training printout enclosed in Board packet. No action needed

Item #14

The Directors have reviewed the draft MOU "JCESA & Volunteer Fire Departments" presented at the December Board meeting and made numerous written comments and concerns in writing as requested by the Board. Copy of Director's document in Board packet

Respectfully submitted,
Douglas M Pittinger
Edward Hannon

Douglas M Pittinger, Director
Edward Hannon, Deputy Director

January 20, 2015

Directors
report

Jefferson County Emergency Services Agency
Profit & Loss by Class
July through December 2014

Ordinary Income/Expense

	Ambulance Fee	Fire Company	General (JCESA)	Payroll (JCESA)	Total JCESA	Mortgage	Unclassified	TOTAL
Income								
344-000 · Ambulance Fee	0.00	0.00	23,055.38	0.00	23,055.38	0.00	0.00	23,055.38
345-000 · Emergency Services Fees	375,000.00	0.00	0.00	0.00	0.00	0.00	0.00	375,000.00
365-000 · Interest Earned	76.72	0.17	202.69	429.35	632.04	59.86	0.00	768.79
366-000 · Miscellaneous Revenue	0.00	0.00	11,661.99	0.00	11,661.99	0.00	0.00	11,661.99
380-000 · Appropriations								
380-001 · Jefferson County Commission	0.00	0.00	0.00	1,085,671.50	1,085,671.50	0.00	0.00	1,085,671.50
380-003 · Contributions Other	0.00	0.00	200.00	0.00	200.00	0.00	0.00	200.00
380-004 · Approp Jeff Cty - Mortgage	0.00	0.00	0.00	0.00	0.00	81,000.00	0.00	81,000.00
Total 380-000 · Appropriations	0.00	0.00	200.00	1,085,671.50	1,085,671.50	81,000.00	0.00	1,166,871.50
Total Income	375,076.72	0.17	35,120.06	1,086,100.85	1,121,220.91	81,059.86	0.00	1,577,357.66
Gross Profit	375,076.72	0.17	35,120.06	1,086,100.85	1,121,220.91	81,059.86	0.00	1,577,357.66
Expense								
711-000 · Operations								
226-1 · Liability Insurance	0.00	0.00	0.00	22,943.50	22,943.50	0.00	0.00	22,943.50
711-214 · Travel Expense	0.00	0.00	0.00	794.62	794.62	0.00	0.00	794.62
711-216 · R & M Equipment	0.00	0.00	0.00	107.92	107.92	0.00	0.00	107.92
711-217 · R & M Autos & Trucks								
217-6 · Ambulance	0.00	0.00	0.00	50.08	50.08	0.00	0.00	50.08
711-217 · R & M Autos & Trucks - Other	0.00	0.00	0.00	5,166.84	5,166.84	0.00	0.00	5,166.84
Total 711-217 · R & M Autos & Trucks	0.00	0.00	0.00	5,216.92	5,216.92	0.00	0.00	5,216.92
711-221 · Training & Education								
711-221 · Training & Education	0.00	0.00	0.00	2,250.51	2,250.51	0.00	0.00	2,250.51
711-225 · Technical Services								
711-225 · Technical Services	0.00	0.00	0.00	3,829.00	3,829.00	0.00	0.00	3,829.00
711-226 · Insurance								
711-226 · Insurance	0.00	0.00	0.00	4,129.00	4,129.00	0.00	0.00	4,129.00
711-344 · Supplies & Materials								
711-344 · Supplies & Materials	0.00	0.00	0.00	3,782.96	3,782.96	0.00	0.00	3,782.96
711-343 · Fuel Expense								
711-343 · Fuel Expense	0.00	0.00	0.00	5,375.18	5,375.18	0.00	0.00	5,375.18
711-345 · Uniforms								
711-345 · Uniforms	0.00	0.00	0.00	617.49	617.49	0.00	0.00	617.49
711-520 · EIMS Supplies								
711-520 · EIMS Supplies	0.00	0.00	0.00	20,960.36	20,960.36	0.00	0.00	20,960.36
Total 711-000 · Operations	0.00	0.00	0.00	70,007.46	70,007.46	0.00	0.00	70,007.46
711-001 · Administration Expense								
711-211 · Telephone Expense	0.00	0.00	0.00	1,017.56	1,017.56	0.00	0.00	1,017.56
711-213 · Utilities	0.00	0.00	0.00	5,979.81	5,979.81	0.00	0.00	5,979.81
711-215 · R & M Building & Grounds								
711-215 · R & M Building & Grounds	0.00	0.00	0.00	247.73	247.73	0.00	0.00	247.73
711-218 · Postage	0.00	0.00	0.00	360.42	360.42	0.00	0.00	360.42
711-219 · Rent Expense								
711-219 · Rent Expense	0.00	0.00	0.00	2,182.71	2,182.71	0.00	0.00	2,182.71
711-220 · Advertising Expense								
711-220 · Advertising Expense	0.00	0.00	0.00	1,327.67	1,327.67	0.00	0.00	1,327.67
711-222 · Dues & Subscriptions								
711-222 · Dues & Subscriptions	0.00	0.00	0.00	220.00	220.00	0.00	0.00	220.00
711-223 · Professional Services								
711-223 · Professional Services	0.00	0.00	0.00	2,342.10	2,342.10	0.00	0.00	2,342.10
711-232 · Bank Charges								
711-232 · Bank Charges	0.00	0.00	198.68	107.50	306.18	0.00	0.00	306.18
711-233 · Employee Background Checks								
711-233 · Employee Background Checks	0.00	0.00	0.00	25.00	25.00	0.00	0.00	25.00
711-510 · Office Expense								
711-510 · Office Expense	0.00	0.00	0.00	2,668.54	2,668.54	0.00	0.00	2,668.54
711-511 · Medical Expenses								
711-511 · Medical Expenses	0.00	0.00	0.00	1,364.68	1,364.68	0.00	0.00	1,364.68
711-512 · Third Party Billing								
711-512 · Third Party Billing	0.00	0.00	0.00	1,818.47	1,818.47	0.00	0.00	1,818.47
Total 711-001 · Administration Expense	0.00	0.00	198.68	19,862.19	19,860.87	0.00	0.00	19,860.87

