

Rec., Mar. 11, 1933

By ~~minutes~~, Mar. 17

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ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 541

(By Mr. Thomas)

Passed March 9, 1933

In Effect from Passage

Originated in the.....*House*.....Takes effect.....*from*.....Passage
John S. Hall.....*John S. Hall*.....
 Clerk.....Clerk of the House of Delegates.

CORRECTLY ENROLLED

.....*James L. Smith*.....*Dwight D. Hays*.....
 Chairman House Committee.....Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 541)

[Passed March 9, 1933; in effect from passage.]

AN ACT to amend and reenact section four, chapter seven, acts of the legislature of West Virginia, one thousand nine hundred twenty-one; and section thirty-five, chapter seven, acts of the legislature, one thousand nine hundred twenty-one, as amended and reenacted by chapter thirteen, acts of the legislature, one thousand nine hundred twenty-nine, known as the "Charter of the City of Dunbar," all relating to and becoming part of the charter of the city of Dunbar, and its elective officers and fixing their salaries and duties.

Be it enacted by the Legislature of West Virginia:

That section four, chapter seven, acts of the legislature, one thousand nine hundred twenty-one; and section thirty-five, chapter seven, acts of the legislature, one thousand nine hundred twenty-one, as amended and reenacted by chapter thirteen, acts of the

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James L. Smith
Thomas D. Rogers

Chairman House Committee.

Chairman Senate Committee.

legislature, one thousand nine hundred twenty-nine, known as the
"Charter of the City of Dunbar," all relating to and becoming
part of the charter of the city of Dunbar, and its elective officers
and fixing their salaries and duties, be amended and reenacted to
read as follows:

Section 4. The municipal authorities of the city of Dunbar
2 shall consist of a mayor; a city clerk, who shall also be city
3 treasurer; and six councilmen, who shall be elected by the
4 qualified voters of such city, and such officers shall, for the as-
5 sessment year preceeding their respective elections as hereinafter
6 provided, have been assessed with and paid taxes in the city
7 of Dunbar upon a valuation of at least five hundred dollars'
8 worth of real estate or personal property therein, and any
9 person elected to any one of such offices who has not been as-
10 sessed with and paid taxes on such amount of property shall not
11 qualify or enter upon the performance of the duties thereof,
12 but such office shall thereby become vacant and shall be filled by
13 a qualified person, as provided herein for other vacancies.

14 In addition to the municipal authorities mentioned in this
15 section above, the city may have a police judge, manager, city
16 auditor, health commissioner, building inspector, lockup keeper,

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James L. Smith
Chairman House Committee.
James D. Hyatt
Chairman Senate Committee.

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17 humane officer or officers, and such number of policemen as
18 council by ordinance or resolution may direct.

19 The officers named in this section, other than the mayor,
20 clerk, and councilmen, may be appointed by the mayor, with
21 the consent of council, but none of such officers shall be ap-
22 pointed until council shall, by majority of the full member-
23 ship thereof, authorize the filling of such office. All of the
24 officers named in this and the preceding section shall be paid
25 proper salaries, which shall be fixed by the council, except as
26 herein otherwise provided, and such salaries shall be within the
27 limits provided for by this act.

Sec. 35. Only citizens possessing the qualifications herein-
2 before prescribed for councilmen shall be eligible to be elected
3 to the office of mayor or city clerk, and the mayor and city clerk,
4 respectively, when elected, shall continue to be residents of the
5 city of Dunbar during their entire term of office.

6 The mayor's salary shall be two hundred fifty dollars per
7 annum, except as hereinafter provided.

8 The mayor may appoint the police judge, city solicitor, the
9 chief of police and all policemen, humane officer or officers,
10 building inspector, engineer, health commissioner, lockup

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James D. Hyman

Chairman Senate Committee.

James L. Smith

Chairman House Committee.

11 keeper, and the chief of the fire department; and these appoint-
12 ments shall require confirmation by the council. The mayor
13 shall have the full and complete power of the removal thereof
14 subject to appeal to the council. The mayor may appoint the
15 manager by and with the advice and consent of the council.

16 The mayor shall appoint or employ such persons as the ordi-
17 nances of the city shall require or the council may authorize by
18 proper resolution. All such officers shall be appointed for a
19 term of two years and until their successors are appointed and
20 qualified, unless they are removed in the way and manner in
21 this act provided.

