WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935

ENROLLED
SENATE BILL No. 312

(By Mr. )

PASSED March 5, 1935
In Effect from Passage
ENROLLED

Senate Bill No. 212

(By Mr. Spillers)

[Passed March 5, 1935: in effect from passage.]

AN ACT to amend and reenact sections five, six, twelve, thirteen, and eighteen of "The Greater Wheeling Charter"; chapter twenty-one, acts of the Legislature of West Virginia, one thousand nine hundred fifteen, approved by the majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May, one thousand nine hundred fifteen, as last amended and reenacted by chapter six, acts of the Legislature of West Virginia (municipal charters), one thousand nine hundred twenty-nine, relating to the charter of the city of Wheeling.
Be it enacted by the Legislature of West Virginia:

That sections five, six, twelve, thirteen and eighteen of "The Greater Wheeling Charter", chapter twenty-one, acts of the Legislature of West Virginia, one thousand nine hundred fifteen, approved by the majority of the voters of the city of Wheeling at an election held on the fourth Thursday of May, one thousand nine hundred fifteen, as last amended and reenacted by chapter six, acts of the Legislature of West Virginia (municipal charters), one thousand nine hundred twenty-nine, be amended and reenacted to read as follows:

Section 5. The first election for manager-mayor and councilmen under this amendment to the charter shall be held on the fourth Thursday in May, one thousand nine hundred thirty-five and every regular city election for manager-mayor and councilmen shall be held every four years thereafter on the fourth Thursday in May. All elections for manager-mayor and councilmen shall be conducted and the results ascertained and declared in accordance with the election laws of West Virginia in effect at the time of said election so far as the same may be applicable and not inconsistent with any of the provisions of this act, except that all other elections or votes
12 on any question by the qualified voters of said city shall be
13 held or taken at such places under the supervision of such
14 persons and subject to such regulations as are consistent with
15 the said election laws of West Virginia and ordained by
16 council.
17 The city council at its regular meeting held on the first
18 Tuesday in April next before every election for the offices of
19 manager-mayor and councilmen shall appoint for each voting
20 precinct in the city two competent persons as registrars one
21 each from the two political parties which at the last preceding
22 state and county election cast the highest number of votes in
23 the county of Ohio but the city executive committee of such
24 political parties may present to the council a writing signed
25 by the chairman of the committee of each party requesting the
26 appointment of a qualified voter of his political party, as
27 registrar, with his city address, for each precinct in the city
28 and the council shall appoint the person named in such writ-
29 ing as such registrar. No person shall be eligible to appoint-
30 ment as a registrar, or in any way act as such, who has been
31 convicted of a felony, or who holds any elective or appointive
32 office or is an employee under the laws of the city of Wheeling.
county of Ohio, state of West Virginia or of the United States or who is not a qualified voter in the precinct for which he is appointed, or who can not read and write the English language. If such registrar shall fail or refuse to serve, the vacancy shall be filled either by the city council, or the manager-mayor of the city in vacation, in the manner hereinbefore provided for the appointment of registrars, and the city clerk shall notify all such persons of their appointment as registrars. Said registrars shall before entering upon the discharge of their duties take an oath to support the constitution of the United States, the constitution of West Virginia, and to perform the duties of their office to the best of their ability and that they are legal members of the party for which they are, respectively appointed. The said oath shall be filed in the office of the city clerk. The city clerk shall cause to be prepared suitable books and blanks for the registration of the voters and such books shall be so arranged as required by law for the registration of voters for general elections held in the state of West Virginia and all the provisions, duties and obligations as set forth in the election laws of West Virginia shall apply to the registration of voters hereunder, ex-
cept as herein otherwise set out, and the city clerk shall perform the duties required of the county clerk.

As soon as possible after their appointment the registrars shall proceed to register the names of all the qualified voters in their respective precincts and shall complete said registration on or before the third Thursday in April preceding said election, and, for the purpose of amending, correcting and completing said registration, shall sit together at some convenient place within the voting precinct for two days, commencing the fourth Thursday in April preceding said election from nine o'clock A.M. to one o'clock P.M. and from two o'clock P.M. to nine o'clock P.M., and shall give notice of the time and place of their sitting for such registration and correction by posting written or printed notices of the time and place of such sitting for five days prior thereto at not less than three of the most conspicuous places in said voting precinct, one of which shall be at the place of voting in said precinct. At the time of said sitting the books of registration shall be open for public inspection, and the said registrars, in the manner hereinbefore provided shall register all qualified voters who have not theretofore been so registered by them.
and complete and finish their registration of the voters within their said precinct and make out two alphabetical lists of the registered voters within said precinct entitled to vote at the ensuing election as registered by them and shall sign and return the same to the city clerk on or before the first Thursday in May preceding said election; each of the said registrars shall receive the same compensation as may be provided by the laws of West Virginia for the performance of similar duties in state and county elections. The registration books shall be sent to the polling place along with the ballots and no person who is not duly registered thereon shall be allowed to vote at said election.

