CITY OF OAK HILL
PUBLIC MEETING
MARCH 6, 2023, 5:30P.M.

Call to Order

Roll Call

Invocation

Pledge of Allegiance

Purpose of meeting

Council's Recommendation to Amend the following Sections of the City of Oak Hill's Charter.

SECTION 6. The Council and Mayor; Qualifications; Terms and Salaries; Vacancies; Power of Removal of Officers

RECOMMENDED CHANGES:

Item # 2. All members of Council and the Mayor must be citizens of the United States, qualified voters, and bona fide residents of the City and over the age of 18 years. All members of Council representing a ward must be bona fide residents of the ward which they represent. The required residency must be maintained throughout the term of office. No member of Council or the Mayor shall hold during their term of office any other public office or position~~, including membership on any political executive committee~~.

Item # 7. ~~The Council shall have and is hereby granted the power and authority to remove from office any officer, whether elected or appointive, for cause or upon written charges preferred by any responsible citizen of the city to the Council; but to remove from office under this provision at least six members of the Council must be present and at least five shall concur in such removal, and the officer against whom the charges are preferred shall be served with notice of the same, together with the notice of the time of hearing, a reasonable time prior thereto, and shall likewise receive a copy of the charges preferred showing the nature thereof; he shall have the right to be represented before the Council in person and by attorney and may require that all witnesses be sworn and testify under oath before the Council and to have the testimony taken down. In the event of proceedings hereunder against any elective officer of the City no special election as to the question of the recall of such officer shall thereafter be held during the same term of office of that officer and in the event of such special election being held as to any election officer no proceedings shall be had hereunder during the same time of office of that officer as to him, the remedies provided herein and by the recall provision of this charter being mutually exclusive and not cumulative.~~ "See W.Va. Code for authority to remove Council members from office".

SECTION 7. Qualification of Voters; Registration

RECOMMENDED CHANGES:

Item # 1. Every person who shall have resided within the territory of the City for ~~thirty~~ twenty-one days next preceding an election held therein, and who is a qualified voter under the laws and Constitution of this State, and none others, shall be entitled to vote at any election held within the City.

SECTION 9. Meetings of the Council; Rules of Procedure; Journal

RECOMMENDED CHANGES:

Item # 1. Regular meetings of the Council shall be held on the second Monday of each month, at such hour as the Council may by rule prescribe. Council may also change the day of the meeting if circumstances make it necessary to do so. Special meetings may be held at any time upon the call of the mayor or any four councilmen and upon such notice as the Council may by rule prescribe. A majority of the full membership of the Council shall constitute a quorum for the doing of business but a lesser number may adjourn the meeting from time to time. All meetings of the Council shall be open to the public and any citizen of the City shall have the right to be heard by the Council at such times and under such reasonable rules as the Council may by rule prescribe.

SECTION 10. Powers of the Council; Appointment and Salary of the City Manager; Qualifications; Removal; Appointment of Chief and Members of Police Department

RECOMMENDED CHANGES:

Item # 2. The Council shall appoint a City Manager to serve for such period of time as it and the Manager may by contract agree, but such contract shall not, in any event, be for a longer period of time and the length of the term then remaining of the Council so appointing the Manager. Such contract shall expressly provide that it is subject to all provisions of this Charter. The Council shall fix the salary of the Manager in such contract. The Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications, with special reference to his experience and training in the field of city management. ~~During his tenure of office~~ The City Manager shall reside within the City during his/her tenure. No councilman or Mayor; during ~~his~~ their term of office and for one year thereafter, shall be eligible for appointment as City Manager.

SECTION 10(a) Powers and Duties of the Mayor

RECOMMENDED CHANGES:

Item # 2. ~~In the absence of the Mayor,~~ the Council, by majority vote, shall select one of its members to serve as Vice Mayor and preside at meetings of Council and otherwise perform the Mayor's duties during the Mayor's ~~such~~ absence. This selection shall take place at the first meeting of a newly seated Council.

SECTION 11 Council Not To Interfere In Appointments Or Removals
RECOMMENDED CHANGES:

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates; nor, except upon the express request of the City Manager, shall the Council or any of its members suggest or advise any such appointment or removal, but nothing herein contained shall in any manner affect or abrogate the right of the Council, as a body, to require the Manager to conform to its lawful orders and to be strictly responsible for the proper conduct and administration of his duties. The City Manager will advertise all vacancies for a period of time that he/she deems appropriate for the position being advertised.
Interviews for the vacant position will be conducted by the City Manager and the head of the department in which the vacancy occurs. The City Manager will make a recommendation for hiring to Council and Council may approve or disapprove the recommendation. If the recommendation for the position is not approved by Council, the hiring process herein outlined will start over. The City Manager may terminate the employment of any employee working for the City of Oak Hill except those appointed by Council. Either the employee being terminated or the City Manager, within seven (7) days may request a hearing before Council for a final determination of the employee's employment status.

SECTION 12 Powers and Duties Of The City Manager
RECOMMENDED CHANGES:

1. The City Manager shall be the chief executive officer and the head of the administration branch of the City government. He/She shall be responsible to the Council for the proper and efficient administration of all affairs of the City and to that end, subject to the provisions of this Charter, shall have power and shall be required to:

   a. Appoint, and when deemed necessary or advisable, remove, all officers and employees of the City except as otherwise provided by this Charter ~~and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;~~

   b. Prepare the annual budget and submit it to the Council and be responsible for its administration after adoption by the Council;

   c. Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

   d. Keep the Council advised concerning the financial condition and future needs of the City and make such recommendations as to ~~him may seem desirable~~ Council;

   e. Perform such other duties as may be required of him/her by this Charter, by general law, or by order of the Council.