Jefferson County Emergency Services Agency
Profit & Loss by Class
July through December 2014

	Ambulance Fee	Fire Company	General (JCESA)	Payroll (JCESA)	Total JCESA	Mortgage	Unclassified	TOTAL
711-103 - Salaries & Wages of Employees								
103-1 - Part-Time Wages	0.00	0.00	0.00	47,553.94	47,553.94	0.00	0.00	47,553.94
103 - Full Time Salary & Wages	0.00	0.00	0.00	386,099.84	386,099.84	0.00	0.00	386,099.84
108 - O/T Wages	0.00	0.00	0.00	32,779.00	32,779.00	0.00	0.00	32,779.00
226-2 - Workers Compensation	0.00	0.00	0.00	51,704.75	51,704.75	0.00	0.00	51,704.75
711-104 - FICA Tax - Social Security	0.00	0.00	0.00	35,273.45	35,273.45	0.00	0.00	35,273.45
711-230 - Casual Labor	0.00	0.00	0.00	9,000.00	9,000.00	0.00	0.00	9,000.00
Total 711-103 - Salaries & Wages of Employees	0.00	0.00	0.00	562,410.98	562,410.98	0.00	0.00	562,410.98
711-110 - Staff Benefits								
110-1 - Med Life	0.00	0.00	0.00	2,785.75	2,785.75	0.00	0.00	2,785.75
110-2 - Dental	0.00	0.00	0.00	4,003.90	4,003.90	0.00	0.00	4,003.90
110-3 - Fitness	0.00	0.00	0.00	42.86	42.86	0.00	0.00	42.86
110-4 - Unemployment	0.00	0.00	0.00	3,728.00	3,728.00	0.00	0.00	3,728.00
711-105 - Hospitalization	0.00	0.00	0.00	46,317.05	46,317.05	0.00	0.00	46,317.05
711-106 - Retirement Expense	0.00	0.00	0.00	43,723.54	43,723.54	0.00	0.00	43,723.54
Total 711-110 - Staff Benefits	0.00	0.00	0.00	100,601.10	100,601.10	0.00	0.00	100,601.10
Total Expense	0.00	0.00	198.68	752,681.73	752,880.41	0.00	0.00	752,880.41
Net Ordinary Income	375,076.72	0.17	34,921.38	333,419.12	368,340.50	81,059.86	0.00	824,477.25
Net Income	375,076.72	0.17	34,921.38	333,419.12	368,340.50	81,059.86	0.00	824,477.25

Chapter 15 - Discipline

Every organization has the right to enforce its rules and expect ethical and honorable conduct from its members. Most organizations have discipline problems from time to time. A discipline problem may be something as simple as a member misbehaving at a meeting or an officer overstepping the boundaries of his or her office. If the problem is not corrected when it arises, it can escalate into something more serious, requiring that someone be removed from office or membership. However, the organization can often solve discipline problems by taking the member or officer aside and talking with him or her about it, which saves both the member and the organization embarrassment.

