



CITY OF PLEASANT VALLEY - ORDINANCE #32

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF PLEASANT VALLEY

Article II of the Charter of the City of Pleasant Valley is hereby amended as follows, the new provisions of the Charter being underlined:

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 all acts and things that may be necessary and proper to carry out these powers or provisions of this Charter.

SECTION TWO. Composition

The Council shall consist of a mayor, one council member elected from Wards 117 and 119 (Benton's Ferry and Kingmont), one council member elected from Wards 116 and 111 (Pleasant Valley and Millersville), all elected by qualified voters within the city, and four council members, one from each ward, elected by qualified voters within each ward. The wards shall be: (1) Precinct 117 to be known as Benton's Ferry ward; (2) Precinct 119 to be known as Kingmont ward; (3) Precinct 111 to be known as Millersville ward; and (4) Precinct 116 to be known as Pleasant Valley ward. In the event of a realignment or change of the voting precincts within the city by appropriate officials regarding conducting elections in Marion County, the Council may change the boundaries of the wards by ordinance, keeping the population of the wards as equal as possible.

SECTION THREE. Term of Mayor

The term of the office of Mayor shall be two (2) years, beginning on July 1 following the election, and ending on June 30, two years after taking office, and until a successor is elected and qualifies.

SECTION FOUR. Terms of Council Members

The term of each Council Member from joint wards shall be two (2) years beginning July 1 following the election and ending on June 30 two years later, and until a successor is elected and qualifies. Those Council Members from Kingmont, Millersville and Pleasant Valley, already elected and serving a four-year term beginning July 1, 2010, shall complete their terms, so that in the 2012 election only the four-year council member from Benton's Ferry will be elected. The terms of the Council Members representing each ward shall be four years. In 2014, four-year Council Members from Pleasant Valley, Kingmont and Millersville wards shall be elected, and in 2018 four-year Council Members from Benton's Ferry and Kingmont wards shall be

elected. To set the terms accurately, the four-year Council Member from Kingmont ward elected in 2013 shall serve only two years.

SECTION FIVE. Qualifications

The Mayor and Council Members shall be qualified voters of the city and shall not hold any other public office that in any way conflicts with the office of Mayor or Council Member. Each must be a resident of the city for one year before filing for office. 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. A filing fee for all candidates for election may be set by Council by ordinance.

SECTION SIX. Regular elections of Mayor and Council Members

The next election of the Mayor and Council Members shall be held on the second Tuesday of June, 2012, and thereafter on the second Tuesday of June of each second year. No primary elections shall be held.

At least four (4) weeks before an election, the Council shall appoint from among the qualified voters of the City 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 nonpartisan basis. At least four (4) 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 Election 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, insofar as said laws are not inconsistent with the Charter, and all penalties prescribed by said laws of the state, insofar as consistent, shall be applicable to this Charter.

The Council shall, by ordinance, provide for such additional regulations and laws in conformity with the provisions of this Charter as are necessary for the proper conduct of elections.

The duties required by the Clerk of the Circuit Court, under the election laws of the state of West Virginia, shall be performed by the City Clerk. The duties of the County Commission 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.

No party designation shall appear on any ballot in any municipal election held under this Charter.

SECTION SEVEN. First Election of Mayor and Council Members

The first election of the Mayor and Council Members shall be held in conjunction with the election in which this Charter is submitted to the voters. All eligible persons desiring to run for office shall file their certificates of candidacy with the Charter board not later than forty-five (45) days before the election, at such place and on such forms as are determined by the Charter Board.

SECTION EIGHT. Compensation or Salaries

Salaries for Mayor and Council may be determined by Council by ordinance.

SECTION NINE. 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 and until the qualification of an elected successor, shall be filled within thirty (30) days by appointment by the Council from among the residents eligible under this Charter.

SECTION TEN. 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 her, or imposed upon him or her by this Charter, by the ordinance of the city, and the laws and constitution of the State of West Virginia. He or she shall be the official head of the city for all ceremonial purposes. He or she shall see that orders, by-laws, ordinances, and resolutions of the Council are faithfully executed.

A Deputy Mayor shall be elected by the Council from among the Council Members. In case of sickness or disability of the Mayor or in case of his or her temporary absence, the Deputy Mayor 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 Deputy Mayor, the Council may select one of the other Council Members to act in place of the Mayor at the Council meeting.

SECTION ELEVEN. Procedure for Council Meetings

The Council shall use the Roberts Rules of Order to determine procedure at meetings, unless otherwise provided by ordinances.

SECTION TWELVE. Quorum

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

SECTION THIRTEEN. City Clerk

The City Clerk shall be appointed by the Mayor subject to the approval of council. In addition to such duties as Council shall provide, the City Clerk shall also be the Recorder and perform all duties required by a Recorder.

SECTION FOURTEEN. City Treasurer

The Mayor and Council shall elect one Council Member to serve as City Treasurer.

SECTION FIFTEEN. Ordinances

Ordinances shall be enacted as determined by ordinance enacted for that purpose, and as required by the laws of the State of West Virginia.

SECTION SIXTEEN. Franchises

Franchises may be granted by the Council to persons or corporations, as provided by the laws of the State of West Virginia.

This ordinance shall be effective upon passage.

Passed by the City Council this 7th day of March, 2012.

signed by Barbara Metcalfe
Mayor

ATTEST:

signed by Rebecca Teets
City Clerk