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CHAPTER 1 - IN GENERAL

SECTION 2-101 OFFICIAL BONDS

Every officer and employee of the Town who handles public funds or property shall give bond, with good security, to be approved by the Town Council, in such amount as the Town Council shall prescribe, conditioned upon the faithful discharge of the duties of his office or employment and the faithful accounting for and paying over, as required by law of any funds or property coming into his possession.

SECTION 2-102 COMPENSATION OF TOWN OFFICERS AND EMPLOYEES

- (a) The mayor, councilmen and other Town officers and employees shall receive such salaries and wages as may be provided for them from time to time by the Town Council in the annual budget or other ordinances; provided, that the salary of no elective officer shall be increased or diminished during the term for which he was elected.
- (b) Except as may be provided otherwise in this Code or other ordinance, all fees paid to Town officers and employees shall be deemed to be money belonging to the Town and shall be paid over to the Town recorder or other officer designated by this Code or other ordinance by the recipients thereof not less frequently than once each week.

SECTION 2-103 CONFLICTS OF INTEREST

It shall be unlawful for the Town Council or any member thereof, or any other officer of the Town, to be interested personally, either directly or indirectly, or as a member, manager, officer or stockholder of any partnership, business, firm or corporation, in any contract furnishing material, services or supplies to the Town, or to any contractor, or workmen for the Town, or in any manner whatsoever, whereby the taxpayers of the Town shall become the paymaster, either directly or indirectly.

This shall apply to all situations except when goods and services are supplied (1) by competitive bid, (2) for nominal consideration, or (3) by a resolution of approval by the Town Council.

Any violation of this section by any member of the Town Council or other officer of the Town shall be a misdemeanor, and upon conviction thereof, such member or officer shall be fined not less than fifty nor more than five hundred dollars and shall automatically be removed from office.

**SECTION 2-104 REQUIRING AND ASSURING AN ORDERLY
TRANSITION OF GOVERNMENT**

Whereas, it is the desire of the Mayor and Council to assure an orderly transition between outgoing and incoming administrations in Town Government, and;

Whereas, such an orderly transition between incoming and outgoing administrations would assure the citizens, taxpayers and residents of the Town continued governmental services, and;

Whereas, the Mayor and Council deem that the most effective and efficient way to assure an orderly transition between outgoing and incoming administrations is to require transitional meetings between the two administrations prior to the assumption of office by the incoming administration;

Now, therefore, be it resolved by the Common Council of the Town of Pratt that Section 2-104 of the codified ordinance of the Town of Pratt be and read as follows:

“Immediately following the election of any new Town Officials, i.e., Mayor, Recorder, and Council Members, and, in any event, not later than 20 days following the certification of the results of such election by the appropriate municipal, county and/or state officials, the newly elected officials shall, upon notice to be given to such newly elected official(s) by the Recorder setting forth the date, place, and time for such a meeting, meet with the then current Mayor and Council members for the purpose of apprising the newly elected official(s) of the status of the Town’s services, pending litigation, contracts and any other matters concerning the Town’s administration of government, all for the purpose of assuring an orderly, efficient and effective transition between the outgoing and incoming Town administrations. Such meeting may be adjourned and reconvened from time to time as may be deemed necessary by the officials present. In any event, the business to be conducted by the officials at this meeting or the reconvened meetings shall be completed not later than five (5) days prior to the date on which the newly elected official(s) are administered the oath of office.”

CHAPTER 2 – TOWN COUNCIL

**SECTION 2-201 PRESIDING OFFICER, QUORUM; INTERESTED
MEMBER NOT TO VOTE**

The Town Council shall be presided over at its meetings by the Mayor or, in his absence, by the Recorder, or in the absence of both the Mayor and the Recorder, by one of its members selected by a majority of the members present.

A majority of the members of the Town Council shall be necessary to constitute a quorum for the transaction of business. No member of the Town Council shall vote upon any ordinance, order, measure, resolution or proposition in which he may be interested, other than as a citizen of the Town.

