

CITY OF GLEN DALE

THE CHARTER

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CITY OF GLEN DALE
THE CHARTER

ARTICLE I

INCORPORATION; BOUNDARIES; POWERS; FORM OF GOVERNMENT

SECTION 1. INCORPORATION.

The inhabitants of Marshall County in this State, now and hereafter residing within the boundaries prescribed in the next section hereof, or as hereafter established in the manner prescribed by law, shall continue to be a municipal body politic and corporate in perpetuity under the name "City of Glen Dale".

SECTION 2. BOUNDARIES.

The boundaries of said City shall be the same as those established for the Town of Glen Dale, by order of the Circuit Court of Marshall County, West Virginia, entered on February 7, 1924, together with any subsequent expansion or retraction of said boundaries.

SECTION 3. POWERS.

Except as limited by the Constitution and laws of the United States or West Virginia or restricted by this Charter, the City shall have and may exercise all powers, functions, rights, privileges and immunities of every name and nature whatsoever belonging or appertaining to municipal corporations or cities. These shall include, without limitation, the power to acquire property within or without its corporate limits for any City purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation; to sell, lease, mortgage, hold, manage and control such property that its interest may require; to sue and be sued, contract and be contracted with, and to tax all persons and all real and personal property within the City which are subject to taxation under the constitution and laws of West Virginia. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the constitution of this State, it would be competent for this Charter specifically to enumerate.

SECTION 4. FORM OF GOVERNMENT.

A. The elective officers of the City shall be a Mayor, Recorder and five (5) Councilmen at large. The Common Council as defined by subsection (B) hereof, shall appoint the officers names in Article VII below, and shall have power to appoint such other officers as it may choose.

B. The municipal authorities of said City shall consist of the Mayor, Recorder and Councilmen, who together shall form a Common Council, and all the corporate powers of said corporation shall be exercisable by said Council or under its authority except where otherwise provided herein.

**ARTICLE II
ELECTIONS****SECTION 1. CONDUCT OF ELECTIONS.**

The Municipal election of the City of Glen Dale shall be held on the second Tuesday in May, Two Thousand and Six and biennially thereafter. Every person who is a bona fide resident of said City, and is otherwise a qualified voter, under the Constitution and laws of the State, shall be entitled to vote at such election. The elections shall be held, conducted, returned, and the results ascertained, certified and determined under such rules and regulations as may be prescribed by the Mayor and Council, which shall not be inconsistent with the general laws of the State governing municipal elections, and shall conform as nearly as practicable to such laws. Contested elections shall be heard and determined by the Council, and the proceedings therein shall conform as nearly as may be to similar proceedings in the case of county and district officers. The Council shall be the judge of the election, returns and qualifications of all officers. In case two or more persons receive an equal number of votes for the same office, the Council shall decide by vote which of them shall be returned elected, and shall make their return accordingly.

(Amended 1-10-05)

SECTION 1A. NOMINATIONS.

Any qualified elector of the City who has been a resident of the City for at least one year prior to the beginning of the term of office which he seeks may be nominated for the Council or the office of Mayor or the office of Recorder, by petition. The term "qualified elector" as used in this Charter shall mean a citizen having the qualifications required by law to vote, and who has been a resident of the City for at least thirty (30) days next preceding the election at which he desires to vote. A petition for this purpose shall be signed by not fewer than twenty-five (25) qualified electors of the City. No elector shall sign more than one petition for persons nominated for the office of Mayor, or the office of Recorder, nor shall any elector sign more petitions for persons to be nominated for the Council than the number of Councilmen to be elected at an election, and should an elector do so, his signature shall be void except as to the petition first filed in the case of petitions for Mayor or Recorder, and in the case of Councilmen, his signature shall be valid only as to the number of petitions first filed as there are Councilmen to be elected at the said election. The signatures on the nominating petition need not all be subscribed to on paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature or mark of the person whose name it purports to be. With each signature including the signature of the circulator, shall be stated, the place of residence of the signed, giving the street and number or other descriptions sufficient to identify it. The form of the nominating petition shall be substantially as follows:

"We, the undersigned electors of the City of Glen Dale hereby nominate _____ whose residence is _____ for the office of Councilman, (or Mayor, or Recorder), to be voted for at the election to be held on the _____ day of _____, 20 _____; and we individually certify that we are qualified to vote for a candidate for the Council or office of Mayor, or office of Recorder, and that we have not signed any other nominating petition for that office."

