

**AN ORDINANCE OF THE CITY OF CLARKSBURG
AMENDING SECTIONS 5, 25, AND 38 OF THE CITY CHARTER**

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF CLARKSBURG, WEST VIRGINIA, AS FOLLOWS:

SECTION 1: FINDINGS OF THE COUNCIL

Section 1-1. West Virginia Code § 8-4-7 provides that whenever the governing body of a municipality shall deem it expedient to amend the Charter of the City, it shall propose the amendment by ordinance.

SECTION 2: AMENDMENT TO CHARTER

Section 2-1. The City shall hold its next regularly scheduled municipal election on June 6, 2023. The Council for the City of Clarksburg, West Virginia, pursuant to West Virginia Code § 8-4-7, hereby submits, by ordinance, the following amendments to Sections 5, 25, and 38 of the City Charter, to the qualified voters of the City to be voted upon at the next regular municipal election, said election being held on June 6, 2023. Pursuant to this Ordinance, such amendment shall be added to the ballot and voted upon at that time.

SECTION 5. THE COUNCIL; QUALIFICATIONS, TERM OF OFFICE, AND SALARY OF MEMBERS; SELECTION OF MAYOR; VACANCIES.

The Council shall consist of six members to be elected at large by the qualified voters of the city for terms of four years beginning on the first day of July following their election. Such term will end at the close of business on the thirtieth day of June four years after the member's election.

Notwithstanding the foregoing, to change from an odd-numbered year election to an even-numbered year election and from a seven-member Council to a six-member plus mayor Council, the following transition period will control:

a. The four members elected in the June 2021 election will serve for a term of five years. Starting with the election in May 2026, the four membership positions will be reduced to three and only three members will be elected in the May 2026 and subsequent elections. Such members elected in May 2026 or subsequent elections will each serve a term of four years.

b. The three members elected in June 2019 will serve four-year terms, with their terms ending on the 30th day of June 2023. Those three membership positions shall be on the ballot at the next regular election of the City to be held June 6, 2023, pursuant to the procedures set forth in this Charter. Such members elected in June 2023 will serve for a one-year term and such membership positions shall be on the ballot for election in May 2024. Such members elected in May 2024 or subsequent elections will each serve a term of four years.

The Mayor shall be elected at large by the qualified voters of the city for a term of two years. The Mayor shall preside at meetings of the Council and shall be recognized as the head of the city government for all ceremonial and military purposes but shall have no regular administrative duties. The Mayor otherwise shall act as a Councilperson and shall have the same voting rights, other rights, and obligations as a Councilperson unless otherwise stated in the Charter or the Codified Ordinances.

Notwithstanding the foregoing, to change from Mayor elected by and from councilmembers to a Mayor elected by the voters, the following transition period will control:

- a. at a special meeting to be held at 7:30 p.m. on the first day of July following each regular city election, the newly elected Council shall elect one of its members to serve as Mayor for a term of two years; and
- b. beginning in the May 2026 election, the Mayor shall be elected at large by the qualified voters of the city.

The Mayor and Councilpersons shall be qualified voters of the city, shall have been residents of the city for at least thirty days prior to their nomination for the office and shall not be employed by the city in any capacity. No person may serve as Mayor after having served eight years as a Mayor elected by the public at large, consecutively or non-consecutively. No time served as a Mayor appointed by the Council shall count towards the aforementioned eight-year lifetime limit. No person may serve as a Councilperson after having served a total of sixteen years as a Councilperson and/or as a Mayor elected by the public at large, consecutively or non-consecutively. Further, no person may serve as a Councilperson elected by the public at large more than eight years consecutively. No time served as a Councilperson prior to July 1, 2026, shall count towards either the aforementioned eight-year consecutive limit nor the aforementioned sixteen year lifetime limit and no time spent as a Councilperson appointed to such position shall count towards the lifetime or consecutive limits. If a councilperson shall cease to be qualified, such councilperson's office shall immediately become vacant.

A special meeting of the Council shall be held at 7:30 p.m. on the first day of July following each regular city election. The newly elected Mayor shall chair this meeting and said Mayor and the newly elected Councilpersons shall be inducted into office at said meeting.

Notwithstanding the foregoing, to change from a Mayor elected by and from councilmembers to a Mayor elected by the voters, if the Mayor has not been elected by the voters, then at the special meeting held on the first day of July following the regular city election, then the newly elected Councilpersons shall select a temporary chairman to open the meeting and induct the Councilpersons. The Council shall then elect one of their members to serve as Mayor to serve as Mayor for a term of two years.

The salary of the Mayor and Council shall be fixed by ordinance.

If any vacancy occurs in the office of the unsuccessful candidates for the office of councilperson at the last election, who are still qualified and willing to serve, the one who

received more votes than any of the others shall be entitled to the office. If the vacancy cannot be filled by this method, it shall be filled at a special election to be held on a date not more than four months after the vacancy occurs. In the resolution calling the special election, the Council shall specify procedures for the conduct of the election, and dates for the circulation and filing of nominating petitions and for the holding of the election, which shall conform as nearly as may be practicable to the procedures and schedule established by this charter for regular city elections.

If any vacancy occurs in the office of Mayor, the Council shall within thirty days by the affirmative vote of at least four members appoint a Councilmember to fill the vacancy for the unexpired term. The Councilmember shall be replaced in accordance with the preceding paragraph.

