

Administration Ordinance Updates

An Ordinance to ~~Strike~~, amend, and insert different sections of Chapter 2 and ~~Strike~~ redundant parts of Chapter 12 of the Ordinances of the Town of Chapmanville, WV. Be it ordained by the Town of Chapmanville, that upon passage this will be considered the entirety of Chapter 2 of the ordinances of the Town of Chapmanville

Chapter 2

Administration

Article 1. In General

Sec. 1: City Solicitor to hold the position of City Attorney.

Article 2. City Council

Sec. 1: Where Regular and Special Meetings Held

All meetings of the City Council, regular or special, shall be held in the Town Hall building, except as otherwise directed by the Council upon notice given.

Sec. 2: When Regular Meetings Held

Beginning with the Council taking office in July of 2023, and each subsequently elected Council, the Town of Chapmanville shall have one regular meeting per month, which shall be held the second week of each month on the day and time to be agreed upon by the elected officials of the town upon their first regular meeting. This date and time will be recorded and signed by the Mayor and Recorder, and placed at the end of this chapter in the official copy of the Town Ordinances.

The meeting date may be changed by a motion of council for any singular meeting.

The date and time of the regular meeting can be changed at any time through a 2/3 vote in the affirmative by voting members of the Council and approval by the Mayor. This change will be recorded and signed by the Mayor and Recorder and Placed at the end of this chapter in the official copy of the Town Ordinances.

Meeting announcements and agenda for the regular meetings will be posted at all offices run by the Town of Chapmanville, and on the Town's official and actively maintained social media presences and internet pages, at least three (3) business days in advance of the meeting, to follow the Open Governmental Meetings Act (WV Code 6-9A)

Sec. 3: Calling special meetings; transaction of business at special meeting.

The Mayor may call a special meeting of the council by giving at least ~~twenty-four hours~~ two (2) business days written notice to each member of the council and by posting the notice in at least 3 public places, which notice shall be posted at least ~~twenty-four hours~~ two (2) business days before the meeting.

Any 3 Councilmen ~~members~~ members may call a special meeting by giving at least ~~twenty-four hours~~ two (2) business days notice to the Mayor and Council and by posting the notice in at least 3 public places at least ~~twenty-four hours~~ two (2) business days before the meeting.

The notice for the special meeting shall state the purpose for which the meeting is called and no business shall be transacted at a special meeting except that business which is stated in the special call.

Sec. 4: Time of filing ordinances to be submitted to council.

All ordinances to be submitted for approval or disapproval of the council by non-members shall be filed with the Town Clerk not less than five business days before ~~such submission~~ the meeting at which it would be considered, and will need to be sponsored by at least one elected official to be considered. Ordinances submitted by council members shall be submitted to the Recorder or Mayor by the end of the fourth business day prior to the meeting at which it would be considered, so that it may be distributed with the announcement and agenda for said meeting.

Sec. 5: Departure from order of business

There shall be no departure from the order of business, as set out in these ordinances except upon unanimous consent from the members of the council present and voting.

Sec. 6: Suspension of rules

No rule of order of the council shall be suspended except by consent of the majority of the members of the council present and voting, any such suspension of rules may be made upon a motion.

Sec. 7 : Order of business generally

At every regular meeting of the council the order of business shall be as follows:

- A. Roll Call
- B. Reading of minutes
- C. Reading of Town Department and Financial Reports
- D. Citizen addresses, Petitions and Communications
- E. Reports from Council
- F. Miscellaneous and unfinished/old Business
- G. New Business (Original resolutions, orders and ordinances.)

Sec. 8: Special order of business

When any matter is made the special order for a future meeting, it shall at such meeting take priority over all other business, except the reading of the minutes from the previous meeting. A matter may be declared a special order of business by the Mayor or by any 3 members of council prior to the publishing of the Agenda and announcement of the next meeting.