Name	Street and Number	Address from which last registered (if different)	Date of Signing
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(Spaces for signature and required date)

"Statement of Circulator"

"The undersigned is the circulator of the foregoing paper containing _____ signatures. Each signature appended thereto was made in my presence and is the genuine signature of the person whose name it purports to be.

Signature of Circulator _____
 Address _____ ."

Any signature made earlier than the 9th day of January preceding the election shall be void. All nominating papers comprising a petition shall be filed as one instrument with the Recorder, not later than the 28th day of January before the election. The Recorder shall make a record of the exact time which each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination in substantially the following form:

"Acceptance of Nomination"

"I hereby accept the nomination for the Council and agree to serve if elected.

 Signature of Candidate ."

All petitions so filed shall be submitted by the Recorder to the Council no later than its next regular meeting, for its determination as to their sufficiency. If a petition is found insufficient, the Recorder shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition (in which case the time of first filing shall be disregarded in determining the validity of signatures thereon) or a different petition may be filed for the same candidate.

(Amended 1-10-05)

SECTION 2. TERM OF OFFICE.

At each biennial election there shall be chosen a Mayor and Recorder who shall each serve for two years. The Council shall consist of five members elected at large, and said members of Council shall be elected for terms of four years, provided, that at the first election held under this Charter, the two Council members receiving the least number of votes of said five Council members shall serve a term of two years only.

SECTION 3. INDUCTION OF OFFICERS.

Each newly elected officer shall take office on the first day of July following his election, and shall continue until replaced by a duly elected officer.

SECTION 4. PROHIBITION OF EMPLOYEES FROM HOLDING ELECTIVE OFFICE.

No employee of the City shall hold an elective office as Mayor, Recorder or Councilperson. City employees may be nominated for elective office, but in the event of their successful election, they must resign their City employment prior to their induction into office. (Added 11-7-06)

**ARTICLE III
COUNCIL****SECTION 1. MEETINGS.**

A. The regular meeting of Council shall be held on the second and fourth Monday of each month, at such place in the City as Council may by ordinance appoint. A special meeting of Council may be called by the Mayor, or by such member or members of Council as may be specified by ordinance, but reasonable notice of such meeting shall be given in writing to all of the members who can be found. The call and notice must specify the business of the meeting, and no other business shall be considered. The presence of the majority of the whole number of Councilmen shall be necessary to constitute a quorum for the transaction of business at any meeting, but a smaller number may adjourn from time to time and compel the attendance of absent members in such a way as Council may provide by ordinance. The Council shall, except as herein provided, determine its own rules and order of business. It shall keep a journal of its proceedings. At the request of any Councilman present, the ayes and nays on any question shall be taken and entered upon the journal. All meetings and investigations shall be open to the public.

B. Any Councilman who is unable to be present at any Council meeting shall cause the Recorder to be notified, stating the reason for his inability to be present. Such notice shall be given at least one hour prior to the convening time of Council. Unauthorized absence for an unreasonable number of times from Council meetings shall be grounds for City Council to declare the office of the offending Councilman vacant and to elect a successor. Notice of such intended action shall be given to the offending Councilman in writing, which notice shall state the time and place for a public hearing to be had upon the matter. Council can only act to remove an offending Councilman by two-thirds vote.

SECTION 2. ORDINANCES.

In addition to such acts of the Council as are required by statute or by this Charter to be by ordinance, every act establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be, "The Council of the City of Glen Dale hereby ordains." Ordinance procedure shall be in accordance with the general laws of the State.