This chapter explains common discipline problems that organizations encounter and how to handle them. Many problems that cause difficulties in organizations are the result of inflated egos, personality conflicts, or ignorance of proper procedures. If egos or personalities are the root cause, it takes diplomacy, patience, and skill to solve these problems.

THE UNRULY MEMBER AT MEETINGS

In meetings where controversial issues are debated, some members may get so excited that they talk out of turn and continually seek the floor to rebut those who don't agree with them. In a case like this, the chair should remain calm and firmly remind the member of the proper rules of debate. If the member is reasonable, nothing more may need to be said.

If the member doesn't heed the remarks of the chair and continues his or her behavior, the chair's next step is to *call the member to order*. The chair states, "The member is out of order and will be seated." If the member refuses to be seated and continues with his or her obnoxious behavior, the next step the chair can take is to *name the offender*. This action, in essence, prefers charges against the member and should be used as a last resort. Before this action is taken, the chair instructs the secretary to record the obnoxious behavior or words. In naming the offender, the chairman uses the member's name and states what he or she has done wrong.

President: Mr. Smith! The chair has asked you repeatedly not to speak after each speaker. The chair has ordered you to sit down four times and you have continued to speak.

If the member sits down at that point, the assembly can choose whether to drop the matter or ask for a penalty.

PENALTIES

The chair cannot impose a penalty for misbehavior; only the assembly can do so. A member can rise and make a motion proposing a penalty, or the chair can ask, "What penalty should be imposed on the member?" Possible motions that assemblies can make include:

- A motion that the member must apologize
- A motion that the member must leave the hall during the remainder of the meeting
- A motion to censure the member
- A motion to suspend the member's rights for a designated period of time
- A motion to expel the member from the organization

If the assembly wants the member to leave the hall while they discuss the penalty, someone must present this option in the form of a motion, which takes a majority to adopt. If the assembly does not ask the member to leave during the discussion, it should allow that person to speak briefly in his or her defense. If the member denies the charges, the secretary can read back what he or she has said or done.

Any penalty other than expulsion requires a majority vote to adopt; expulsion takes a two-thirds vote. At the request of a single member, the vote on a penalty motion must be taken by ballot.

Removing an Offender from the Assembly Hall

Anyone attending a meeting can be removed from the assembly hall. The chair has the power to remove a nonmember at any time during a meeting, and this person has no right to appeal the chair's decision. (However, a member can make an appeal on behalf of the nonmember.) An assembly vote is required to remove a member from the hall.

If a person is asked to leave the assembly and refuses, the chair should take the steps necessary to see that order is enforced. The chair must carefully appraise the situation and act wisely. The chair can either appoint a committee to escort the person to the door or ask the sergeant-at-arms to remove the person. (The sergeant-at-arms is the person who acts as a doorkeeper, maintains order at the direction of the presiding officer, and is responsible for the comfort of the assembly.) Those escorting someone to the door must be careful how much force they use, because they can be liable for damages or be sued. If those appointed to escort the person to the door can't persuade the person to leave, they should call the police. However, the police may not want to get involved unless the organization is willing to press charges.

Making a Motion to Censure

To censure a member or an officer is to warn him or her that if a certain behavior continues, the next step is suspension or expulsion.

Censure

- **Purpose:** To reprimand the member with the hopes of reforming him or her so that he or she won't behave in the same way again.
- Needs a second.
- Amendable.
- Debatable.
- Requires a majority vote.
- Can't be reconsidered.
- **Result:** The member is put on notice that if he or she repeats the offense, he or she can be suspended or removed from membership or office.