22 It shall be the duty of the mayor to attend all meetings of
23 the council and preside over that body.

24 It shall be the duty of the mayor to see that all of the laws
25 and ordinances of the city are enforced and he shall have a
26 general oversight of the peace, health and good order of the
27 city. He shall discharge the functions assigned by this act to
28 the police judge and city manager until these officers are ap-
29 pointed, for which services in discharging the functions of
30 either police judge or city manager, or of both of them, he
31 shall be compensated in addition to the salary hereinbefore

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James A. Rogers

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32 provided in such sum as shall be fixed by council, not to exceed
33 the sum of two hundred fifty dollars per annum.

34 The duties of the city solicitor shall be to attend the sessions
35 of the council, and to prosecute all suits in behalf of the city,
36 and to defend all suits against the city, to advise the council
37 and all of the departments of the city, and in general to look
38 after the interests of the city when it shall need legal advice,
39 for which he shall receive a salary to be fixed by council.

40 All fees of every kind collected by an officer or employee, in-
41 cluding the police judge, when acting as a justice, shall be paid
42 to the city clerk.

43 The duties of the city clerk, in addition to those provided by
44 this act, shall be to perform all the duties now required of the
45 city treasurer and city collector and these offices are hereby
46 abolished. He shall maintain an office in the business section of
47 the city, open at all reasonable business hours, with some com-
48 petent person in charge. His salary shall be twelve hundred
49 dollars per annum.

50 The mayor and city clerk shall be elected each for a term of
51 two years or until their successors shall have been elected and
52 qualified, and the councilmen shall be elected in the manner and

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James A. Hyatt

James L. Smith

Chairman Senate Committee.

Chairman House Committee.

53 method, and for the terms as provided in chapter thirteen, acts
54 of the legislature of West Virginia (municipal charters), regu-
55 lar session one thousand nine hundred twenty-nine, all to serve
56 until their successors shall have been elected and qualified.

57 *Provided, however,* That before this act fixing the salaries of
58 the mayor and city clerk shall take effect it shall be submitted
59 to the voters of said city at the regular city election to be held
60 in the year one thousand nine hundred thirty-three. The
61 mayor of said city shall issue a proclamation setting the date of
62 such election and the object of such election, and further stat-
63 ing that a copy of said act is on file in the office of the city
64 clerk and open to the inspection of all persons interested, but
65 it shall not be necessary for said proclamation to have therein
66 contained a copy of this act. Such proclamation shall be pub-
67 lished in some newspaper of general circulation in said city at
68 least once a week for two successive weeks, and posted in each
69 of said precincts for ten days preceding said election. Said
70 election shall be conducted by the officers appointed to hold the
71 next regular city election, and the returns canvassed and results
72 declared as in any city election in said city as now provided
73 by law. The ballots used in said election shall be printed at the

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Chairman Senate Committee.

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74 bottom of the ballots on which the names of the various candi-
75 dates appear to be voted for at the regular city election, and
76 shall be in substantially the following form:

77

"CITY OF DUNBAR

78

SALARY ELECTION

79 Indicate how you desire to vote by an X in the square.

80 ☐ For ratification of salary act.

81 ☐ Against ratification of salary act."

82 If a majority of the votes so cast at said election are for

83 the ratification of this act, certificates thereof shall be published,

84 and entered in the minute book of said council, and publica-

85 tion thereof made in the next succeeding issue of such news-

86 paper in which the said proclamation of the mayor calling said

87 election was published, and shall become effective as of July

88 first, one thousand nine hundred thirty-three. If, however, the

89 majority of the votes cast upon said election shall be against

90 the ratification of said act, then said act shall not become ef-

91 fective.

92 All acts and parts of acts in conflict and inconsistent with this

93 act are hereby repealed.

CORRECTLY ENROLLED

Quinn T. Hughes
Chairman Senate Committee.

James L. Smith
Chairman House Committee.

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Wm. H. Miller
Speaker of the House of Delegates.

John S. Hall
Clerk of the House of Delegates.

Wm. M. McWhorter
President of the Senate.

Samuel D. Miles
Clerk of the Senate.

The within is.....

this..... day of..... 1933.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**
Wm. S. O'BRIEN,
Secretary of State