SECTION 3. APPOINTMENT OF OFFICERS AND EMPLOYEES.

All City officers and employees, including policemen, shall be appointed by the common Council and shall hold office at the pleasure of said Council. The officers appointed shall be those listed in Article VII plus such additional officers as said Council shall from time to time think proper. Council may increase or change the duties of each officer as it may see fit, but shall not abolish the offices and duties specified in this Charter. All acts of appointive officers and employees shall be subject to the control of the Common Council.

SECTION 4. SALARIES.

Said Council shall have power to fix the salaries of all officers both elective and appointive, including its own, and all employees. The salaries of the Mayor, Recorder and Council members may not be increased during their current term of office. Salaries of appointive officers and employees shall be at pleasure of Council.

SECTION 5. INVESTIGATIONS.

The Council or any committee of Council shall have power to inquire into the conduct of any office, department or agency of the City and to make investigation as to municipal affairs and for that purpose may subpoena witnesses, administer oaths, and compel production of books, papers and other evidence. Failure to comply with such orders shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$500.00.

SECTION 6. IMPEACHMENT.

Council shall have authority, upon the filing before it by any person of charges in writing alleging official misconduct, malfeasance in office, incompetence, neglect of duty, or gross immorality against any elective officer of the City to make an investigation of such charges. For this purpose also, it may exercise the powers set forth in Section 5 above. The accused shall be entitled to a public hearing, to the assistance of legal counsel and to the right of subpoena of witnesses and documents on his behalf. After such investigation the Council may remove the said officer upon a two-thirds vote. The accused shall not vote on the question.

SECTION 7. AUDITS.

In addition to the regular annual audit made by the State Tax Commissioner, the Council may at any time employ qualified public accountants to make a special independent audit of the finances of the City or of the accounts of any City officer.

SECTION 8. VOTING.

Except as herein provided, all action of the Council shall be by majority vote. No member of the Council shall discuss or vote on any question in which he is interested other than as a citizen of the City.

SECTION 9. FRANCHISES.

Franchises may be granted by the Council allowing to persons or corporations for a limited time such occupancy of portions of the streets and alleys as may be necessary for works of public utility and service. But no such franchises shall hereafter be granted except under the following restrictions and conditions:

- A. No ordinance granting any franchise for the using of the streets, alleys or public grounds of the City shall take effect until the following steps are taken in the order named, and each step shall be completed before initiation of the next step:

1. The ordinance shall be proposed in Council.
 2. It shall be published in a newspaper of general circulation in Marshall County once a week for two successive weeks.
 3. It shall be read at a regular meeting of Council and then laid over at least until the next regular meeting.
- B. Every grant of a franchise shall be for a limited period of time. If no limit be expressly provided, the franchise shall be valid for one year only. In no case shall the franchise extend for a period exceeding thirty years.
- C. No grant for a franchise shall be made without at the time of making it providing that the grantee, its successors and assigns, shall indemnify the City against all damages caused by the construction of such works. All reasonable additional provisions and conditions shall be made for the protection of the public from unnecessary damage or inconvenience by reason of such works and the operation thereof. Failure of compliance with any condition imposed by the ordinance granting such franchise shall cause said franchise at the option of Council to become null and void.

SECTION 10. VACANCIES IN COUNCIL.

If a vacancy occurs in the office of Councilman, the Council shall by a majority vote of the remaining members appoint a qualified person to fill the vacancy until the next regular election, at which time a Councilman to fill the office so vacated shall be elected.

ARTICLE IV MAYOR AND RECORDER

SECTION 1. MAYOR IS CHIEF EXECUTIVE OFFICER.