SECTION 2-202 MEETINGS TO BE PUBLIC EXCEPT WHEN IN EXECUTIVE SESSION

All meetings of the Town Council shall be open to orderly members of the public; provided, that the Council when sitting as a committee of the whole may go into executive session and exclude all persons from attending such executive session except those whose presence is deemed necessary by such committee of the whole; provided, further, that such executive session is held in accordance with Article 9A of Chapter 6 of the Code of West Virginia and for one or more of the purposes enumerated in section 6-9A-4 thereof; and provided, further, that the committee of the whole shall not reconstitute itself as the Town Council until the executive session is terminated and the meeting is again open to orderly members of the public.

SECTION 2-203 MAYOR AND RECORDER TO HAVE VOTES; TIE VOTES

The Mayor and Recorder shall have votes as members of the Town Council, and in case of a tie, the presiding officer at the time shall cast the tie-breaking vote, unless he has previously voted.

SECTION 2-204 RECORDS GENERALLY, JOURNAL OF PROCEEDINGS

The Town Council shall cause to be kept, in a well bound book, an accurate record of all of its proceedings, ordinances, orders, bylaws, acts, resolutions, rules and regulations, which shall be fully indexed and open to inspection by anyone who is required to pay taxes to the Town.

At each meeting of the Town Council, a journal of the proceedings of the last meeting shall be read, corrected if erroneous and signed by the presiding officer for the time being; provided, that the reading of the journal of the proceedings of the last meeting may be dispensed with the majority vote if the members of the Council have received and examined a copy of the journal or a synopsis thereof prior to the meeting at which the journal is signed. Upon the call of any member, the yeas and nays on any question shall be taken and recorded in the journal.

SECTION 2-205 CERTAIN ACTIONS TO BE BY ORDINANCE

In the following cases, the action of the Town Council shall, except where otherwise provided in the Code of West Virginia, be by ordinance:

- (a) Levying taxes or providing for the collection of fees of any kind.
- (b) Requiring a license to do business.
- (c) Relating to offenses and penalties.
- (d) Authorizing the issuance of bonds or other forms of indebtedness.
- (e) Providing for a public improvement.
- (f) Providing for the purchase of private property by the Town or for the sale of property belonging to the Town.
- (g) Laying out or vacating a public street, avenue, road, alley or way.
- (h) Relating to planning and zoning.
- (i) Granting franchises to public utilities.
- (j) Providing for contractual or other agreements with other jurisdiction.

The action of the Town Council shall also be by ordinance in any other case in which an ordinance is required by the provisions of the Code of West Virginia.

SECTION 2-206 ORDINANCE PROCEDURES GENERALLY; ADOPTION OF TECHNICAL CODES, ETC., BY REFERENCE

- (a) It shall not be necessary, except where otherwise provided in the Code of West Virginia, for the Town Council to publish in a newspaper any proposed ordinance prior to the adoption thereof or any enacted ordinance subsequent to the adoption thereof. All ordinances of the Town shall be adopted in accordance with the following requirements, except where different or additional requirements are specified in other provisions of the Code of West Virginia, in which event such other different or additional requirements shall be applicable.
- (1) A proposed ordinance shall be read by title at not less than two meetings of the Town Council, with at least one week intervening between each meeting, unless a member of the Town Council demands that the ordinance be read in full at one or both meetings. If such demand is made, the ordinance shall be read in full as demanded.
 - (2) At least five days before the meeting at which a proposed ordinance, the principal object of which is the raising of revenue for the Town, is to be finally adopted, the Town Council shall cause notice of the proposed ordinance to be published as a class I-0 legal advertisement in compliance with the provisions of section 59-3-1 et seq. of the Code of West Virginia, and the publication area for such publication shall be the Town. The notice shall state the subject matter and general title of such proposed ordinance, the date, time and place of the proposed final vote on adoption, and the place within the Town where such proposed ordinance may be inspected by the public. A reasonable number of copies of the proposed ordinance shall be kept at such place and be made available for public inspection. Such notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
 - (3) A proposed ordinance shall not be materially amended at the same meeting at which it is finally adopted.
- (b) The Town Council may adopt, by ordinance, building codes, housing codes, plumbing codes, sanitary codes, electrical codes, fire prevention codes, or any other technical codes dealing with general public health, safety or welfare, or a combination of the same, or a comprehensive code of ordinances, in the manner prescribed in this subsection. Before any such ordinance shall be adopted, the code shall be either printed or typewritten and shall be presented in pamphlet form to the Town Council at a regular meeting, and copies of such code shall be made available for public inspection. The ordinance adopting such code shall not set out such code in full, but shall merely identify the same. The vote on adoption of such ordinance shall be the same as on any other ordinance. After adoption of the ordinance, such code shall be certified by the mayor and shall be filed as a permanent record in the office of the recorder, who shall not be required to transcribe and record the