Sec. 9: Procedure in absence of quorum

A. If a quorum fails to attend a meeting within thirty minutes after the appointed time for such meeting, those present may adjourn to such time as they deem proper, after the names of those present shall have been entered on the journal.

B. In the event a quorum is not achieved by in person attendance, the Mayor may, without approval of those Council Members present, engage Council Members remotely to achieve a quorum. Contact must be attempted with each absent Council Member, unless they have requested in writing (text, email, letter, etc.) to the Mayor and Recorder not be disturbed. For Remote attendance procedures see Article 4, Sec. 1, C of this ordinance.

Sec. 10: Enforcement of rules; preservation of decorum.

The Mayor shall enforce the rules of the council and preserve order and decorum.

Sec. 11: Decision of questions of order

The Mayor shall decide questions of order and may, without vacating his chair, give his reasons for his decisions. From any such decision of the chair an appeal may be made to the council, the question being, "Shall the

decision of the chair be sustained as the decision of the council?" Upon such appeal, no debate shall be allowed, if it refers to a question of decorum; but if it relates to the priority of business or to the relevancy or applicability of propositions, the appeal may be debated.

Sec. 12: Statement of questions; declaration of results.

Questions shall be distinctly put substantially in the following form, namely; "As many agree that, etc., (as the case may be), say 'aye', and after the affirmative vote is given, "those opposed say 'no'. The Mayor shall declare all votes

Sec. 13: Members not to withdraw

After a member of the council has, at any meeting been recorded as present, ~~he~~ they shall not, without permission of the council, absent himself from such meeting until its adjournment.

Sec. 14: Conduct of Members

Every member of the Council shall confine ~~him~~ himself to the question before the council and avoid personal, or indecorous language. No discussion of a sectarian or political nature shall be allowed. No member shall interrupt another while speaking, except to make a point of order, the point of order to be briefly stated to the presiding officer. No member shall, while the council is talking, interrupt or hinder its business by standing, moving about, talking, expressing approval or disapproval of any of the proceedings or by any conduct tending to disorder or confusion.

Sec. 15: Limitation on number and length of speeches.

When two members of the council rise at the same time, the mayor shall name the one to speak. In all cases, the member of the council first rising and addressing the chair shall speak first.

Sec. 16: Calling members to order

If, in speaking, any member of the council transgress the rules of the council, the mayor shall call ~~him~~ them to order. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, ~~he~~ they may proceed; if otherwise, ~~he~~ they shall not proceed, except by leave of the council.

Sec. 17: Addresses by nonmembers

Any person who wishes to orally address the council shall request to be put on the agenda by contacting the town clerk or an elected official at least Four (4) business days prior to the meeting they wish to address. They will be given five (5) minutes to address the council. Any person may also apply to address the council at any meeting without prior contact by signing in with name, address, and reason for the communication prior to the beginning of the meeting. A motion will need to be approved to allow them to address the council, and they will be granted three (3) minutes for their address. No person who is not a member of the council shall orally address it, until leave to do so has been applied for; through ~~a member of~~ the council, and granted by it, or until invited ~~so~~ to do so by the presiding officer.

Sec. 18: Motions- Generally

When a motion is made and seconded, it shall be stated by the presiding officer before it is debated. A motion may be withdrawn by the mover, before it is debated. A motion may be withdrawn by the mover, with consent of the second, at any time before it is decided, amended, or otherwise acted upon by the council.

Sec. 19: Amendments to be relevant.

No motion different from that under consideration shall be admitted under color of amendment.

Sec. 20: Same-Precedence

When a question is under debate, no motion shall be entertained unless specially provided for, except the following, which shall take precedence in the order given:

- a. To adjourn, to be made without preliminary remarks and decided without debate.
- b. To lay on the table, to be decided without debate
- c. For the previous question to be decided without debate.
- d. To postpone, either indefinitely or to a certain day or hour.
- e. To refer or recommit.
- f. To substitute or amend.
- g. To adopt or approve.

