

## CHAPTER TWO

### MUNICIPAL ADMINISTRATION; ELECTIONS

#### Article 1 – Municipal Administration

2.1.1 Elective Officers; Designation – The Elective officers of The Town of Glasgow shall be the Mayor, the Recorder, and five Councilmen, who together shall form the governing body of the Town.

2.1.2 Officers; Qualifications – The Mayor, Recorder, and Councilmen must be resident of the Town, must be qualified voters entitled to vote for members of its governing body, and for the year preceding their election must have been assessed with and paid real or personal property taxes to the Town upon at least One Hundred Dollars' worth of property therein; Provided, that for two years after the date of his discharge, the eligibility of any honorably discharged veteran of the armed forces of the United States for any such offices in any town shall not be affected or impaired by reason of his not having been assessed with or paid such taxes.

2.1.3 Oaths of Officers – Every person elected or appointed to a municipal office in the Town shall, within 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 office of the Recorder of the Town, and a certified copy of such oath

and certificate shall be filed and recorded in the Office of the Clerk of the County Commission of Kanawha County.

2.1.4 Terms of Office – The terms of all elective officers shall commence on the 1<sup>st</sup> day of July next following their election to office and shall continue for 4 years. All elected and appointed officers shall hold their respective offices until their successors shall have been elected or appointed and qualified according to law, unless sooner removed from office according to law.

2.1.5 Filling Vacancies in Office – When a vacancy shall occur from any cause in any elective office in the Town, until the next succeeding regular municipal election and until the qualification of an elected successor, shall be filled by appointment by the governing body from among the residents of the Town eligible under this Chapter.

2.1.6 Powers and Duties of Mayor – The Mayor shall be the chief executive officer of the Town, shall have the powers and authority granted under Section 1, Article 10, Chapter 8 of the Code of West Virginia of 1931, as amended, and by the provisions of this Code and the other ordinances of the Town, specific reference, without limitation, being made to Sections 18.1, 18.2, 18.3, and 18.4 of Chapter 18 of this Code. He shall see that the ordinances, orders, acts, resolutions, and rules and regulations of the Council are faithfully executed.

2.1.7 Powers and Duties of the Recorder – It shall be the duty of the Recorder of the Town to keep the journal of the proceedings of the Council, and he shall have charge of and preserve the records of the Town. Whenever the Mayor is unavailable 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 his power and authority.

2.1.8 Fire Chief – Appointment; Authority – The Mayor , with the consent of the Council, shall, on the 1<sup>st</sup> day of July of each year and at such other times as shall be necessary, appoint a Fire Chief for the Town of Glasgow. The Fire Chief shall have charge of all of the Town’s fire equipment, and shall, from time to time, report to the Council the condition of such equipment. The Fire Chief will have the power to appoint an assistant Fire Chief who shall work under the supervision of, and shall receive orders from, the Fire Chief. The Fire Chief, and his/her assistant may from time to time, train by instruction any person over the age of 18 years. As volunteer firemen for the Town, either the Fire Chief or his/her assistant may, at any time for good cause, be removed from his/her office by the Mayor with the approval of Council.

2.1.9 Governing Rules of Council – The governing body of the Town shall be known as the “Council”, and shall be governed by the rules prescribed in subsections (a) through (k) following:

(a) The Council shall hold its regular meetings in the Council Chamber of the Town, on the 3<sup>rd</sup> Monday of each month, at 7:00 p.m., or at such other time as the Council may designate.

(b) All meetings of the Council shall be presided over by the Mayor, or in his absence, by the Recorder. In the absence of both Mayor and Recorder, the meeting shall be presided over by a councilman elected by a majority of all Councilmen present.

(c) The voting of the Council shall be by voice vote. Upon request of any member or at the discretion of the presiding officer, the ayes and nays shall be taken on any question and the vote so taken entered upon the journal.

(d) All members of the Council, including the Mayor and Recorder, may vote on any question.

(e) Except where otherwise provided by statutes, all questions shall be carried by a majority vote of all votes cast.

