

TITLE 2
ADMINISTRATION

CHAPTER 1 - Governing Body

- 2-101 Time and Place of Regular Meetings
- 2-102 Who is to preside at meetings; quorum; interested member of governing body not to vote
- 2-103 Tire vote; mayor and recorder may vote
- 2-104 Order of Business
- 2-105 General Rules of Order
- 2-107 Ordinance Adoption
- 2-108 Keep records; minutes of proceedings

CHAPTER 2 - Powers and Duties of Mayor

- 2-201 Executes acts of governing body
- 2-202 Jurisdiction to hear and determine violations of town ordinances
- 2-203 Has control of police
- 2-204 Recommend important measure
- 2-205 Authority to hire special counsel
- 2-206 Generally supervises municipality affairs

CHAPTER 3 - Recorder

- 2-301 Keeps minutes, etc.
- 2-302 Shall be bonded
- 2-303 Replaces mayor of the municipality
- 2-304 Performs general administrative duties

CHAPTER 4 - Municipal Court

- 2-401 Municipal Court
- 2-402 Office of Municipal Judge
- 2-403 Maintenance of Docket
- 2-405 Issuance of summonses
- 2-406 Issuance of subpoenas
- 2-407 Disposition of cases
- 2-408 Appearance of bonds

- 2-409 Contempt
- 2-410 Imposition, remission, and disposition of fines and costs
- 2-411 Appeals
- 2-412 Bond amounts, conditions and forms

CHAPTER 5 - Town Attorney

- 2-501 Qualifications
- 2-502 General duties

CHAPTER 6 - Rate of Compensation for Municipal Officers and Employees

- 2-601 In General

CHAPTER 7 - Restrictions on Municipal Employees

- 2-701 Business dealings with town
- 2-702 Gifts and bribes
- 2-703 Outside employment
- 2-704 Political activity
- 2-705 Use of municipal time and property
- 2-706 Use of title or position
- 2-707 Strikes and Union Activity
- 2-708 Violations
- 2-709 Vacation & Sick leave applicability
- 2-710 Vacation Leave
- 2-711 Sick Leave
- 2-712 Leave records

CHAPTER 8 - Commissions

- 2-801 In General

CHAPTER 9 - Vacancies in Office

- 2-901 In General

CHAPTER 1 - GOVERNING BODY

Section 2-101 Time and place of Regular Meetings

The Town Council meetings will be held at the Town Hall at 7:00 p.m. the first Saturday of each month.

The Town shall make available, in advance, the time and place of all regularly scheduled meeting of the Council and the time, place and purpose of all special meetings of the Council to the public and news media.

A notice shall be posted by the Town Recorder at the front door of the Town Hall stating the time and place fixed and entered on record by Council for the holding of regularly scheduled meeting. If a particular regularly scheduled meeting is cancelled, a notice of such cancelled shall be posted at the front door of the Town Hall.

A notice shall be posted by the Town Recorder at the front door of the Town Hall at least two days before a special meeting is to be held, stating the time, place and purpose for which such special meeting shall be held. If the special meeting is cancelled, a notice of such cancellation shall be posted at the front door of the Town Hall.

Section 2-102 Who is to preside at meetings; quorum; interested members of Council not to vote

The Mayor shall serve as the presiding officer at all meetings of the Council, or if the Mayor is absent, the Recorder or a member of the Council, selected by a majority of the members present, shall preside. A quorum, consisting of a majority of the members of the Council, must be present in order to transact business. No member of the Council shall vote upon any ordinance, order, measure, resolution, or proposition, in which he or she may be interested in other than as a citizen of said municipality.

Section 2-103 Tie Vote; Mayor and Recorder may vote

The Mayor and Recorder shall have votes as members of the Town Council. In the case of a tie, the presiding officer at the time shall cast the tie-breaking vote, unless he has previously voted. If the Mayor or Recorder presides at meetings of the governing body of said municipality, he may elect not to vote on issues decided by the Council. However, this choice does not restrict his right to cast a tie-breaking vote.

Section 2-104 Order of Business

Unless dispensed with by a majority of the members present, the Council shall observe the following regular order of business:

- 1) Call to order by presiding officer
- 2) Roll call by the Recorder
- 3) Reading of minutes of the previous meeting by the Recorder and approval or correction
- 4) Old business - unfinished business
- 5) Reports from committees
- 6) Reports from officers of the town
- 7) Hearing of grievances of citizens
- 8) Communications from the Mayor
- 9) New business
- 10) Adjournment

Section 2-105 Rules of Order

The rules of order and parliamentary procedure contained in Roberts Rules of Order, Revised shall govern the transaction of business by and before the Council insofar as they are not in conflict with provisions of this Code.

Every motion or proposition shall, at the request of either the mayor or any member, be reduced to writing.

Section 2-107 Ordinance Adoption

All ordinances shall be presented in writing and no ordinance shall be amended after its first reading as to change its general purpose. All ordinances shall be read twice by title unless a member of the governing body demands that the ordinance be read in full. No ordinance shall be presented for second reading or considered for final passage at the meeting at which it is introduced, and there shall be at least one week intervening between each meeting at which it is presented.

The first reading of an ordinance proposed at a council meeting shall be for information and the question shall be: "Shall the proposition be rejected?" If no objection be made or the question to reject be lost, the ordinance shall go on to a second reading without further question, at which time it shall be subject to amendment or debate and ready for final passage.