same in the ordinance book as other ordinances are transcribed and recorded. Consistent with the provisions of subsection (a) of this section, it shall not be necessary that any such ordinance, either as proposed or after adoption, be published in any newspaper, and it shall not be necessary that the code itself be so published, but before final adoption of any such proposed ordinance, notice of the proposed adoption of such ordinance and code shall be given by publication as provided in this section for ordinances the principal object of which is the raising of revenue for the Town, which notice shall also state where, within the Town, the code will be available for public inspection.

- (c) The Town Council may enact an ordinance without complying with the rules prescribed in this section only: (1) In the case of a pressing public emergency making procedure in accordance with the provisions of this section dangerous to the public health, safety or morals, and by affirmative vote of two thirds of the members elected to the Town Council; or (2) when otherwise provided in the Code of West Virginia. The nature of any such emergency shall be set out in full in the ordinance.

SECTION 2-207 ATTESTATION, NUMBERING AND RECORDING OF ORDINANCES

Each ordinance, upon its final passage, shall be signed by the presiding officer of the Town Council and attested by the recorder, who shall then number it consecutively and record it in the Record of Ordinances.

SECTION 2-208 ORDINANCES TO REPEAL, AMEND OR ADD TO PROVISIONS OF CODE AND RECORDS THEREOF

- (a) Each bill which proposes an ordinance to repeal, amend or add to any portion of this Code, and each bill which proposes an ordinance of a general and permanent nature suitable for inclusion in this Code though constituting new subject matter not herein contained, shall be drafted so as to specify the specific section numbers, subsections, etc., of this Code which are to be repealed or amended and, with respect to additions and to new subject matter, so as to provide appropriate Chapter, Article, section, etc., numbers therefore; and each amendment of and addition to this Code shall be set out in full, and appropriate Chapter and Article headings and section catch-lines shall be included.
- (b) Upon the adoption of an ordinance to repeal, amend or add to any portion of this Code or to include new subject matter in this Code, the recorder shall separate the several Chapters, Articles, sections, etc., of such ordinance and enter them in their proper places in each file copy of this Code and shall remove therefrom any portion so repealed or amended, and in the margin of each insertion in the file copies of this Code he shall note and initial the date of passage, effective date and number of the amending or repealing ordinance.
- (c) Items removed from the file copies of this Code pursuant to subsection (b) of this section shall be maintained by the recorder in a separate, loose-leaf volume, arranged properly according to their respective Chapters, Articles, sections, etc., and each item so removed from the file copies of this Code shall, in the margin of each such item, be noted and initialed by him to show

the effective date and the number of both the enacting and repealing or amending ordinances. The volume in which such repealed and amended items are to be included shall be known as the "Record of Repealed and Amended Portions of the Code of the Town of Pratt, West Virginia," the purpose of which is to enable Town officers and other persons interested to ascertain the status of this Code at any given time in the past.