The Mayor shall be the chief executive officer of the City and shall see that all orders, by-laws, ordinances and resolutions of the Council thereof are faithfully executed. He shall have control of the police of the City, and may with the consent of members of Council appoint special officers whenever he deems it necessary, and it shall be his duty to see that the peace and good order of the City are preserved. He shall, subject to action of the members of Council, supervise the work of all appointive officers and employees. He shall from time to time recommend to the members of Council such measures as he may deem needful for the welfare of the City. He shall preside over the meetings of the Council and may cast a vote on all matters before the Council but in case of a tie, he shall cast the tie-breaking vote, unless he has previously voted.

SECTION 2. MAYOR'S COURT.

The Mayor shall act as Municipal Court Judge or may appoint another person, with the approval of Council, as Municipal Court Judge in his place, and shall hold court at such times and places as he may deem necessary, and shall have such jurisdiction and powers as are now or may hereafter be prescribed by law.

- A. The Municipal Court Judge shall have jurisdiction over all offenses against or violation of the ordinances of the City, and authority to inflict punishment for such violations in the manner lawfully prescribed by such ordinances upon and against offenders or violators of the same.

- B. The Municipal Court Judge shall have full power and authority to enforce his orders and judgements, but any process of law which may be necessary and proper for the purpose and all processes, executions, and orders of his court shall be signed by the Mayor. All process and executions shall be directed in the name of the City of Glen Dale as plaintiff to the Chief of Police, and be executed by him or one of his officers at any place within the county. In the execution of any process or order of said court, the Chief of Police or officer shall have the same powers, be governed in his proceedings by the same rules of law, and be subject to the same liabilities as the sheriff of Marshall County, West Virginia, in the performance of like services. There may be charges for the services of such officer, the same fees as the sheriff is entitled to charge for like services, but all such fees, as well as all fines imposed by said Mayor, shall be collected by the Mayor, and accounted for and paid by him to the Treasurer of the City. The City shall in no event be liable for any such fees.
- C. The Municipal Court Judge shall have authority to administer oaths within the City.
- D. A docket and other books required by the records and a seal shall be provided for the Municipal Court Judge by the Council. Full faith and credit shall be given to the records and certificates of the Municipal Court, in like manner and with the same effect as if the same were records of the Circuit Court similarly authenticated.

SECTION 3. OTHER DUTIES OF THE MAYOR.

The Mayor shall perform such other duties as may be prescribed by this Charter, or required to him by the Council not inconsistent with this Charter.

SECTION 4. RECORDER.

The Recorder shall keep the journal of the proceedings of the Council, and he shall have charge of and preserve the records of the City of Glen Dale.

In the event the Mayor is unable because of illness or absence from the Council meeting to perform the duties of his office, and during any vacancy in the office of Mayor, the Recorder shall perform the duties of the Mayor and be invested with all his power and authority.

The Recorder may cast a vote on all matters before the Council, but in the event he is the presiding officer at any Council meeting, and in case of a tie at such meeting, he shall cast the tie-breaking vote, unless he has previously voted.

ARTICLE V BUDGET

SECTION 1. FISCAL YEAR.

The fiscal year of the City government shall begin on the first day of July and end on the last day of June of each calendar year. Such fiscal year shall also constitute the budget and accounting year. As used in this Charter, the term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

SECTION 2. PREPARATION AND SUBMISSION OF BUDGET.

The Mayor and Finance Committee of Council prior to the beginning of each budget year, shall submit to the Council an itemized budget.

SECTION 3. BUDGET A PUBLIC RECORD.

The budget and all supporting schedules shall be a public record in the City Building open to public inspection by anyone.

SECTION 4. PUBLIC HEARING ON BUDGET.

At the first regular Council meeting after submission of the budget, the Council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimate or any item thereof.

SECTION 5. DATE OF FINAL ADOPTION.

The budget shall be finally adopted not later than the 28th day of March in the fiscal year.

**ARTICLE VI
INITIATIVE AND REFERENDUM****SECTION 1. POWER OF INITIATIVE.**

The electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least ten per centum of the registered votes at the last regular municipal election.

SECTION 2. POWER OF REFERENDUM.