Sec. 21: When motion to adjourn in order.

A motion to adjourn shall always be in the order, except when a member of the Council has the floor, when the council is engaged in voting, when the previous question has been ordered, or when the motion to adjourn has been put and lost and no other business has intervened.

Sec. 22: Same- Previous question.

Any member who obtains the floor during debate, and submits no other motion or remark, may move for the previous question, which motion, if seconded, shall forthwith be put to the council. The previous question shall be in this form: "Shall the main questions now be put?" If carried, its effect shall be to end all debates and bring the council to a direct vote upon a motion to commit, if pending; the upon pending amendment, if any; and then, upon the main question, If the motion for the previous question be not carried, debate may continue as if the motion had not been made.

Sec. 23: Same- To reconsider.

In all cases a motion to reconsider will be entertained only when made by a member who voted with the prevailing side. A majority of those present can reconsider any vote, but the motion to do so will be made at the same session of the council during which such vote was taken. A motion to reconsider shall have precedence over all other questions, and when it has once been put and lost, it shall not be renewed.

Sec. 24: Same- To lay on the table.

A three-fifths vote of the members of the council present at any meeting of the council shall be required for the adoption or passage of the parliamentary motion "to lay on the table" as employed or applicable in the conduct of meetings and affairs of the council.

Sec. 25: Voting procedure; interested members not to vote

On the call of any member of the council, the vote on any question may be taken by ayes and noes, and recorded; provided the demand be made before other business has been taken up. A member who is present and fails to vote when the ayes and noes are taken, shall be entered on the journal as present and not announcing his vote. No member who has an immediate personal or pecuniary interest in the result of the question shall either vote or be counted upon it.

Sec. 26: Recordation of dissent

Any member of the council shall have the liberty to dissent from or protest ~~against~~, any ordinance, resolution or order of the council, and have the reason of ~~his~~their dissent entered upon the record.

Sec. 27 : Ordinances to be voted on-Procedure.

Any ordinances to be approved or disapproved by the council shall be read and passed three times. The first reading of the ordinance will be to familiarize the Council and citizens with the ordinance. The second reading will be for the purpose of amendments or changes to the ordinance. The third time will be for passage of the ordinance and must be performed as a roll call vote.

All readings of ordinances must be at a regular meeting. Should council need to perform a second reading at an emergency/special meeting, they may approve this by a unanimous roll call vote during the same meeting as the first reading.

Sec. 28: How to prepare ordinance for submittal

All ordinances presented to the Council will have Chapter, Article, Section, and Subsection numbers as needed for proper organization.

Sec. 29: Tabling of issues- Unfinished business, "Gary Bledsoe Memorial ordinance"

Tabled or postponed business items will continue to be placed onto the agenda for subsequent meetings under old business, whether any action is planned at that meeting or not. After an item has been tabled or postponed for at least 6 regular meetings, any single member of council may demand a vote on said business, and the Mayor must call for a vote on the business in question.

Council may appeal to continue to table the issue, but must be approved by a unanimous roll call vote, where it may stay tabled for an additional 6 regular meetings.

Sec.30: Motions requiring disbursements of funds

Any motion requiring disbursements of funds, whether they are checks to be written, or purchases to be made with pcard system, must have checks written and cleared, or purchased within 12 months of approval. If this period exceeds 12 months, Council must approve the motion again.

Sec 31: Purchase Cap

Purchase limits will be addressed in Town Policies and Procedures and incorporated herein by reference.

Sec 32: Broadcast and recording of meetings.

Beginning April 1 2023, the Town of Chapmanville will broadcast its meetings online in a manner open to and of no charge to the public (Youtube, Facebook, etc). Policy for broadcasting will be addressed in the Town Policies and Procedures and incorporated herein by reference.

Sec. ~~27~~33: Roberts Rules of Order

The proceedings of the council, except as otherwise provided, shall be governed by Robert's Rules of Order.