(f) The presiding officer shall have power to preserve order and decorum at all deliberations of the Council. If any member of the Council, or other person behave in an unseemly or insulting manner at any meeting of the Council or disturb the same, he/she may forthwith be corrected and held to answer a complaint in the Mayor's court therefore, and upon conviction may be fined not less than one nor more than fifty dollars.

(g) Every member entitled to vote shall do so unless excused by the Council; but no member may vote upon any question in which he may be interested otherwise than as a citizen of the Town.

(h) The order of business at regular Council meetings shall be as set out in subparagraphs (1) through (11) following:

- (1) Meeting called to order
- (2) Prayer
- (3) Roll call
- (4) Reading of minutes
- (5) Committee reports

- (6) Unfinished business
- (7) New business
- (8) Ordinances
- (9) Petitions
- (10) Payment of bills
- (11) Adjournment

(i) Special meetings of Council shall conform to the requirements of subparagraphs (i [1]), (i [2]), (i [3]), and (i [4]) following:

(i [1]) A special meeting of the Council may be called by the Mayor, Recorder, or a majority of members of Council.

(i [2]) A written notice of any special meeting of Council, signed by the officer calling the same, and showing the time, place, and purpose of the meeting, shall be delivered to the home of each Council member at least 24 hours prior to the meeting. Such notice may be waived by written waiver of notice showing the time, place, and purpose of the meeting, and signed by the Mayor, the Recorder, and all members of Council.

(i [3]) At least 24 hours prior to any special meeting of the Council, notice, reflecting the time, place, and purpose of the meeting, shall be made available to the public and news media. Without precluding the use of other proper means of notice, the notification required in the next preceding sentence may be made by posting, and leaving posted, a written copy of such notice at a conspicuous location in the municipal building and on the bulletin board in the U.S. Post Office in Glasgow.

(i [4]) Only such items of business may be transacted at a special meeting as are specified in the notice of the meeting.

(j) In the event of the existence of an emergency requiring immediate official action, an emergency meeting of the Council may be held upon such notice from the Mayor or Recorder, written or verbal, as shall be reasonable under the circumstances. In such case, the requirements of Subsection (i) of this section (Section 2.1.9) and Subparagraphs (i [1]), (i [2]), (i [3]), and (i [4]) thereof may be disregarded. At any emergency meeting, only such items of business as shall be necessitated by the emergency may be transacted.

(k) During any regular, special, or emergency session of the Council, an executive session (from which any persons other than the Mayor, Recorder, members of Council, and such other persons as may be expressly invited by the Council to attend, may be excluded) may be held upon compliance with the following requirements: (1) The executive session must be approved by a majority vote of the members of the Council present; (2) the executive session may be held only for one or more of the purposes specified in Section 4, Article 9A, Chapter 6 of the Code of West Virginia of 1931, as amended; (3) the Mayor or other presiding officer at the Council meeting must, prior to obtaining Council authorization for the executive session, identify to the Council and to any members of the general public present at the meeting the legal authorization for holding such executive session—that is, he must specify the purpose or purposes mentioned under (2) last above for which the session is to be conducted; (4) only such items of business may be transacted at the executive session as shall have been specified in the identification made by the presiding officer as

provided in (2) of this subsection; and (5) no decision shall be made at the executive session.

2.1.10 Municipal Court; Judge Thereof; Appointment of Judge; Jurisdiction

(a) There is hereby created a municipal court for the Town of Glasgow, West Virginia, to be known as Glasgow Municipal Court.

(b) The Glasgow Municipal Court shall be presided over by a judge to be known as the Municipal Court Judge. The judge shall be appointed by the majority vote of the Council at its first regular meeting after the first day of July of 1999 and every four years thereafter and at such times as shall be necessary. The judge shall serve at the will and pleasure of the Council and may be removed by the Council by majority vote at any time.

(c) The Municipal Court Judge is hereby vested with the power, authority, and jurisdiction to hear and determine any and all alleged violations of the ordinances, orders, acts, resolutions, rules, and regulations which shall have been enacted or adopted by the Council, and to convict and sentence persons found by him to be guilty of any such violation.