SECTION 25. THE WATER BOARD; CONTINUANCE; QUALIFICATIONS, TERM OF OFFICE, AND SALARY OF MEMBERS; SELECTION OF PRESIDENT; VACANCIES.

The Water Board of the City in existence on the date this charter is adopted shall be continued. The Water Board shall consist of three members to be elected at large by the qualified voters of the City for terms of four years beginning on the first day of July following their election. The terms of office of all members of the Water Board in office on the date this charter is adopted shall continue until the close of business on the thirtieth day of June following the date on which their terms of office would otherwise expire. At the first election held under the provisions of this charter one member of the Water Board shall be elected. At each regular election thereafter either one or two members of the Board, as the case may be, shall be elected to succeed the incumbent member or members whose term of office expires on the thirtieth day of June following the election.

Notwithstanding the foregoing, to change from an odd-numbered year election to an even-numbered year election, the following will control:

- a. For that membership position ending in June 2023, such membership position shall be on the ballot for the regular election to be held in June 2023 pursuant to the procedures set forth in this Charter. The member elected in June 2023 will serve for a term of three years. Such membership position shall then be on the ballot for election at the regular election to be held in May 2026. Such member elected in May 2026 or subsequent elections will serve a term of four years.
- b. For that membership position currently ending in June 2025, the terms of such members shall be shortened to three years. The members elected in June 2021 shall be on the ballot for election at the regular election to be held in May 2024. Such members elected in May 2024 or subsequent elections will each serve a term of four years.

Members of the Water Board shall be qualified voters of the City, shall have been residents of the City for at least one year prior to their nomination for the office, shall hold no other public office except that of notary public or member of the National Guard or naval or

military reserve, and shall not be employed by the City in any capacity. If a member of the Board shall cease to be qualified or shall be convicted of any crime involving moral turpitude, his office shall immediately become vacant.

A special meeting of the Water Board shall be held at 7:30 p.m. on the first day of July following each regular City election. Following the selection of a temporary chairman the newly elected member or members of the Water Board shall first be inducted into office. The Board shall then elect one of its members to serve as President for a term of two years.

The salary of each member of the Clarksburg Water Board shall be fixed by ordinance. If any vacancy occurs on the Water Board, the Board shall within thirty days appoint a qualified person to fill the vacancy for the unexpired term. If the vacancy is not so filled within thirty days after it occurs, then of the unsuccessful candidates for the office of member of the Water Board at the last election, who are still qualified and willing to serve, the one who received more votes than any of the others shall be entitled to the office. If the vacancy is not filled by either of these methods, it shall be filled at a special election to be held on a date not more than four months after the vacancy occurs. In the resolution calling the special election, the Council shall specify procedures for the conduct of the election, and dates for circulation and filing of nominating petitions and for the holding of the election, which shall conform as nearly as may be practicable to the procedures and schedule established by this charter for regular City elections.

SECTION 38. CANDIDATES FOR CLARKSBURG CITY COUNCIL OR CLARKSBURG WATER BOARD; FILING FEE; FILING DATE.

A filing fee to be set by ordinance and candidate's signed certificate of announcement stating that he/she is a qualified voter of the City and he/she has resided therein for at least thirty days and that he/she declares himself/herself a candidate for election to such office of Councilman/Councilwoman of the Clarksburg City Council or member of the Water Board and will serve if elected, shall be filed in person with the City Clerk in the Office of the City Clerk, Municipal Building, Clarksburg, West Virginia. The candidate shall make such filings consistent with the timeframe set forth by the West Virginia Secretary of State for declaring a candidacy for state office. The Clerk shall make a record of the exact time each statement and fee was filed and the name and address of the person by whom it was filed. The filing dates provided herein shall be changed or amended by regular ordinance thereafter.

In case there shall not be a number of candidates for any office equal to the number of persons to be elected to such office at any election, then the Council for the office of Councilman/Councilwoman and the Water Board for the office of a member of the Water Board, shall on or before the 20th day of March preceding the election make by appropriate resolution such additional nominations of candidates to be elected to such office. The nomination of any person by such a resolution shall, however, not be complete unless the person so nominated shall within three days after his nomination pay to the City Clerk the prescribed filing fee and file with the Clerk a signed statement that he/she is a qualified voter of the City and has resided therein for at least thirty days before his/her nomination, and that he/she accepts the nomination and will serve, if elected.

The word announce or announcement as used herein or as used in the Clarksburg City Charter shall for the purposes of the Clarksburg City Charter be synonymous with and shall mean the same as nominate or nomination. The word nominate or nomination as used herein or as used in the Clarksburg City Charter shall for the purposes of the Clarksburg City Charter be synonymous with and shall mean the same as announce or announcement.

SECTION 3: SEVERABILITY

Section 3-1: If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall not affect the validity or the effectiveness of the remaining portions of this section or any part thereof which can be given meaning without the offensive subsection, sentence, clause, phrase or word.

SECTION 4: EFFECTIVE DATE

This Ordinance shall be effective upon passage.

PASSED by the Council of the City of Clarksburg on FIRST READING on this 2nd day of February, 2023.

PASSED by the Council of the City of Clarksburg on SECOND AND FINAL READING, following a public hearing, on this _____ day of _____, 2023.

JAMES MARINO, MAYOR

ATTEST:

ANNETTE WRIGHT
CITY CLERK

APPROVED AS TO FORM:

RICHARD R. MARSH
CITY ATTORNEY