- (d) The requirements of subsection (b) of this section are in addition to the requirements that each ordinance, upon adoption, shall be included in the Record of Ordinances.

SECTION 2-209 RESOLUTIONS AND RECORD THEREOF

- (a) Each resolution shall, before its introduction, be reduced to writing and, when adopted, shall be signed by the presiding officer and attested by the recorder, who shall then date and number it and file it in his office in a book for that purpose which shall be known as the "Record of Resolutions."
- (b) Resolutions and portions of resolutions which are repealed or amended by subsequent resolutions or ordinances shall be noted and initialed in the margin thereof by the recorder, so as to show the date and number of the repealing or amendatory ordinance or resolution, but shall not be removed from the Record of Resolutions.

SECTION 2-209 RULES

The Town Council may, by resolution, adopt such rules as may be deemed desirable for the conduct of its meetings, the transaction of its business and the official conduct of its members and may include therein reasonable penalties for the violation thereof, but no such rule shall be inconsistent with State law or this Code. Such rules may include, among other subjects, the following:

- (a) Appointment. Jurisdiction and duties of standing and special committees of the Council.
- (b) Attendance at meetings of the Council by members and by others.
- (c) Investigations and hearings, and compulsory attendance thereof if witnesses and the production of books and papers.
- (d) Parliamentary procedures.
- (e) Preservation of order at meetings.
- (f) Manner and form of petitions, applications and other papers intended for presentation to the Council and procedures relating thereto.

SECTION 2-210 MEETINGS GENERALLY

The Council shall meet in regular public session at the Council Chambers in the Municipal Building Hall at 7:15 o'clock p.m. on the second Tuesday in each month, or at any other time, which may be fixed by proper ordinance of Council. Special meetings

may be called by the Mayor or the Recorder, in the absence of the Mayor. The Town Clerk shall notify Council members by telephone at least 24 hours prior to the meeting.

SECTION 2-211 CONFERENCE SESSIONS

The rules of procedure for conference sessions of Council shall be:

- (a) Council shall meet in conference session prior to the regular meeting of council.
- (b) The Mayor may call Council together for a conference session at any time.
- (c) The conference session shall be devoted exclusively to any matters regarding which the interchange of information preliminary to public discussion is deemed to be essential.
- (d) Any matter under discussion shall be regarded as confidential.
- (e) No formal vote shall be taken on any matter under discussion, nor shall any Council member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of Council; provided, that nothing herein shall prevent a polling of Council, or the taking of an informal vote, on any matter under discussion.

SECTION 2-212 EXECUTIVE SESSIONS

The rules of procedure for executive sessions shall be:

- (a) An executive session may be convened on call of the Mayor, or by a vote of Council, but may be held only upon a majority affirmative vote of the members present of the governing body.
- (b) An executive session may be called during any regular or special meeting of Council by a majority of the members present at such meeting.
- (c) Attendance at the executive session shall be limited to the members of Council. However, council may invite such persons as may be required for advice and information.
- (d) No formal vote shall be taken on any matter under discussion, nor shall any Council member enter into a commitment with another expecting a vote to be taken subsequently in a public meeting of Council. Nothing herein shall prevent a polling of Council or the taking of an informal cote on any matter under discussion. Before the convening of an executive session during a regular, special or emergency meeting the presiding officer must identify the authorization therefore under the provisions of the West Virginia State Code.

SECTION 2-213 ORDER OF BUSINESS

The business of all regular Council meetings shall be transacted in the following order, unless Council, by a vote of at least two-thirds of the members present, shall suspend the rules and change the order.

1. Flag Salute
2. Roll call of members
3. Reading, correction and approval of minutes of the preceding meeting
4. Old Business
5. New Business
6. Other; Miscellaneous
7. Adjournment

SECTION 2-214 ROBERT'S RULES OF ORDER

The rules of parliamentary usage comprised in Robert's Rules of Order, Revised, shall govern the Council in all cases not provided for by the rules of Council and the Town Charter. In any cases not governed by the said manual or the said rules, the Town shall be governed by the practices in the House of Delegates of the State of West Virginia.