(d) The provisions of this ordinance shall become effective from the date of its enactment, and shall thenceforth supersede the provisions of an ordinance adopted by the Council.

2.1.11 Salaries of the Mayor, Recorder, Treasurer, and Members of Council.

(a) **SALARIES GENERALLY**

All salaries prescribed under Subsection (a) of this Section shall, after the effective date of the Section, be paid at such times as the Council shall, from time to time, direct.

(c) **EFFECTIVE DATE**

The effective date of this amendment shall be the first day of July, 2003.

(d) **REPEAL OF INCONSISTENT ORDINANCES**

All ordinances and portions of ordinances of the Town of Glasgow, which are inconsistent with the provisions of this Section (Section 2.1.11) are hereby repealed, and without limiting the generality of the foregoing.

Article II – Elections; Voter Registration; Poll Workers Rate of Pay

Findings of Fact

The Council of the Town of Glasgow, West Virginia, after thorough consideration of all factors relevant thereto, does hereby make the following findings of fact:

- (a) The Election procedure for the Town of Glasgow elective offices had provided for and required a primary and general election.
- (b) The elimination for the primary election is a cost saving matter.
- (c) All candidates for an elected office will have to run in a single general election, therefore providing each candidate with a fair and just opportunity to be elected.
- (d) The election procedure is intended hereby to be altered so as to accomplish an election by a single general election in which all persons running for office shall be so elected by a single vote, with the specific intention of eliminating the primary election process.

2.2.1 Qualifications of Voters – Only persons who are bona fide residents of the Town and are registered to vote as provided by law shall be entitled to vote in any municipal election.

2.2.2 Provisions of Permanent Registration Law of State Made Applicable  
The provisions of the “Permanent Registration Law” and of the election laws of the State, as the same appear in Chapter 3 of the Code of West Virginia of 1931, as amended, so far as applicable to municipalities, are hereby adopted to govern all elections in the Town.

2.2.3 Registration Records – The municipal registration records for the Kanawha County precinct which are within the Town, as they are kept and maintained by the County Commission of Kanawha County, shall be the official registration of voters for any municipal election, and only those persons so registered shall be eligible to vote.

2.2.4 Years in Which Election is to be Held – A General municipal election shall be held every four years, commencing in the year 1995 and continuing every fourth year thereafter.

2.2.5 Filing by Candidates – Each candidate for the office of Mayor, Recorder, and Member of Town Council shall file his or her certificate of candidacy not earlier than the second Monday in January in the year in which an election is held and not later than the first Saturday in February in that same year and must be received before midnight, eastern standard time, of that day or, if mailed, shall be postmarked by the United States Postal Service before that hour. Such filing shall be made on a form provided by the Town which shall, so far as applicable, conform substantially to

requirements of Section 7, Article 5, Chapter 3 of the Code of West Virginia of 1931, as amended. The Certificate of Candidacy shall be filed with the recorder or the City Clerk.

2.2.6 Date of General Election – Each general election shall be held on the second Tuesday of June in each election year.

2.2.7 Poll Workers Rate of Pay – Now, therefore, be it ordained by the Common Council of the Town of Glasgow that election officials for the Town of Glasgow working the municipal elections will be paid the following amounts:

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| (a) Training     | \$ 35.00  |
| (b) Election Day | \$ 125.00 |

It is further ordained that alternates are compensated for election training if appointed as an election official. If an alternate is instructed to attend a training session and complies, and is available to serve at the polls on Election Day, the alternate shall receive election training pay. Alternates who refuse to serve shall not receive election training pay.

#### Article IV – Contracts; Purchases; Competitive Bidding

2.4.1 When Competitive Bidding Required – Whenever the Town makes or enters into a contract or purchase order providing for the performance of construction or other work for the Town, or the purchase of equipment, materials or supplies for the Town, or any combination thereof, and the aggregate amount of such contract or purchase order equals or exceeds the sum of \$ 10,000.00, such contract or purchase order shall be made or entered into only after competitive bidding for the same conducted in accordance with the provisions of this Article.