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-0 legal advertisement in compliance with the provisions of WV Code 59-3-1 et seq. and the publication area for such publication shall be the municipality. The notice shall state the subject matter and general title or titles of such proposed ordinance, the date, time and place of the proposed final vote on adoption, and the place or places within the municipality where such proposed ordinance may be inspected by the public. A reasonable number of copies of the proposed ordinance shall be kept at such place or places and be made available for public inspection. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Section 2-108 Keep records; minutes of proceedings

The governing body of said municipality shall keep an accurate record of all proceedings, ordinances, orders, bylaws, acts, resolutions, rules and regulations; they shall be indexed and open to the general public of said municipality.

CHAPTER 2 - POWERS AND DUTIES OF THE MAYOR

Section 2-201 Executes acts of the Town Council

The Mayor shall see to it that all ordinances, orders, bylaws, acts, resolutions, rules and regulations made by the Council are faithfully executed.

Section 2-202 Jurisdiction to hear and determine violations of Town ordinances

The Mayor shall have the power, unless and until otherwise delegated to a municipal court judge, to hear and decide alleged violations of ordinances and to convict and sentence persons therefore; however, in no case shall he sentence anyone to a jail term exceeding 30 days nor hand down a monetary penalty exceeding \$500.00

Section 2-203 Has control of police

The police of said municipality are subject to the control of the mayor. The Mayor may appoint special police officers wherever he deems it necessary to preserve the peace and order of the community.

Section 2-204 Recommend important measures

It shall be the duty of the Mayor to recommend to the Town Council measures he deems important to the welfare of the community.

Section 2-205 Authority to hire special counsel

It shall be within the power of the mayor, subject to authorization of the Council, to employ an attorney or firm of attorneys to represent and advise the municipality on legal matters. This action may be taken in lieu of or in addition to the town attorney.

Section 2-206 Generally supervises municipality affairs

The mayor shall have general supervisory powers over all the affairs of the municipality. He may require municipal officers and employees to submit reports whenever he deems it necessary to fully execute his executive functions. The mayor shall execute all contracts authorized by the governing body.

CHAPTER 3 – RECORDER

Section 2-301 Keep Minutes

It shall be the duty of the Recorder to keep a journal of the proceedings of the Council. The Recorder shall also preserve all ordinances in a separate ordinance book.

Section 2-302 Shall be bonded

The Recorder, before assuming office, shall be bonded in the sum of \$10,000 with surety acceptable to the Council. His bond shall not be released until the complete transfer of office by his successor.

Section 2-303 Replaces Mayor of municipality

Whenever the Mayor is unable to faithfully discharge the duties of his office, the Recorder shall perform all mayoral duties and be invested with all of the mayor's power and authority.

Section 2-304 Performs general administrative duties

Administrative duties not expressly assigned a municipal officer by this Code, shall be performed by the Recorder. The Recorder shall have custody and maintain the records, corporate bonds, papers, etc., of the municipality.

CHAPTER 4 – MUNICIPAL COURT

Section 2-401 Municipal Court

There is hereby established a court which shall be called the municipal court. The municipal court shall be presided over by the Municipal Court Judge.

Section 2-402 Office of Municipal Judge

The Town Council hereby provides for the appointment of an officer to be known as the Municipal Court Judge.

The Municipal Court Judge shall have jurisdiction to exercise the powers and perform the duties specified for mayors, municipal courts and municipal judges, respectively in WV Code 8-10-1 and 8-10-2.

Section 2-403 Maintenance of Docket

The Municipal Judge shall maintain a docket of all judicial matters and proceedings which come before him. The docket shall include the defendant's name, warrant and/or summons numbers, description of alleged offense, disposition, fines and costs imposed and whether received, whether incarcerated, and other information relevant to the judicial proceedings.

Section 2-405 Issuance of summons and arrest warrants

The Municipal Judge, along with the Mayor and Recorder, shall have at his discretion, the choice of either issuing an arrest warrant or a summons whenever an alleged violation of Town ordinances occurs. The summons will order the defendant to appear before the municipal court at a specified time in order to answer the charges against himself. The summons shall contain a brief description of the offense charged against him but need not be a verbatim account of the supposed violated ordinance. If the defendant fails to answer the summons, the municipal order may proceed with judgement and it shall be binding, subject to the defendant's right of appeal.

Section 2-406 Issuance of subpoenas

The officials designated in Section 2-405 of this Code have invested in them the authority to subpoena witnesses whose testimony is relevant to any judicial proceeding. It shall be unlawful for any citizen to ignore said subpoena.

Section 2-407 Disposition of cases

Every individual charged with a violation of a municipal ordinance shall have the right to trial and disposition of his case in conformity to due process requirements.

Section 2-408 Appearance Bonds

Whenever the municipal court is not in session, or the Municipal Judge is not available, the defendant may be allowed to post a reasonable appearance bond. He may also post an appearance bond if he has reasonable grounds for delaying his trial. Such a bond shall be posted with the Municipal Judge, and in his absence, with the ranking police official on duty at the time. However, this provision does not apply if an individual is intoxicated or in need of protective custody.

Section 2-409 Contempt

If any person shall, by threats or force, attempt to intimidate or impede a judge, justice, juror, witness or an officer of a court, or any sergeant, policeman, or other peace officer, or to obstruct or impede the administration of justice in any court, he shall be deemed to be guilty of contempt. The court may punish contemptuous persons by imposing a fine of not more than \$50.00.

Section 2-410 Imposition, remission and disposition of fines and costs

All fines and costs imposed by the Municipal Judge must be recorded in the court docket. Once recorded, it shall be beyond the power of the Town judge to remit the whole or any part of said fines and costs unless it is necessary to correct an error. Once recorded, it shall be the duty of the Municipal Judge to turn over all fines and costs to the municipality daily. It shall also be the duty of the municipal judge to submit an accounting report to the governing body at least once a month, detailing the collection and non-collection of all fines and costs imposed by his court. The report will give a summary of all fines and costs for the current month and to date for the current fiscal year.