This is an incidental main motion and can be made only when no business is pending. All subsidiary and incidental motions can be applied to this motion. The member or officer being censured may come to his own defense during the debate but can't vote. Taking the vote by ballot is wise. A member can not be censured twice for the same offense.

Censuring a member

Members can be censured for misconduct at meetings, violating confidentiality, moral misconduct outside the meeting, absenteeism, bribery, fraud, lying, disloyalty, working against the organization, conspiracy, and violating other values that an organization holds dear.

A motion to censure a member can occur in two circumstances. First, if the chair has named the person (as a result of that person's poor behavior), a member can make the motion to censure when the chair asks for a penalty. Second, if members know of another member's bad behavior and want to bring it to the attention of the assembly in the form of a motion to censure, that can be done under new business or under the part of the agenda called for the good of the order.

In the first situation, when the chairman asks for a penalty, a member rises and states:

Member: I move to censure Member Gates.

Member 2: I second the motion.

President: It is moved and seconded to censure Member

Gates. Is there any discussion?

After discussion, the chair takes a vote. If the members want to take the vote by ballot, a member makes a motion to do so, or the chair can ask, "Is there any objection to taking the vote by ballot?"

If the assembly votes to censure the member, the chair states:

President: The affirmative has it. The motion is carried. Member Gates, you have been censured by the assembly. A censure indicates the assembly's displeasure of your conduct at meetings. A censure is a warning. If you don't act according to the rules, you can be suspended or expelled from membership.

In the second situation, if a member knows of another member's serious misconduct, he or she can make the motion to censure during new business or under the good of the order. Here is an example:

Member: Mr. President, before I make the motion to censure, may I call to the attention of the assembly that Member Johnson has been telling members what has gone on in executive session of the board meetings, thereby breaking the rule that everything said in executive session is confidential. This is causing great harm in the organization and we must show our disapproval of this behavior. I therefore move that we censure Member Johnson.

Censuring officers

Officers can be censured as well for behavior such as not performing duties, doing things beyond what the bylaws or organization has assigned the officer to do, and fraud.

A presiding officer can also be censured for not following parliamentary rules in meetings, and for denying members their basic rights to make motions, participate in debate, and vote.

In censuring a presiding officer, a member informs the chair that he or she is going to do so, and then turns to the vice president to make the motion. If the vice president refuses to entertain it or is not present, the member then presents the motion to the secretary. If the secretary declines or is absent, the member can present the motion to the assembly from where he or she stands on the floor. If the vice president or secretary conducts the censure, they do so from where they are in the assembly and not from the president's position. The president can speak in his or her defense but cannot vote on the censure.

To censure the chair, a member presents the motion in the following fashion:

Member: Madam President, I am going to propose a motion to censure you, which I have a right to do. When a motion to censure the president is made, it is addressed to and entertained by the vice president. [*The member turns to the vice president and presents it as a resolution.*]

Mr. Vice President, I move the following resolution to censure:

"Whereas, The president has repeatedly denied members their right to make motions and debate; refused to entertain points of order and proper appeals; recognized only those who have upheld her views and denied the opposition the right to speak; and

Whereas, she has been obnoxious, rude, and arrogant; and

Whereas, such conduct is detrimental to the organization; now, therefore, be it

Resolved, that the president be censured.

This motion needs a second. The vice president places it before the assembly:

Vice President: It is moved and seconded to censure the president. Is there any discussion?

After discussion, the vice president takes a vote by ballot. If the affirmative has it, he or she states:

Vice President: There are 35 votes in the affirmative and 5 in the negative. The affirmative has it and the motion is carried.

The vice president then turns to the president and states:

Vice President: Madam Jones, you have been censured by the assembly for the reasons contained in the resolution. I now return control of the meeting to you.

If the president persists in the behavior, the next step is to remove him or her from office. Members must follow the bylaws for this procedure. If the bylaws contain a provision on how to remove someone from office, follow that procedure. If the bylaws state that someone is elected to office for _____ years or until their successor is elected, the members can then rescind the election. If the bylaws state "elected to office for _____ years or "elected to office for _____ years and until the successor is elected," the members must have a trial. The difference between "or" and "and" in this part of the bylaws is substantial.

Holding a Trial

Because a trial is a serious event for any organization and should rarely be used, there are specific procedures to follow to protect the rights of the accused:

- A trial is held in executive session.
- The accused has a right to *due process* - to be notified of the charges, given time to prepare a defense, and allowed the right to appear and defend himself or herself.