2.4.2 Publication of Notice to Bidders – When competitive bidding is required, a notice requesting bids shall be published once a week for two consecutive weeks in a newspaper of general circulation published in the City of Charleston, West Virginia, and the first publication shall be made at least 10 days prior to the date set for opening of bids.

2.4.3 Other Notices – In addition to the notice required by the provisions of Section 2.4.2 aforesaid, notices may be published in other newspapers or other publications and may be distributed by United States Mail or otherwise.

2.4.4 Contents of Notice – Any notice given under the provisions of Section 2.4.2 or Section 2.4.3 above shall state: (i) the nature of the work or other items to be purchased; (ii) the place where plans, specifications, or other pertinent descriptive materials relative to the work to be performed or other items to be purchased can be examined and bid forms can be obtained; (iii) the amount of cash or bond to be deposited with the Town as hereinafter required; (iv) the time up to which the bids may be received and the hour and place of opening the bids; and (v) the right of the Town Council to reject any and all bids.

2.4.5 Submission of Bids – Each bid made in accordance with this Article shall be submitted on a blank form to be furnished by the Town, and shall be placed in a sealed envelope, addressed to the Town or to its Mayor or Recorder, and endorsed “Proposals for \_\_\_\_\_”.

Each bid shall be signed by the bidder or, if from a firm or corporation, by its appropriate officer, and shall be accompanied by the appropriate cash or bond deposit. The bid shall not be opened before the time fixed for that purpose in the notice.

2.4.6 Deposits by Bidders – Each bid shall be accompanied by a deposit, either in cash or bond signed by the bidder and with good corporate surety, in an amount not less than 5% of the estimated cost of the contract or purchase order, as such estimate shall have been made by the Town. The deposit so made shall be conditioned that the successful bidder shall enter into written contract to perform the work or provide the equipment, materials, or supplies in accordance with the bid so filed. The deposit made by each unsuccessful bidder shall be returned to such bidder.

2.4.7 When Deposit Forfeited – If any bidder whose bid shall have been accepted shall fail to enter into a proper contract within the time specified by the Council, his deposit shall be forfeited to the Town, and the Town may thereupon advertise for new bids. If the deposit has been made by bond, both the defaulting principal and the surety on the bond shall be liable to the Town for the full amount of the bond penalty.

2.4.8 Return of Deposit of Successful Bidder – Whenever the successful bidder shall have entered into the appropriate contract called for by his bid and such contract shall have been approved by the Town Council, the deposit submitted by such bidder shall forthwith be return to him.

2.4.9 Opening of Bids – No bid shall be opened and read before the time indicated in the Notice to Bidders. At the time and place fixed in the Notice for the opening of bids, all bids submitted in accordance with this Article shall be opened by the Mayor or Recorder, which opening shall occur at a regular or special meeting of the Town Council. The time for the opening of bids may, for lack of a quorum of the Council or for other cause deemed by the Town to be proper, be adjourned from time to time.

2.4.10 Rejection of Bids – If, in any bid, blanks are not properly filled up so as to make the bid complete and unambiguous, or if a bid has any substantial alteration or erasure upon it, or if it be not properly signed, or if the required deposit shall not accompany the bid, then in any such event, the bid shall be rejected.

2.4.11 Acceptance of Bids – If, upon opening the bids, the Town Council determines that an acceptable bid has been submitted, the Council shall, by appropriate resolution, accept the same. The council, however, has plenary authority to reject any or all bids submitted to it.

2.4.12 Exceptions – The provisions of this Article shall not apply, and there shall be exempt from the requirements of this Article, (i) any contract financed in whole or in part with federal funds with respect to which the requirements of federal law or of the federal agency concerned differ from the requirements of this Article, in which case, the appropriate federal requirements shall be adhered to; (ii) the purchase or employment of professional services by the Town; and (iii) contracts for the

employment of regularly employed personnel by the Town or any of its agencies or subdivisions.