2. The Manager may by letter filed with the City Clerk designate some qualified administrative officer of the City to perform the duties of the Manager during his temporary absence or disability. If the Manager fails to make such designation, the Council may by resolution appoint an officer of the City to act for the Manager during his absence or disability.

SECTION 14 Treasurer
RECOMMENDED CHANGES:

The ~~Council~~ City Manager shall appoint a City Treasurer (as per Section 11 of this Charter) to serve at ~~its~~ his/her will and pleasure and shall fix his/her salary. The Treasurer shall be responsible for the custody of all City funds and for their disbursement on such order or requisition as the Council may prescribe. He/she shall, under the supervision of the City Manager, be charged, except as may be otherwise provided by law, with the collection of taxes, special assessments and other revenues. It shall be the duty of the Treasurer to see that the accounts of the City are kept in a detailed and systematic manner, under the proper classification so as to show the bonded and other indebtedness of the City, and the amounts and claims due the City, as well from taxes, levies and assessments as from other sources. The City Treasurer shall, under the direction of the Manager, assist in the preparation of the levy estimate for each year and shall submit the same to the Council in accordance with its direction.

SECTION 16 Administrative Offices and Departments
RECOMMENDED CHANGES:

1. There shall be in the City government a Police Department, a Fire Department, a Street Department and such other administrative departments as may by ordinance be created by the Council. Each department shall have such powers and duties as may be assigned to it by the Council. The City Manager shall appoint, subject to the confirmation thereof by the Council, as the head of each department except the Police Department, a chief or director, who shall be responsible for the efficient administration of the department and subject to the supervision and direction of the Manager. Two or more departments may be headed by the same individual and the Manager may, with the approval of the Council, be the head of one or more departments.

~~2. The Council may by ordinance create, combine, change or abolish offices, departments or agencies, other than those established by.this Charter. The Council may assign additional duties or functions to any office, department or agency created by this Charter but may not discontinue or transfer any function or duty assigned by the Charter to any particular office, department or agency.~~

SECTION 19 Ordinances
RECOMMENDED CHANGES:

~~1. In addition to such acts of the Council as are required by this Charter or by general law to be by ordinance, every act of the Council establishing a fine or other penalty or providing for the contracting of indebtedness, shall be by ordinance. All ordinances hereafter enacted shall be enacted in accordance with the provisions of this Charter, the general laws of this State and particularly with the provisions of Chapter Eight-A of the West Virginia Code of 1943, as amended.,~~

~~2. The enacting clause of all ordinances shall be: "Be it enacted and ordained by the Council of the City of Oak Hill."~~

The City of Oak Hill will enact ordinances in accordance with § 8-11-4 of West Virginia State Code

SECTION 20 Effect of Charter on Existing Ordinances And Administrative Rules And Regulations

RECOMMENDED CHANGES:

All existing ordinances and all existing administrative rules, regulations and practices, if not inconsistent or in conflict with this Charter, shall continue in full force and effect until repealed or modified by the Council or other competent authority of the City. ~~and, without limiting the generality of the foregoing, the ordinance relating to zoning of the City for business, building and other purposes as adopted on the 7th day of January, 1946, shall remain in full force and effect in all respects.~~ All ordinances, rules, regulations and practices ~~as~~ that are inconsistent or in conflict with this Charter shall, unless sooner repealed or modified, continue in full force and effect for a period of sixty days only, and at the end of that period shall to the extent of such inconsistency or conflict be of no further force or effect.

SECTION 22 Preparation, Submission And Adoption Of Budget

RECOMMENDED CHANGES:

1. The City Manager shall prepare a budget in accordance with West Virginia State Code and present to Council for adoption by the date established by West Virginia Auditors Office. ~~in accordance with the provisions of this Charter and under such rules and regulations as the Council may prescribe, at least thirty days prior to the beginning of each budget year, submit to the Council a proposed budget and budget explanatory message in the form as desired by the Council. A public hearing on the question of the adoption of the proposed budget shall be held by the Council not later than fifteen days prior to the beginning of the budget year and the budget shall be adopted by the favorable vote of at least a majority of all the members of the Council.~~

~~The budget shall be adopted not later than the twenty-seventh day of the last month of the fiscal year prior to the beginning of the new budget year. Should the Council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been adopted by the Council and shall be in effect for the budget year, but the budget, as adopted, shall be subject to such revision by the Council as may be appropriate for the laying of the levy for the ensuing year.~~

SECTION 30 Preservation Of Prior Taxing Powers

RECOMMENDED CHANGES:

~~The City shall have all the powers of taxation, other than property taxes, which are contained and were granted to its predecessor municipal corporation, and which are not in conflict with general law, as were contained in the Charter of such prior corporation as contained and enacted in House Bill Number 71, Chapter 16 of the Acts of the Legislature of West Virginia, one thousand nine hundred twenty-five.~~

The City shall have all the powers of taxation as prescribed by § 8-13-11 of West Virginia State Code.

Adjournment