Several steps must happen before a trial can take place. The first step when members hear of misconduct by another member is to choose a committee to investigate the validity of the reports and to see if charges should be made. The members of this committee should be chosen for their integrity and good judgment. To establish such a committee requires that a resolution be made, seconded, discussed, and voted on. This resolution should avoid as much detail as possible to protect the parties, who may be innocent.

In the second step, the committee should quietly conduct its investigation and make a sincere effort to get the facts.

Any information collected is confidential. The committee should also talk with the accused to hear his or her side of the story. If the committee members find that the reports of misconduct are untrue, they should prepare a report and resolution for clearing the accused. If they find substantial evidence that the report of misconduct is true, the next step is to report the findings and prefer charges.

Next, the investigating committee prepares several resolutions. The first resolution includes setting a date and time for the trial meeting. It states that member X is to appear to show why he or she should not be expelled from the organization; it also states the specific charges. A second resolution establishes the trial committee and its members. The trial committee should have different members than the investigating committee.

If the members adopt the resolutions to have a trial, the secretary immediately sends by registered mail a letter notifying the accused of the time, date, and place of the trial, as well as the charges against him or her. (The letter should include a copy of the exact charges.) At the trial, the secretary should have on-hand a copy of the letter that was sent to the accused and a signed return receipt to prove that he or she received the letter.

The trial is a hearing. Members of the organization appointed to present the evidence against the accused are called *managers*. They should not be thought of as prosecuting attorneys; their intent should be to get at the truth and see that the outcome is just. The accused has a right to be represented by counsel and to speak and present witnesses in his or her own defense. The defense counsel may be an attorney but must be a member of the organization, unless the organization agrees by a vote to allow a nonmember to represent the accused.

At the beginning of the trial, the charges are read and the accused is asked how he or she pleads. If the accused answers "guilty," there is no reason to proceed with the trial. If he or she pleads not guilty, the members proceed with opening statements by the managers and then by the accused. Next, witnesses are presented by the managers and then by the accused. Rebuttal of witnesses by the managers and then by the accused is followed by closing arguments on both sides.

After closing arguments, the accused leaves the room and the assembly discusses and takes a vote. Each charge is read, debated, and voted on. If the accused is found guilty, the next business in order is determining the penalty. Usually the managers propose the penalty, and the members can debate and amend that motion. One member can demand that the vote be taken by ballot. Removing the person on trial from membership requires a two-thirds vote. After the penalty is decided, the accused is brought back into the assembly and told the results.

A trial is an extreme measure. The best policy is to talk to the member and see what can be resolved before the situation ever reaches this proceeding.

SOME FINAL THOUGHTS

President Lyndon B. Johnson's favorite expression when trying to get opposing groups together was "Come let us reason together." Consider this expression when confronted with disruptive members and overbearing officers. Often the best solutions come when members try to resolve problems first by talking with the member or officer in question. One wise parliamentarian said, "If you're having a problem with someone, take him out to lunch." This man believed that gently talking with someone in a friendly atmosphere could resolve the difficulty without embarrassment to the person or the organization.

This method certainly isn't new. Jesus told his followers that when they had problems with their fellow church members, one member should go and talk to the troublemaker. If the troublemaker didn't

change his ways, then two members should go and talk to that person. If there still wasn't a change, the matter should go before the entire church body to solve.

Keep in mind that members and officers make mistakes because of ignorance, lack of training, or miscommunications.

Censuring a person or using other disciplinary procedures may not solve the problem or may even make matters worse. By talking with the member or officer first, you may gain a friend and a good member.

"Come let us reason together" should be a motto for solving all organizational problems. This idea even works well in the middle of a meeting when tempers are running high. In this case, the chair can recess a meeting to let members cool down and to take the opportunity to speak with the disruptive members.

Westside Toastmasters is located in Los Angeles and Santa Monica, California



Ethics Commission > Open Meetings

The Open Governmental Meetings Act

..... also referred to as the Open Meetings Law or the Sunshine Law

OVERVIEW

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- [View the Open Meetings Law W. Va. Code § 6-9A-1 through 12](#) *(opens in a new window)*
- [Recent changes from HB 2747 effective July 13, 2013.](#) *(opens in a new window)*
- [View Open Meetings Advisory Opinions](#) *(opens in a new window)*

COVERED AGENCIES AND MEETINGS

What agencies are covered?

