

**AN ORDINANCE OF THE CITY OF CLARKSBURG
AMENDING SECTION 5 OF THE CITY CHARTER
TO PROVIDE FOR DIRECT ELECTION OF THE MAYOR**

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 § 8-4-8 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. The Council hereby finds and determines that it would be in the best interest of the City of Clarksburg to amend Section 5 of the City Charter to provide the citizens of Clarksburg with direct election of the Mayor. It is the determination of the Council that the Mayor should be directly elected as he or she is the ceremonial and military head of the City and informally regarded as the head of the City.

SECTION 2: AMENDMENT TO CHARTER

Section 2-1. The Council for the City of Clarksburg, West Virginia, hereby ordains that the City Charter is amended as follows, with such amendments being emphasized in the below text: 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 a seven-member Council to a six-member plus mayor Council, the following transition period will control:

a. The four members first elected in June 2017 shall serve until the thirtieth day of June 2021 and all four membership positions shall be on the ballot for election in the June 2021 election. 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 later will serve for term of four years.

b. The three members first elected in June 2019 will serve five-year terms, with their terms ending on the 30th day of June 2024. Those three membership positions shall be on the ballot for election in the May 2024 election and subsequent elections thereafter. Such members elected in May 2024 or later will 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 a 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 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 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 21st day of January, 2021.

PASSED by the Council of the City of Clarksburg on SECOND AND FINAL READING, following a public hearing, on this _____ day of _____, 2021.



E. RYAN KENNEDY, MAYOR

ATTEST:

ANNETTE WRIGHT
CITY CLERK

APPROVED AS TO FORM:

RICHARD R. MARSH
CITY ATTORNEY