

Rec 20<sup>th</sup>

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1935**



**ENROLLED**

**SENATE BILL No. 33**

(By Mr. Greene)



PASSED February 15 1935

In Effect 90 days from Passage

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AN ACT to amend and reenact sections twelve, thirteen, nineteen and fifty-two, chapter one hundred thirty-six, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, relating to the charter of the city of Williamson.

*Be it enacted by the Legislature of West Virginia:*

That sections twelve, thirteen, nineteen and ~~forty~~ fifty-two, chapter one hundred thirty-six, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section 12. City executive committees for each of the two

2 political parties which cast the greatest number of votes in the  
3 last regular election held in said city shall be chosen at the  
4 ward conventions hereinafter mentioned. Said executive com-  
5 mittees shall be composed of one man and one woman from  
6 each of the wards in said city, who shall be residents and  
7 qualified voters of the wards from which they are elected,  
8 respectively, and shall hold office for a period of three years.  
9 They shall meet immediately after the adjournment of the city  
10 conventions of each of said political parties, nominating candi-  
11 dates for mayor of said city, as hereinafter provided, and organ-  
12 ize by electing a chairman, a secretary, and a treasurer, from  
13 the city at large, and the chairman so elected shall be entitled  
14 to cast one vote and that only in the event of a tie vote by the  
15 members of said committee upon any matter before them. The  
16 present members of the executive committees of said parties  
17 shall continue in office until their successors are elected as here-  
18 inafter provided.

19 If a vacancy shall occur in the office of committeeman or  
20 committeewoman, the remaining members of the committee  
21 may elect a successor, who shall fill the unexpired term until  
22 the next regular ward convention.

Sec. 13. Candidates of each political party for councilmen shall be nominated by mass conventions of the voters of the several wards of said city. The candidates for mayor shall be nominated by the delegated representatives of the political parties, assembled in a city convention for the entire city. On or before the second Tuesday of April, one thousand nine hundred thirty-seven, and on or before the second Tuesday of April of every third year thereafter, each of said political parties shall hold a mass convention in each of the several wards of said city, for the purpose of nominating a candidate for councilman, selecting committee members from said wards and selecting delegates to the city convention to nominate a candidate for mayor. Said conventions shall be called by the executive committee of the party holding the same, and the date, hour and place of holding such convention shall be published in two separate newspapers, published in said city, once each week for two consecutive weeks prior to the time of holding such conventions. Said ward conventions for the several wards shall be called as herein provided and held on the same date and at the same hour. The male member of the executive com-

22 mittee for said ward of the party holding said convention  
23 shall attend and preside thereat until a permanent organi-  
24 zation shall be perfected: *Provided, however,* That should  
25 the male member of said committee be absent or from any  
26 cause be unable to attend said convention, then it shall be  
27 the duty of the female member thereof to preside thereat  
28 until a permanent organization shall be perfected.

29 The wards shall be entitled to one delegate for each fifty  
30 votes, or fractional part thereof, cast at the last preceding  
31 general election in said city for the office of mayor, and  
32 the delegates to the city convention shall be apportioned  
33 among the several wards of said city for each of said political  
34 parties, accordingly.

35 At least thirty-five days before every regular election in  
36 said city, the party executive committee shall designate the  
37 place, date and hour of the holding of the city conventions,  
38 for the purpose of nominating candidates for mayor, which  
39 shall be not less than twenty days before said election.  
40 Notice of said convention shall be published in two newspapers  
41 published in said city once each week, for two consecutive  
42 weeks, prior to the date of the holding of said conventions.

43 The chairman of the executive committee of the party holding  
44 said convention shall attend and preside thereat until a per-  
45 manent organization shall be perfected.

46 The city executive committee of each party so holding  
47 such convention shall have authority to make such rules and  
48 regulations governing the holding of such convention as it  
49 may deem proper, including all parliamentary rules and  
50 regulations governing the deliberation of such convention.

51 And within five days after the holding of such convention,  
52 the city executive committee of each party shall cause to be  
53 furnished to the city clerk a complete list of the persons  
54 nominated by that party for the offices of mayor and council-  
55 man, such list so furnished to be duly sworn to and attested  
56 by the chairman and the secretary of such city executive com-  
57 mittee.

58 And in the event that a vacancy occur in the list of such  
59 nominees, after such convention has been held, then the said  
60 city executive committee shall have authority to designate  
61 some other qualified citizen of the city as such nominee, the  
62 name of such nominee or nominees to be certified in like  
63 manner to the said city clerk.

64 The first election in said city, to be held under this  
65 amendment of the charter of said city, shall be held on the  
66 third Tuesday in May, one thousand nine hundred thirty-  
67 seven, and on the third Tuesday in May of every third year  
68 thereafter.

69 On the first Tuesday in May, one thousand nine hundred  
70 thirty-seven, and on the first Tuesday in May of every third  
71 year thereafter, the council shall hold a meeting for the  
72 purpose of making arrangements and preparations for the  
73 holding of such election. And at such meeting the council  
74 of the city shall appoint three qualified voters of the city as  
75 commissioners of election for each voting precinct in said  
76 city. Said commissioners of election shall be persons of good  
77 standing and character, and not addicted to drunkenness, and  
78 not more than two of said commissioners of election shall  
79 belong to the same political party. If at any time during  
80 said meeting, or prior thereto, the city executive committee  
81 of the two political parties which cast the greatest number  
82 of votes in the last preceding regular city election, shall  
83 present to said city council a writing signed by the chairman  
84 of such executive committee, giving a list of persons from

85 that political party as such commissioners of election; then,  
86 in appointing such commissioners of election the city council  
87 shall appoint said commissioners of election from the list or  
88 lists so presented to the city council. Every such writing  
89 so presented shall be filed, preserved, and kept by the clerk  
90 of the council in his office.