Sec. 6. Said city shall have a city council of not less than twelve members composed of one member from each ward in said city. All councilmen shall take office on the first day of July, following their election, and shall serve for a term of four years and until their successors are elected and have qualified, unless sooner removed from office as hereinafter provided. They shall be residents and qualified voters of their respective wards in said city. No one elected a member of such city council or manager-mayor shall be eligible to hold
such office who shall be interested directly or indirectly in
the profits or emoluments of any contract, job, work or service
for the city, or in any sale to it of any property, real or
personal; or be, directly or indirectly, a holder or owner of
any bond or stock of any public utility corporation enjoying
a franchise privilege or easement in or from such city; or be
an officer, agent, trustee, servant or employee of such a cor-
poration. If any such person shall serve or attempt or con-
tinue to serve as a member of such city council or manager-
mayor, who is not eligible for such office, he shall be guilty of
a felony, and upon conviction thereof, be confined in the peni-
tentiary of this state not less than one nor more than five
years. The manager-mayor shall be nominated and elected
from the city at large and shall serve for a term of four years
and until his successor is elected and has qualified, unless
sooner removed from office as hereinafter provided. He shall
be the chairman or presiding officer of council and shall be
known officially as the manager-mayor of the city and recog-
nized as such for ceremonial purposes, and for the purpose
of being served with civil process against the city, and for the
performance of all duties imposed upon him by this charter.
Sec. 12. The council shall appoint the following named officers of the city, to-wit: a clerk who shall be known as the city clerk and who shall keep all records of the meetings of the city council and perform such other duties as may be required by this charter or the council; an auditor who shall be known as the city auditor and who shall audit the finances of the city of Wheeling and perform such other duties as are prescribed in this charter or as the city council by ordinance or resolution shall prescribe. All appointees of council shall hold office at the pleasure of council and receive such compensation therefor as council may determine.

Council may, by contract with the board of commissioners of Ohio county, provide that the same person may be appointed to the office of city health officer and act as such city health officer and also be appointed or selected by the board of commissioners of Ohio county as county health officer, during the same period of time, and perform similar duties for the city of Wheeling, and the county of Ohio, and council may contract with said board of commissioners of Ohio county whereby said board and said city of Wheeling shall agree upon the amount of compensation to be paid said joint health officer.
and the part of the compensation of any such health officer
so appointed to fill both offices, to be paid by each the city of
Wheeling and the board of commissioners; and council may
likewise contract with said board for a division of the expenses
of any joint city and county health officer if the same person
shall be selected to fill the office of both city health officer and
county health officer and a joint health office maintained.

Sec. 13. The duties and powers of the manager-mayor
shall be:

(a) To see that the laws and ordinances are enforced;
(b) To appoint the following officers of the city: A city
solicitor who shall perform such duties as are prescribed in
this charter or as the city council by ordinance shall prescribe;
a judge of police court, a chief of police, a chief of fire de-
partment, a city health officer, such commissioners of municipal
loans and bond issues as may be required by state law or city
ordinances and all other officers and employees of the city
except those whom council is authorized to appoint by the
preceding section. Said officers and employees so appointed
shall continue in their offices and/or employment during the
will and pleasure of the manager-mayor. All such appoint-
ments and/or employments shall be upon merit and fitness alone.

c. To exercise supervision and control over all departments and divisions created herein or that hereafter may be created by the council, except the council and other officers by it appointed;

d. To attend all meetings of council with the right to take part in discussions, and he shall have the right to cast the deciding vote in case of a tie.

e. To recommend to the council for adoption such measure as he may deem necessary or expedient;

f. To keep the council fully advised as to the financial condition and needs of the city;

g. To supervise the conduct and performance of their duties by other officers and employees of the city, except the members of the city council, reporting to such council any failure of performance of duty by any of the other appointees of such council and enforcing the proper performance of their duties by the officers and employees appointed by him, to the end that the city's business shall be efficiently and economically transacted;

h. To perform such other duties as may be prescribed by
this amendment to the charter or be required of him by or-di-
ance or resolution of the council. The manager-mayor shall
devote his whole working time to the performance of the
duties of his office, and while occupying such office he is not
to be engaged directly or indirectly or be interested in any
other business than the performance of his duties concerning
the affairs of the city of Wheeling.

Wherever the term councilman at large, mayor, or city
manager is used in any of the sections of the charter of the
city of Wheeling in effect at the time of the passage of this
amendment, or is used in any of the ordinances of said city
in effect at the time of the passage of this amendment, it shall
mean the manager-mayor, who shall perform all duties and
exercise such rights as have heretofore been delegated to the
above-named officials.

Sec. 18. Candidates to be voted for at all general municipal
elections at which a manager-mayor and councilmen are to be
elected under the provisions of this charter shall be nominated
at a primary election and no other names shall be printed on
the ballots used at the general elections except those selected
in the manner prescribed by this amendment to the charter.
The first primary election for manager-mayor and councilmen under this amendment to the charter, shall be held on the second Thursday in May, one thousand nine hundred thirty-five, and every primary election for manager-mayor and councilmen shall be held every four years thereafter on the second Thursday in May.

At the regular meeting of the city council held on the first Tuesday in May preceding every primary and general election for the offices of manager-mayor and councilmen there shall be appointed three judges and two poll clerks for said primary and general election for each voting precinct in the city in the manner herein provided, one judge and one poll clerk shall be appointed from each of the two political parties which at the last preceding state and county election cast the highest number of votes in Ohio county, and if at any time during the said meeting of council the city executive committee of either political party from which said judges and poll clerks are to be selected or appointed shall present to said council a writing signed by them or by the chairman of said committee in their behalf requesting the appointment of qualified voters of their political party with their city address and who are otherwise
28 qualified to act as such officials under the laws of West
29 Virginia it shall be the duty of the said council to appoint
30 the persons named in such writing as such election officials.
31 The remaining judge for each election precinct in the city
32 may be a member of either of the above named political parties
33 and shall be appointed by council.
34 All acts and parts of acts in conflict herewith are hereby
35 repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within this the day of , 1935.

Governor

Filed in the office of the Secretary of State of West Virginia. MAR 15 1935
Wm. S. O'Brien,
Secretary of State
I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 15th day of March, 1935.

[Signature]

SECRETARY OF STATE