SECTION 2-215 RULES OF DEBATE

No question shall be debated until it has been propounded by the chair; and then the mover shall have the right to explain his view in preference to any other member.

When two or more members arise at the same time, the chair shall name the person to speak; but in all cases the member who shall first arise and address the chair shall speak first.

No one shall disturb or interrupt a member, who is speaking, without his permission, except to call to order, if he be transgressing in rules.

SECTION 2-216 SUMMONING OF ABSENT MEMBERS

In case a less number than a quorum shall convene at a regular or special meeting, the majority of members present are authorized to send the Sergeant-at-Arms or other person for any or all of the absent members.

SECTION 2-217 SERGEANT-AT-ARMS

The chief of police shall attend all meetings of the Council in the capacity of sergeant-at-arms; he shall, under directions of the presiding officer, aid in the enforcement of good order and decorum, together with all such process as shall issue under authority of Council.

SECTION 2-218 COMMITTEES

The Mayor may appoint any committee he deems advisable, and said committee shall have at least three members.

SECTION 2-219 RECORDS

All records of the Council shall be authenticated by the signature of the Mayor, and attested by the signature of the Recorder.

CHAPTER 3 – TOWN OFFICERS

SECTION 2-301 OATH OF OFFICE

Every person elected or appointed to an officer in the Town of Pratt shall, within twenty (20) days after his election or appointment and before he shall enter upon the duties of his office, take and subscribe to the oath of office prescribed for district officers, which may be done before any person authorized by law to administer oaths or before the mayor or recorder of the Town. The oath, together with the certificate of the officer administering the same, shall be filed, recorded and preserved in the offices of the recorder of the Town and a certified copy of such oath and certificate shall be filed and recorded in the offices of the Clerk of the County Court.

SECTION 2-302 TERMS

The terms of all Town officers shall commence on the first day of July following their election and shall before two (2) years.

All Town officers, whether elected or appointed, shall hold their offices until their successors are elected or appointed and qualified according to law, unless sooner removed from office according to law.

SECTION 2-303 VACANCIES GENERALLY

Unless otherwise provided by ordinance, when a vacancy shall occur from any cause in any Town elective office, the vacancy, until the next succeeding regular Town election and until the qualification of an elected successor shall be filled on appointment by the Mayor subject to approval by the Council.

SECTION 2-304 COUNCIL TO DETERMINE NUMBER, METHOD OF SELECTION, QUALIFICATIONS, ETC., OF CERTAIN OFFICERS OR POSITIONS

Subject to the provisions of State law, the Town council may by ordinance determine and prescribe the offices or positions which are to be filled by election, appointment or employment, the number, method of selection, tenure, qualifications, residency requirements, powers and duties of Town officers and employees and the method of filling any vacancies which may occur.

SECTION 2-305 MULTIPLE OFFICE HOLDING

The Town Council, and the mayor with the approval of the Town Council, may designate one person to hold two or more Town offices concurrently, provided that no elective officer shall hold concurrently any other office when to do so is prohibited by State or Federal law.

SECTION 2-306 MAYOR

The Mayor shall be the chief executive officer of the Town, shall have the powers and authority granted in this section and shall see that the ordinances, orders, bylaws, acts, resolutions, rules and regulations of the Town Council are faithfully executed. He shall have jurisdiction to hear and determine alleged violations thereof and to convict and sentence persons therefore. Upon complaints, he shall have authority to issue a search warrant in connection with the violation of any provision of this Code. Any search warrant, warrant of arrest or other process issued by him may be directed to the chief of police or any member of the police department force of the Town, and the same may be executed at any place within the country. He shall have control of the police of the Town and may appoint special police officers whenever he deems it necessary, except when otherwise provided by law, and it shall be his duty especially to see that the peace and good order of the Town are preserved and that persons and property therein are protected; and to this end he may cause the arrest and detention of all riotous and disorderly individuals in the Town before issuing his warrant therefore. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment, he may commit the party in default to the jail of the county, until the fine or penalty and costs shall be paid, but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the Town Council such measures, as he may deem needful for the welfare of the Town. The expense of maintaining any individual committed to a county jail by him, except to answer an indictment, shall be paid by the Town and taxed as part of the costs of the proceeding.