The Act covers any administrative or legislative unit of state, county or municipal government including any subunit (e.g. committees) authorized by law to exercise some portion of executive or legislative power. The Act does not apply to courts or private organizations that receive government funding.

What is a governing body?

Two or more members of a public agency who have the authority to make decisions for, or recommendations to, the public agency on policy or administration is considered a governing body.

What is a meeting for purposes of the Open Meetings Act?

A "meeting" covered by the Act is a convening of a quorum of a governing body or subcommittee in order to make a decision or deliberation towards a decision. Meetings may be held by telephone conference or other electronic means, such as video conference. In these instances, governing bodies must ensure that all their members can hear, and be heard by, each other and any media or member of the public present at the meeting.

When a quorum of a governing body discusses issues of interest upon which the governing body expects to take some official action, then this is a meeting. If this discussion takes place outside the confines of a public meeting—whether in person, by telephone, email or other telecommunication means — it is an illegal meeting.

What gatherings are not meetings subject to the Open Meetings Act?

General discussions among members of a governing body or committee on issues of interest to the public in a social, educational, training, informal, ceremonial or similar setting, so long as there is no intent to conduct public business or for the discussion to lead to official action, are not gatherings subject to the Open Meetings Act.

Adjudicatory proceedings, on-site inspections, a political party caucus, and discussions on logistical and procedural methods to schedule and regulate a meeting are also not matters covered by the Open Meetings Act.

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NOTICE and AGENDA

How much advance notice of a meeting is necessary?

Public notice of the meeting date and agenda must be made available in advance of a meeting to the public and news media. Every public agency must establish rules for giving advance notice of all regularly scheduled and special meetings. W.Va. Code § 6-9A-3. In addition, the Open Meetings Committee of the West Virginia Ethics Commission, through the issuance of advisory opinions, has established rules which establish how much advance notice is required.

Calculating days for purposes of the Open Meetings Act

In calculating days, do not count the day of the meeting, weekend days or State or Federal Holidays. State Agencies, however, have additional obligations for posting a meeting notice.

Time requirements for posting a meeting notice

- **State Agencies** - Each State Agency shall file a notice of any meeting with the Secretary of State for publication in the State Register. Each such notice shall be filed in a manner to allow it to appear in the State Register at least five calendar days prior to the date of the meeting.

BYLAWS

Of the

Jefferson County Emergency Services Agency

WHEREAS, on July 31, 2014, the Jefferson County Commission (the Commission) adopted an Ordinance to dissolve and reconstitute the Jefferson County Emergency Services Agency (JCESA)(the Agency) pursuant to Senate Bill 224;

WHEREAS, it is desirable to have Bylaws for governance by the JCESA Board of Directors (Board), the Board hereby adopts these Bylaws to effectuate the purposes of the Act and to enable the Board to conduct its business in an open, efficient, orderly, responsible and accountable manner.

ARTICLE 1. FISCAL YEAR

The fiscal year the Jefferson County Emergency Services Agency shall commence on July 1 of each year. The fiscal year shall constitute the budget year and shall delineate terms of office for Officers.

ARTICLE 2. BOARD OF DIRECTORS

(a) **Governance.** Management of the Agency shall be vested in a Joint Emergency Services Board. The Board shall consist of six members appointed by the County Commission who are citizens of the United States, registered voters in and official residents of Jefferson County constituted as follows:

- (1) One member of the Jefferson County Commission (who shall only be eligible to serve on the Board so long as he/she remains a member of the County Commission);
- (2) One representative of the emergency medical services community in Jefferson County, selected from three nominees submitted by the Fire and Rescue Association;
- (3) One representative of the fire protection services community in Jefferson County selected from three nominees submitted by the Fire and Rescue Association;
- (4) Three citizen members of the Board;
- (5) The President of the Fire and Rescue Association shall be a non-voting Board member.

For additional requirements for Board members, refer to Section 3, the Joint Emergency Services Board, of the new ordinance.

(b) **Terms of Office.** Individuals appointed to the Board shall serve for the term specified by the Commission, or until their successors have been appointed and qualified. Board members are limited to two consecutive terms.