The electors shall have power to approve or reject at the polls any ordinance passed by the Council, or submitted by the Council to a vote of the electors, such power being known as the referendum. Ordinances submitted to the Council by initiative petition and passed by the Council without change shall be subject to referendum in the same manner as other ordinances. Within twenty days after the enactment by the Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the City equal in number to at least ten per centum of the registered voters at the last preceding regular municipal election may be filed with the Recorder requesting that any such ordinance be either repealed or submitted to a vote of the electors.

SECTION 3. FORM OF PETITIONS; COMMITTEE OF PETITIONERS.

All petitions papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petitions papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of the same five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, and all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they are purported to be.

SECTION 4. FILING EXAMINATION AND CERTIFICATION OF PETITIONS.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the Recorder as one instrument. Within twenty days after a petition is filed, the Recorder shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. The Recorder shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the Recorder shall certify the results thereof to the Council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

SECTION 5. AMENDMENT OF PETITIONS.

An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been set by the Recorder, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The Recorder shall within five days after such an amendment is filed, make examination of the amended petition and if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

SECTION 6. EFFECT OF CERTIFICATION OF REFERENDUM PETITION.

When a referendum petition, or amended petition as defined in Section 5, Article VI, of this Charter, has been certified as sufficient by the Recorder, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors and hereinafter provided.

SECTION 7. CONSIDERATION BY COUNCIL.

Whenever Council receives a certified initiative or referendum petition from the Recorder, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The Council shall take final action on the ordinance not later than sixty days after the date on which such ordinance was submitted to the Council by the Recorder. A referred ordinance shall be reconsidered by the Council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

SECTION 8. SUBMISSION TO ELECTORS.

If the Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the Council fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty days nor more than one year from the date the Council takes its full vote thereon. The Council may, in its discretion, and if no regular election is to be held within such period, provide for a special election.

SECTION 9. FORM OF BALLOT FOR INITIATED AND REFERRED ORDINANCES.

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by ballot title, which shall be prepared in all cases by the City Solicitor of the City. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, description of the substance of such ordinance. The ballot used in voting upon any ordinance, shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". Immediately at the left of each proposition there shall be a square in which by making a cross (x) the elector may vote for or against the ordinance. Any number or ordinances may be voted on at the same election and may be submitted on the same ballot. A ballot used for voting thereon, shall be for the purpose only.

SECTION 10. AVAILABILITY OF LIST OF QUALIFIED ELECTORS.

If any organization or group requests it for the purpose of circulating descriptive matter relating to the ordinance to be voted on, the Board of Elections or Recorder or other office, department or agency of the City having the list of qualified electors shall either permit such organization or group to copy the names and addresses of the qualified electors or furnish it with a list thereof.

SECTION 11. RESULTS OF ELECTION.

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

SECTION 12. REPEALING ORDINANCES: PUBLICATION.

Initiative and referendum ordinances adopted or approved by the electors shall be published, and be amended or repealed by the Council, as in the case of other ordinances.

**ARTICLE VII
APPOINTIVE OFFICERS****SECTION 1. CITY SOLICITOR.**

The City Solicitor shall prosecute and defend all suits for or against the City, and when requested to do so shall give his opinion in writing to the Mayor or Council upon such legal questions affecting the City as may be referred to him. He shall in addition perform such other services as Council may require. The Solicitor shall be a duly licensed attorney at law, but need not be a resident of the City.

SECTION 2. CITY ENGINEER.

The City Engineer shall perform such services as Council may require.

ARTICLE VIII GENERAL PROVISIONS

SECTION 1. COUNCIL DISCUSSION.

The heads of all departments, and such other officers as may be designated by vote of the Council shall be entitled to seats in the Council, but shall have no vote. They shall be entitled to take part in all discussions of the Council relating to their respective officers, departments or agencies.

SECTION 2. RECORDS AVAILABLE TO PUBLIC.