Article 3. Town Owned Vehicles and Mobile Equipment

Sec. 1: Display name of town

All town owned motor vehicles and mobile equipment shall be plainly marked with the name "Town of Chapmanville" together with the department to which assigned. Such lettering or marking shall be of a conspicuous color and the letters thereof shall not be less than two inches high and not less than one inch wide and shall follow a general pattern or type of lettering as designated by the mayor.

Sec. 2 To be used on town business only

No town-owned motor vehicle or piece of mobile equipment shall be used except on business of the town.

Article 4. Salaries and duties of elected officials of the Town of Chapmanville.

Sec. 1: Salary, powers, and duties in general

A. Any salary changes pertaining to Article 4 shall be as a change to an ordinance of the Town of Chapmanville. A change by any other method will result in the Elected officials of the Town reverting to salaries from the amendment that was effective from the 1st day of July, 1983. (\$400/month Mayor, \$200/month Recorder, \$5/meeting Council).

B. Only elected officials shall be signatories of checks from the Town of Chapmanville.

C. Remote attendance of Council Members.

i. Neither the Presiding officer, nor the member responsible for taking minutes, may attend a meeting remotely, except in the event of an emergency prohibiting them from in person attendance, as approved by the council. Members appearing remotely shall comply with all state and local rules, regulations and procedures as if they were physically present at the meeting.

ii. Remote attendance by all members is meant to be an infrequently used method of participation. Remote attendance protocol and procedures are as follows:

1. Remote attendance of any Council Member must be approved by the Council at the start of any meeting, unless achieving a quorum as described in Article 2 Sec. 9 of this ordinance.

2. In no event shall a Council member's remote attendance be approved unless necessary equipment is available. Necessary equipment shall mean any device equipped with a speaker capable of broadcasting the Council member's voice clearly and sufficiently enough to be heard by those in attendance at the meeting, and microphone so that the remote member may hear all discussion of those in attendance at the meeting.

3. Council members appearing remotely will participate and vote during the meeting as if they were physically present at the meeting. To ensure proper recording on a vote when a Council member is attending remotely, a roll call vote shall be used. The Council member's vote must be audibly provided so that any participant may hear their vote. The Mayor or presiding officer will confirm the vote.

4. Remote attendance by Council members shall be announced by the Presiding Officer, and will be reflected in the meeting minutes.

Sec. 2: Salary, Powers and duties of Mayor.

A. The salary of the Mayor shall be ~~Four Hundred (\$400.00)~~ One Thousand (\$1000) Dollars per month effective 1st day of July, ~~1983~~ 2027.

B. The duties of the Mayor shall be:

1. To see that laws and ordinances of the Town of Chapmanville are enforced;

2. To appoint all officers, chief of police of the city, and city solicitor, subject to the approval of the council, except the members of the council, and to employ, or cause to be employed, all such employees of the city as may be found required but all appointments and employments so made by said Mayor shall be made upon merit and fitness alone, and approved by the council;

3. To exercise supervision and control over all departments and divisions created herein or that may be hereafter created by the council, to discharge those necessary;

4. To attend all meetings of the council with the right to take part in its discussions, but without

the right to vote, except in case of a tie vote;

5. To recommend to the council for adoption such measures as he may deem necessary or expedient;

6. To keep the council fully advised as to the financial condition and needs of the city;

7. To supervise and conduct the performance of their duties by all officers and employees of the city;

8. Determine and decide on the plan the program for paving, sewerage, and otherwise improving the different streets and alleys in the city, and fix and determine the time in which such streets and alleys shall be paved, sewerage and otherwise improved;

9. Determine and decide upon the kind and make of pavement, sidewalks, curbs, sewers and other improvements which shall be constructed and make upon an in any of the streets and alleys of the city;

10. Make and execute on behalf of the city all writings, contracts, deeds and agreements, the making of which shall be authorized by this charter, or by any ordinance, resolution or statute;

11. To call attention to the council and the city solicitor to the violation of any law or ordinance that may come to the knowledge of said mayor;

12. To act as one of two signatories on all checks issued by the Town;

13. If the Recorder vacates their position, to appoint a member of Council, with the approval of the Council, as an Acting Recorder for up to three regular meetings, until a Recorder can be chosen in accordance with Chapter 12 of these ordinances.

