

An Ordinance to Amend, insert, strike, and reorganize existing Ch22 of the Town Ordinances of Chapmanville into a more codified structure. Upon Passage this will be considered the complete and official Ch 22

Town of Chapmanville Ordiances Ch. 22
Tracy Vickers Community Center and Governance Board

1. Purpose.

An ordinance creating the charter, governing board and foundation of the Tracy Vickers Community Center, and successor organization to the Town Council of the Town of Chapmanville and for the operational control of the Tracy Vickers Center and its official location at 68 Boise Street, Chapmanville, West Virginia.

To Wit: Tracy Vickers, a prominent and pioneer businessman and philanthropist for many decades, died in 1995 leaving a bequest for the Town of Chapmanville for the creation of the Tracy Vickers Community Center; and, now,

Whereas the Town of Chapmanville Council led and decided to use a portion of that bequest to purchase property at 68 Boise Street, Chapmanville, West Virginia for the purpose of bringing into fruition Mr. Vickers vision and legacy, does hereby ordain and adopt as law in the Town of Chapmanville an ordinance to create a board of governance for the operation of the Tracy Vickers Community Center, which will ultimately provide an independent status for the board to operate and control all aspects of the Tracy Vickers Center; and,

Whereas, the Town of Chapmanville has full and legal responsibility, and the duty to oversee the creation of this board of governance and use of the remaining Vickers bequest to achieve an operational status for the Tracy Vickers Community Center and will, at an appropriate time, relinquish said control of the Tracy Vickers Community Center to this, to be created, governance board, along with any and all assets remaining at the disposal of the Town Council of Chapmanville, for the governance board to be used as that governance board sees fit.

2. Organization of the Governance Board:

- a. The Tracy Vickers Community Center Governance Board shall be named the Tracy Vickers Community Center Board.
- b. The Tracy Vickers Community Center Board shall have full authority to operate the center, establish rules for its use and operation; establish costs and fees for its use by the general public and provide those things necessary for its continued operation, including insurance, utility costs, normal protections for the benefit of the general public, understanding that the board's failure to provide these necessities or that the board becomes dysfunctional or inactive all control will and must revert to the Town Council of the Town of Chapmanville, which shall have sole authority to dispense whatever corrective action is necessary for the continuance and governance of the Tracy Vickers Community Center.
- c. The members of this board will include 6 voting members who will be three Permanent and three At-Large Members, the Mayor, and the Recorder.
- d. The Tracy Vickers Center board and all officers are subject to the laws of the United States of America, the State of West Virginia, County of Logan County, WV and the ordinances and administration of the Town of Chapmanville and will operate according to those laws and regulations, including but not limited to State Sunshine Laws and the WV Ethics Commission.

3. Structure of the governance body; terms and powers.

a. Permanent Members

- i. Three members of the Town Council appointed by the Mayor for this board with advice and approval of the Town Council, at the first regular meeting following a Town Election.
- ii. The terms for the Permanent Members will be the same as the term of their elected office.

- b. At-Large Members
 - i. Residents of the Chapmanville-Harts area, chosen from and nominated by letter, and must be at least 18 years of age by the time of their nomination. Letters will be endorsed by 5 persons meeting the same requirements.
 - ii. The Term for At-Large Members will be 4 years from the first day of August two years after the election of Town Officials. New members or reappointments will be addressed during the regular July Meeting of the Town Council two years after their election.
 - iii. Cannot be filled by Town Council Members, their immediate family, or employees or other officers of the Town of Chapmanville.
 - iv. At Large Members nominees will be selected by a vote of the Town Council.
 - v. Any challenge to the nomination or selection of an At-Large Member on the basis of their age or residence will be determined by a vote of the Town Council.
 - vi. No person may serve more than three full terms as an At-Large Member of the governance board.
- c. Removal of Board Members
 - i. Board members can be removed by a roll call vote of the Town Council in which a two-thirds majority of the fixed membership votes in favor of removal of a single Board Member.
 - 1. This does not negate the ability of the Town Council to remove a member as laid out in 22.3.b.v of the town ordinances.
 - ii. New Board Member nominations or appointments will not be heard or entertained until the following month's regular meeting of the Town Council following a Members removal from the board.
- d. Vacancies
 - i. Permanent Members
 - 1. In the event a Permanent Member seat cannot be filled with a member of the Town Council, the seat shall be filled with an additional At-Large Member.
 - 2. At-Large Members appointed for this seat will be subject to the same term as the Permanent Members, or will relinquish their seat if a member of the Town Council is appointed to that position before the end of the Permanent Member term.
 - ii. At-Large Members
 - 1. New At-Large Members shall be chosen and nominated by the same method previously described, and will serve the remaining term of the seat they are replacing.
- e. The Governing Board may create non-voting officers as it deems necessary for the operation of the Tracy Vickers Center and the Governance Board,