All records, minutes and accounts of every office, department or agency of the City, including the Council, shall be open to inspection by any citizen at all reasonable times and under reasonable regulations established by the Council, except where disclosure would tend to defeat the lawful purpose which they are intended to accomplish.

SECTION 3. BONDS.

Council may require all officers and employees of the City to give bond for the faithful performance of their duties in such reasonable amounts as shall be necessary to protect the City, the citizens, and the general public. Sureties shall be approved by the Council and premiums shall be paid by the City.

SECTION 4. OATH OF OFFICE.

Every officer of the City shall before entering upon the duties of his office take and subscribe to the following oath or affirmation to be filed and kept in the office of the Recorder. "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and the State of West Virginia, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Glen Dale and will faithfully discharge the duties of the office of _____."

SECTION 5. EFFECT OF THIS CHARTER ON EXISTING LAW.

A. All legislative and administrative acts or rules hereto adopted by the governing body and administrative agencies of the City of Glen Dale which are inconsistent or in conflict with this Charter, shall continue in force for sixty days after the effective date of the Charter, unless sooner modified or repealed by competent authority; but at the end of this period, shall to the extent of such inconsistency or conflict, be of no further force or effect.

ARTICLE IX SUCCESSION

SECTION 1. RIGHTS OF OFFICERS AND EMPLOYEES.

Nothing in this Charter contained, except as specifically provided, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or agency existing at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect and not consistent with the provisions of this Charter, in relation to the personnel, appointment, tenure of office, promotion, removal, civil rights or any other rights or privileges of officers or employees of the City of any office, department or agency thereof.

SECTION 2. CONTINUATION OF OFFICERS AND SALARIES.

All officers and employees at the time this Charter takes effect shall continue in office and in the performance of their duties and all salaries shall continue as at present until changed.

SECTION 3. CONTINUATION OF CONTRACTS.

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and Charter provisions.

SECTION 4. CONTINUATION OF LEGAL PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, department of agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything therein contained.

SECTION 5. EFFECTIVE DATE.

A. Upon the adoption of this Charter, its provisions shall become effective in conformity with West Virginia Code, Chapter Eight, Article Four, Section Five.

B. All ordinances and acts which are not in conflict with this Charter shall remain in full force and effect unless later modified. In so far as the provisions of this Charter are the same in terms or in substance and effect as provisions of law in force when this Charter shall take effect, the provisions of this Charter are intended to be not a new enactment but a continuation of such provisions of law, and this Charter shall be so construed and applied.

SECTION 6. AMENDING THE CHARTER.

Amendments of this Charter may be made in accordance with the general laws of the State.

SECTION 7. SEPARABILITY CLAUSE.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not effect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparable connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 8. ADMINISTRATIVE BOARDS.

Whenever it is deemed advisable, the Council shall have authority to create by ordinance and to provide for financial support of any of the separate administrative boards provided for in Chapter Eight of the official Code of West Virginia, as amended, and shall appoint the members of any board so established.

SECTION 9. FEES.

All fees received by any officer or employee shall belong to the City government and shall be paid daily into the City Treasury, except as herein above provided.

SECTION 10. BONDED INDEBTEDNESS AND BORROWING.

The City shall have plenary power and authority to borrow money on the general faith and credit of the municipality for any municipal purpose, in the manner and subject to the limitations provided by law for the issuance of general obligation bonds.

SECTION 11. CITY IMPROVEMENTS.

Any City improvement costing more than \$25,000.00 shall be executed by contract, except where authorized to be executed directly by a City department in conformity with detailed plans, specifications and estimates. All such contracts shall be awarded to a responsible bidder after proper notice, provided that the Mayor shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by Council.

(12-8-08)

SECTION 12. PERSONAL INTEREST.

No Mayor, Recorder or member of Council or any officer or employee of the City shall have a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material, supplies or services. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge express or implied of the person or corporation contracting with the City shall render the contract voidable by the Mayor or the Council.