14. To perform and carry out all other duties that may be assigned to him.

15. To notify the Emergency Council Signatory in writing if the Mayor is unable to be present for the signing of checks or disbursement of funds requiring two signatures within a reasonable time frame.

Sec. 3: Salary, powers and duties of the Recorder.

A. The salary of the recorder shall be ~~Two Hundred Dollars (\$200)~~ Nine Hundred Dollars (\$900) per month effective 1st Day of July ~~1983~~ 2027.

B The duties of the Recorder shall be:

1. To attend all such scheduled council meetings to take true and accurate minutes of the meeting in the English language, as to the action of the Town Council or Chapmanville;

2. To participate in discussions and vote as a member of said council at meetings.

3. To prepare for the council's approval the yearly budget for the Town in accordance with the regulations of the West Virginia Code.

4. To act as one of two signatories on all checks issued by the Town;

5. If the Mayor vacates their position, to act as presiding officer of the council for up to three regular meetings, until a Mayor can be chosen in accordance with Chapter 12 of these ordinances.

6. Act as purchasing agent and purchase all supplies and materials for all departments of the city government: Provided, however, that they shall not make any contract or purchase involving an expenditure in excess of the budget for a given department, without first obtaining the assent of the council to do so.

7. To notify the Emergency Council Signatory in writing if the Recorder is unable to be present for the signing of checks or disbursement of funds requiring two signatures within a reasonable time frame.

Sec. 4: Salary, powers and duties of the council.

A. The salary of the council Members shall be ~~Five Dollars (\$5) per meeting~~ Two Hundred Dollars (\$200)

per month, effective 1st day of July 1983 2027.

B. The duties of the council shall be

1. To attend all meetings of Council.

2. Emergency check signatory

a. One council member shall be chosen by the council to be an emergency signatory of town checks and purchases. This council member will only sign checks in the event of written (email, text message, written letter, etc.) notification from the Mayor or Recorder that their individual position is unable to be present for signing of the town checks and disbursements of funds for a certain period of time, or if the Mayor or Recorder is no longer able to perform their duties.

Article 5. Re-imbusement clause

Sec. 1: Pursuant to the provisions of Chapter 30, Article 29, Section 8 of the West Virginia Code of 1931, as amended, that on and after the effective date of this ordinance, all law-enforcement officers shall, before attendance at a law-enforcement officers training academy, be required to enter into a written agreement with the Town of Chapmanville, which agreement shall require and specify that if such employee should voluntarily discontinue employment with the Town of Chapmanville within one year immediately following completion of such training curriculum, such employee shall be obligated to pay to the Town of Chapmanville the pro rata portion of the sum of such compensation which is equal to that part of such year which the employee has chosen not to remain in the employ of the Town of Chapmanville.

part of such year which the employee has chosen not to remain in the employ of the Town of Chapmanville.

Chapter 12

Elections

Article 2

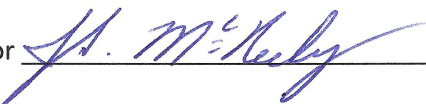
~~Sec-18-Police~~

~~The mayor, with the consent of the council shall appoint and employ a chief of police and such other police officers as shall be necessary.~~

~~Sec-19-The mayor with the consent of the council shall appoint a city solicitor~~

Date of First Reading and passage 07/18/23

Date of Second Reading and passage 10/10/23

Signature of Mayor 

Signature of Recorder 

Signature of Council