4. Other Permanent Officers

a. Mayor/Chairperson, Terms and powers

- i. The Mayor of the town of Chapmanville, or his appointed designee, shall serve as chairman/presiding officer and chief administrative officer of the Tracy Vickers Community Center. The Mayor, in the case of naming a designee, may take the chair at any time it is held by said designee, without notice or reason. The designee must relinquish the chair during meetings or in the administration of the center upon immediate verbal or written notice of the Mayor of Chapmanville.

1. If the Mayor appoints a designee, they will be approved through a vote of the Town Council.

- ii. The Mayor or chairperson may vote on issues brought before the governing board only in case of a tie. As chairman, the Mayor is the presiding officer and has full parliamentary process powers as he or she does during town council meetings as outlined in town ordinances.
- iii. The Mayor or chairperson may refuse to approve any measure or appropriation they deem out of order; this includes meetings where the Recorder acting as chairperson is presiding over a meeting in the absence of the chairperson or Mayor.

b. Recorder, Terms and Powers

- i. The Recorder of the Town of Chapmanville shall serve as a non-voting member, and the Chief Fiscal Officer and Comptroller of all financial affairs of the Tracy Vickers Center and its Governing Board.

5. Authority and ownership.

- a. Ownership of the Vickers Center is vested in the Chapmanville Town Council, however, control of its use and the establishments of rents and charges are to be determined by the Vickers Center Board and the Town of Chapmanville will be housed in it but will remit monthly, such fees to which the Vickers Board shall invest, use or dispense as it sees fit.
- b. The Town of Chapmanville will be entitled to use the Tracy Vickers Center to house operations of town government and simultaneously house town hall in perpetuity. The Town will be expected to pay reasonable and justifiable rent and can exercise its prerogative to vacate the building at its will and pleasure.

6. Survivability and Fiscal Control

- a. Once the first board is established according to this ordinance and charter, the board may create any rules or practices it deems necessary for the successful operation of the center. If for any reason the board ceases to exist, the authority for the Vickers center will reside automatically to the Chapmanville Town Council which is the sole trustee of the Vickers Center and bequest.
- b. Appropriations for purchases require a majority of the board for all expenditures to be paid by authority of the Mayor/chairman and Recorder/comptroller except for routine expenditures necessary for the routine and day to day operation of the facility.
- c. The board may receive funds from any source and use those funds at its discretion with a majority vote of the board, and in that vein, is obligated to form a not for profit status so donations can be used as tax deductions for contributors. The board may maintain its own separate accounts under supervision of the chairman or Recorder, or choose to allow its accounting and fiscal operations to be conducted through the Town of Chapmanville auspices.

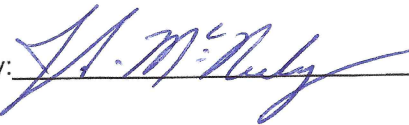
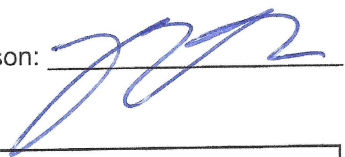
7. Revocation

- a. This charter and ordinance can and may be revoked for any reason by a Two Thirds majority roll call vote of the Fixed members of the Chapmanville Town Council, or by other methods provided for in law or by town ordinance.,

First Reading: 10/10/23

Second Reading: 11/14/23

Third Reading: 12/12/23

Mayor Joel McNeely:  Recorder Phillip Williamson: 

Council:

