

*Original*  
*1995*

COMPLETED DRAFT  
CHARTER  
For The  
CITY OF PLEASANT VALLEY  
WEST VIRGINIA

---

Prepared By The  
CHARTER BOARD  
OF THE  
CITY OF PLEASANT VALLEY

ARTICLE I

INCORPORATION; FORM OF GOVERNMENT;  
POWERS AND BOUNDRIES

Section One. Incorporation.

The residents of the unincorporated communities of Bentons Ferry, Kingmont, Millersville, and Pleasant Valley, within the limits now established or that may hereafter be established in the manner provided by law, shall be and are hereby declared to be a municipal body politic and corporate in perpetuity, under the name of the City of Pleasant Valley.

Motion made; see minutes dated 11-27-95.

Section Two. Form of government.

The municipal government provided by this charter shall be known as the Strong-Mayor Plan form of government. Pursuant to the provisions of and subject only to the limitations imposed by the constitution of the State of West Virginia and by this charter, all powers of the city shall be vested in an elective council, herein referred to as council, which shall enact local legislation, adopt budgets, determine policies. The Mayor will appoint officers deemed necessary and proper for orderly government and administration of the affairs of the city, as prescribed by the constitution, applicable laws, and ordinances hereafter adopted by the city. All powers of the city shall be exercised in the manner prescribed by this charter or, if the manner is not so prescribed, then in such manner as may be prescribed by ordinance.

Motion made; See minutes dated 11-27-95.

Section Three. Powers of City.

The city shall have all the powers granted to municipal corporations and to cities by the constitution and laws of the State of West Virginia and by this charter, together with all the implied powers necessary to carry into execution all the powers granted. Motion made: see minutes dated 11-27-95.

Section Four. Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof. Motion made; See minutes dated 11-27-95.

Section Five. Boundries.

The boundries of the City of Pleasant Valley were set by the Marion County Commission. Motion made: see minutes dated 11-27-95

ARTICLE II

CITY COUNCIL

Section One. Powers of council.

All powers of the city not in conflict with the constitution of the State of West Virginia and subject to the limitations of this charter, shall be vested in the council, which shall enact appropriate legislation and do and perform any and all acts and things that may be necessary and proper to carry out these powers or any provisions of this charter. Motion made; see minutes dated 11-27-95.

Section Two. Composition .

The council shall consist of a Mayor and one council member elected from the city at large, and five council members, one from each ward, elected by qualified voters within each ward. The five wards shall be Bentons Ferry, Kingmont, Millersville, Precinct 116 Pleasant Valley, Precinct 118 Pleasant Valley. Motion made; see minutes dated 11-27-95.

Section Three. Term of Mayor.

The term of the office of Mayor shall commence at the first regular meeting of the council in the next month following election, beginning in 1996, and thereafter shall be for four years and until a successor is elected and qualified. Motion made by Keith Holt and second by Jack Bish. 7 ayes and zero nays. Motion Carried.

Section Four. Terms of council members.

The term of each council member shall commence at the first regular meeting of the council in the next month following election, and shall be for four years and until a successor is elected and qualified. Six council members shall be elected in 1996, and the three receiving the greatest number of votes shall serve for a term of four years. The three council members receiving the next greatest number of votes shall serve for a term of two Years. Motion made by Keith Holt and second by Jack Bish. 7 ayes, zero nays. Motion carried.

Section Five. Qualifications.

The mayor and council members shall be qualified electors of the city and shall not hold any other public office that in any way conflicts with the office of mayor or council member. They must be a resident of the city for one year. To be eligible to run for the office of mayor, an incumbent council member must submit a written irrevocable resignation to the city clerk at least thirty days prior to the filing of office, to be effective the date the newly elected council takes office. Motion by Charles Piercy and second by Roseann Reese. 7 ayes and zero nays. Motion carried.

Section Six. Regular elections of mayor and council members.

After the first election of the mayor and council members, the regular election of the mayor and council members shall be held on the First Tuesday of May of the appropriate year, at which election the mayor and council members shall be elected for a four year term.

At least four weeks before an election, the council shall appoint from among the qualified voters of the respective wards such election officers as are provided for by the laws of the State of West Virginia for holding elections. The officers of elections shall be chosen on a non-partisan basis. At least four weeks before the day of a municipal election, the city clerk shall appoint two ballot commissioners from among the voters of the city, who, with the clerk as chairman, shall constitute a board of commissioners.

Elections, under the charter, shall be conducted, returned, and the results thereof ascertained and declared in the manner prescribed by the constitution and laws of the State of West Virginia, in-so-far as said laws are not inconsistent with this charter, and all penalties prescribed by said laws of the state, in-so-far as consistent, shall be applicable in this charter.

The council (for the first election the board of commissioners) shall, by ordinance, provide such additional regulation in conformity with the provisions of this charter as are necessary for the proper conduct of elections. Motion made by Keith Holt and Charles Piercy. 7 ayes and zero nays. Motion carried.

The duties required of the clerk of the circuit court, under the election laws of West Virginia, shall be performed by the city clerk. The duties of the commissioners of the county court, under the provisions of the state laws, shall be performed by the city council.

In any election held under this charter, a voter may only cast one vote for each office for which he is entitled to vote, for example: One for a candidate for mayor, one for council-at-large, and one for ~~candidate for council member from his or her ward.~~

A qualified resident may file as a candidate, as provided in section five of this charter.

No party designation shall appear on any ballot in any municipal election held under this charter. Motion made by Keith Holt and second by Charles Piercy. 7 ayes, zero nays. Motion carried.

#### Section Seven. Compensation or Salaries.

Salaries for mayor and council will be determined by council at the preparation of the budget. Motion made by Keith Holt and second by Charles Piercy. 7 ayes, zero nays. Motion carried.

#### Section Eight. Vacancies in elective offices: how filled.

When a vacancy shall occur from any cause in any municipal elective office, the vacancy, until the next succeeding regular municipal election <sup>(affd)</sup> until the qualification of an elected successor, shall be filled within thirty days by appointment by the council from among the residents eligible under this Charter. Motion by Jack Bish and second by Charles Piercy. 7 ayes, zero nays. Motion carried.

#### Section Nine. Powers and duties of mayor.

The mayor shall preside at meetings of the council and be entitled to participate in discussion of the council, and shall have a vote; shall exercise authority and perform such duties as are conferred upon him or imposed upon him by this Charter and by the ordinances of the city and the laws and constitution of the State of West Virginia. He shall be the official head of the city for all ceremonial purposes. He shall see that orders, by-laws, ordinances and resolutions of the council are faithfully executed.

In cases of sickness or disability of the mayor, or in case of his temporary absence, the council <sup>MEMOR</sup> at-large shall perform the duties of mayor and shall be vested with all the powers necessary for the performance of such duties. In the case of the absence of the mayor and the council <sup>MEMOR</sup> at-large the council may select one of the other council members to act at the council's meeting, in place of the mayor. Motion made by Jack Bish and second by Keith Holt. 7 ayes, zero nays. Motion carried.

#### Section Ten. Procedure for council meetings.

The council shall use the Roberts Rules of Order. Motion made by Keith Holt and second by Jack Bish. 7 ayes and zero nays. Motion carried.

Section Eleven. Quorum.

A majority of the members of the council (four members) shall constitute a quorum.

Motion was made by Keith Holt. Second by Charles Piercy. A Vote was taken, 7 ayes and zero nays.. Motion carried.

Section Twelve. City Clerk.

The City Clerk shall be appointed by the mayor or by his order in accordance with this charter, but such appointment by the mayor or by his order may be made subject to the approval by the council.

Motion made by Keith Holt and second by Charles Piercy. A vote was taken, there were 7 ayes and zero nays. Motion carried

Section Thirteen. City Treasurer.

The mayor and council shall elect one council member to serve as City Treasurer.

Motion made by Keith Holt and second by Charles Piercy. A vote was taken there were 7 ayes and zero nays. Motion carried.

Section Fourteen. Ordinances.

There must be two readings of all ordinances. All fiscal ordinances must be published.

Motion made by Nick Alberico and second by Shirley Heston. A vote was taken. There were 7 ayes and zero nays. Motion carried.

Section Fifteen. Referendum and Recall.

Any member of the council and any elected official may be removed from his office in accordance with the provisions for recall of an elected official specified in the Municipal Code of West Virginia.

Motion made by Charles Piercy and second by Nick Alberico. A vote was taken. There were 7 ayes and zero nays. Motion carried.

Section Sixteen. Franchises.

The council shall have the power for obtaining franchises.

Motion made by Nick Alberica and second by Roseann Reese. A vote was taken. 7 ayes and zero nays. Motion carried.

Respectfully submitted by Betty Waggoner, Secretary.

(

(

=

( )

.