



Shepherdstown
WEST VIRGINIA

TOWN HALL
104 N. King Street
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Shepherdstown, WV 25443
304-876-2312

Shepherdstown Resolution No. 26-003

Resolution to Adopt the Town Council Policy on Executive Sessions

WHEREAS, the meetings of the Town Council of the Corporation of Shepherdstown are conducted in accordance with the requirements of the Open Governmental Proceedings Act, codified at W. Va. Code §6-9A-1 *et seq.*, in order to provide notice to the public of the official deliberation and actions of the Town Council; and

WHEREAS, the Open Governmental Proceedings Act provides that the Town Council, as governing body, may make and enforce reasonable rules for the conduct of its meetings under the Act; and

WHEREAS, the Open Governmental Proceedings Act requires that public business generally be conducted in public, and that the decisions of the Town Council be made in public, but also recognizes that certain matters may be held in executive session as needed to protect private, proprietary, or confidential matters designated by W. Va. Code §6-9A-4; and

WHEREAS, the Town Council desires to adopt a policy to establish the rules for entering, conducting, and exiting executive sessions at the meetings of the Town Council;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that the enclosed “Town Council Policy on Executive Sessions of Town Council” is adopted and approved.

ADOPTED this 8th day of April 2026.

James Gatz, Mayor

DRAFT

Shepherdstown Town Council Policy on Executive Sessions

Introduction

The Town Council of the Corporation of Shepherdstown, West Virginia (“Town Council”) conducts public meetings pursuant to the West Virginia Open Governmental Proceedings Act, as codified at *W. Va. Code* §§ 6-9A-1 *et seq.* (“OGPA”), including by holding portions of such meetings in executive session closed to the public pursuant to *W. Va. Code* §6-9A-4. This Town Council Policy (the “Policy”) establishes the rules for conducting executive sessions of the meetings of Town Council.

Policy

1. Scope and application. This Policy applies to public meetings held by Town Council and to any and all executive sessions held within such meetings. This Policy is adopted in accordance with OGPA and consistent with Open Meetings Advisory Opinion 2022-01, adopted by the Open Governmental Meetings Committee of the West Virginia Ethics Commission on March 3, 2022. This Policy will be interpreted to be consistent with OGPA and applicable decisions of courts having jurisdiction over related matters. To the extent there is a conflict, or apparent conflict, between the provisions of this Policy and OGPA or binding judicial precedent, OGPA and decisional law shall prevail over the provisions of this Policy.

2. Definitions. Terms used in this Policy, unless specifically defined otherwise in the Policy, have the meanings supplied in OGPA.

3. Executive Session Procedures. Town Council will conduct executive sessions in accordance with the following procedures:

a. Any matter on the public meeting agenda may be considered in executive session if it is permissible to do so under OGPA.

b. Town Council will move into executive session only by majority vote of its members present at any public meeting.

c. The motion to enter executive session will identify the authority under OGPA for the executive session. This identification may be made by describing the purpose of the executive session – e.g. to consider matters affecting the acquisition or development of real estate – or by citing the specific portion of OGPA authorizing the executive session.

d. The executive session will include all members of Town Council present, except any member who is disqualified from participating by law or applicable rule or regulation, and any other persons Town Council determines appropriate.

e. No minutes nor any other record of the executive session will be made.

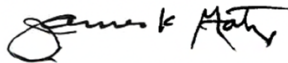
f. Each person present in the executive session shall have a duty to maintain as confidential all matters discussed in the executive session, and no such person may disclose, or allow to be disclosed, the information addressed in executive session. Disclosure of the matters discussed in executive session may be made only in the following instances: (1) when Town Council affirmatively acts to permit such disclosure, and then only to the extent permitted by the Town Council action and applicable law; and (2) when required by law.

g. Town Council will exit executive session by majority vote of the members present.

h. The presiding officer of the Town Council, or other designated person, shall record the motion and votes to enter and exit executive session, noting the time of each and the vote of each member.

Adopted this 8th day of April, 2026

The Town Council of The Corporation of Shepherdstown, West Virginia



By: James Gatz
Its: Mayor

Attest:



Amy Boyd
Town Clerk