SECTION 2-307 RECORDER

- (a) It shall be the duty of the recorder to keep the journal of the proceedings of the Town Council, and he shall have charge of and preserve the records of the Council.
- (b) Whenever the mayor is unable because of illness or absence from the Town 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 of his power and authority.
- (c) The recorder shall perform the duties of the Town treasurer listed below.
- (d) The recorder shall be custodian of all Town records, books, documents, correspondence and other instruments and papers for which the custody is not otherwise provided, and he shall certify to all true copies thereof for persons entitled thereto by law and shall charge therefore such fees as may be prescribed by resolution or order of the Town Council. The recorder shall issue all Town licenses and permits, except as may be provided otherwise; and he shall have such other powers and perform such other duties as may be provided for the office of recorder by state law, this Code or other ordinance, resolution or order of the Town Council.

SECTION 2-308 TREASURER

- (a) Except as may be otherwise provided in this Code or by state law, the treasurer shall collect all taxes, fines, special assessments, and other money due the Town and shall receive from all town officers and employees money paid to them for the Town and all money so collected or received by him shall be deposited promptly in the depositories designated for such purpose by the Town Council. He shall not pay out any money of the Town except as it shall have been apportioned and ordered by the Town Council to be paid, and he shall sign all checks, drafts and warrants against the Town treasury or any depository of the Town. The treasurer shall have such other powers and perform such other duties as may be prescribed for such office by state law, this Code or other ordinance, resolution or order of the Town Council.
- (b) The treasurer shall keep complete and accurate fiscal accounts and records as required by law and in the manner prescribed by the state tax commissioner and other state officers having authority to prescribe therefore, and in accordance with directives from the Council; and he shall render such reports as may be required of him by law, this Code or other ordinance, resolution or order of the Town Council.
- (c) The treasurer shall have power to collect all debts owing to the Town by appropriate civil action in any court of competent jurisdiction.

SECTION 2-309 TOWN ATTORNEY

The Town attorney shall be the legal advisor and counselor of the Town Council and all other officers of the Town. He shall represent the Town in all courts in all proceedings in which the Town, or any Town officer or employee in his official capacity, is a party, and he shall perform such duties incidental to his office as may be required of him by the Town Council. The Town attorney shall receive such regular compensation, and such fees for special services, as may be agreed upon by the Council and the attorney.

The Town may designate a firm of attorneys to perform the duties of the Town attorney, in which case the firm so designated shall have all the responsibilities of the Town attorney's office as would be required of an individual attorney appointed to such position.

CHAPTER 4 – GENERAL FUND

SECTION 2-401 GENERAL AND SPECIAL FUNDS

There is hereby established a “General Fund” into which account all funds received by the Town of Pratt shall be deposited unless those funds are required to be deposited to a “Special fund” by the City Ordinance, State or Federal statutes or regulations.

All expenses of the Town of Pratt shall be paid from the General fund unless it is an expense designated to be paid from a “Special Fund.”

The Council shall have specific authority to transfer unexpanded balances from Special Funds to the General Fund subject to the requirements and limitations imposed by Chapter 8, Article 13, Section 19, of the Code of West Virginia, as amended, and statutes and regulations of State and Federal Governmental bodies.

The Recorder of the Town of Pratt is hereby directed to establish those “Special Funds” which are now required by State or Federal statutes or regulations.

All other ordinances that do not comply with this ordinance are hereby repealed.