91 The city council shall have authority to provide all neces-  
91-a sary and suitable means, equipment, and appliances for the  
92 holding of such elections, and may adopt all necessary rules,  
93 ordinances, and regulations governing the same as may appear  
94 proper.

95 And in addition to the methods prescribed for the nomina-  
96 tion of candidates, candidates for the offices of mayor and  
97 councilmen may be nominated as follows, that is to say: If,  
98 not less than fifteen days prior to the date of the election, a  
99 petition signed by not less than three hundred of the qualified  
100 voters of the city shall be presented and filed with the clerk of  
101 the city, asking that the name or names of candidates be placed  
102 upon the ballot, then it shall be the duty of the city council to  
103 cause such name or names to be so placed upon the official  
104 ballot to be used in such election.



Sec. 19. The council of the city shall hold regular meetings  
2 on the second and fourth Fridays of each month, and shall  
3 hold such special meetings as may from time to time be called  
4 as hereinafter provided for.

5 The mayor shall have authority to call any special meeting  
6 of the council; and likewise a special meeting of the council  
7 may be called upon a joint notice of not less than three members  
8 of the council; but before holding such special meeting, the  
9 mayor, or if called as aforesaid by not less than three members  
10 of the council, then such three members, shall cause the city  
11 clerk to post notice thereof at the front door of the municipal  
12 building of the city, at least twenty-four hours prior to such  
13 special meeting, and to give personal notice to each member of  
14 the council at least twelve hours in advance thereof where  
15 possible.

16 All regular and special meetings of the council shall be pre-  
17 sided over by the mayor, and in his absence by a mayor pro  
18 tem to be chosen from their number by the councilmen present;  
19 three members of the council present shall constitute a quorum  
20 for the transaction of business.

21 Each member of the council shall be entitled to one vote.

22 But no member of the council, or the mayor, shall vote upon or  
23 take part in the consideration of any question, measure, or  
24 proposition in which he is or may be interested otherwise than  
25 as a resident of the city.

26 The mayor shall be a member of the city council, and shall  
27 be entitled to one vote only as a member thereof. The clerk  
28 of the city, chosen in the manner hereinafter provided, shall  
29 attend upon all meetings of the council, but shall be entitled  
30 to no vote, nor shall he take part in any consideration or dis-  
31 cussion of the council upon any matter, except when called  
32 upon or invited by the council to take part therein. He shall  
33 furnish any and all data or information that may be desired  
34 by the members of the council relating to the business of the  
35 city. The clerk shall have charge of all record books and  
36 minute books, of the council and city, and shall also have charge  
37 of the council journal. He shall faithfully and accurately  
38 record the minutes and proceedings of all meetings of the  
39 council, which shall be recorded in the council journal; all  
40 such records of the council journal shall be duly authenticated  
41 and attested by the mayor and the city clerk, as hereinafter

42 provided. And the said clerk shall in all matters act as the  
43 secretary to the council.

44 All meetings of the council shall be held in the council room  
45 or council chamber provided therefor in the municipal building  
46 of said city, and shall be held at such hour of the day as may  
47 be designated by the council. At its first meeting, after the  
48 qualification of the first mayor and councilmen holding office  
49 hereunder and thence at the first meeting of the mayor and  
50 councilmen taking office after each election hereunder, the  
51 council of the city shall fix upon and adopt a certain hour or  
52 time of the day at which all meetings of the council shall be  
53 held. But such hours so adopted shall be subject to change  
54 by vote of the members of the council. The following schedule  
55 or order of business shall be followed and observed at the coun-  
56 cil at their said meetings:

57 *First:* The mayor, or mayor pro tem, shall direct the clerk  
58 of the council to call the roll of the members of the council,  
59 who shall answer to their respective names as called; in the  
60 council journal the clerk shall record the names of the members  
61 present and the names of the members absent.

62 *Second:* The mayor, or mayor pro tem, shall call upon the

63 clerk to read aloud from the council journal the minutes of  
64 the previous meeting of the council, and in no event shall the  
65 full and accurate reading thereof be dispensed with; and after  
66 the reading thereof, the minutes of the previous meeting may  
67 by vote or action of the council be corrected, if proper so to do,  
68 and otherwise the same shall stand approved as read. Imme-  
69 diately after which the said minutes shall be thereupon duly  
70 attested by the mayor and clerk.

71 *Third:* The council shall thereupon take up for consideration,  
72 discussion, and action, if necessary, all uncompleted or un-  
73 finished business not previously disposed of or acted upon.

74 *Fourth:* The council shall thereupon take up for consider-  
75 ation, discussion, and action, if necessary, such new matters or  
76 new business as may come before the council.

77 *Fifth:* The council shall thereupon take up such miscella-  
78 neous matters as may come before it, including any matters  
79 that may be brought before it by any citizen or resident of the  
80 city or other person. And any person desiring to bring any  
81 matter to the attention of the council shall in all cases be given  
82 a full opportunity to present such matter.

Sec. 52. The annual salaries of the officers of the city, to be appointed or elected hereunder, shall be paid by the council out of the city treasury, and the salaries of certain officers and officials shall not exceed the following respective amounts: Mayor of the city, twenty-four hundred dollars; city clerk, eighteen hundred dollars; each councilman other than the mayor, three hundred dollars; city attorney, one thousand dollars; stenographers and bookkeepers, twelve hundred dollars; city health officer, twelve hundred dollars; assistant health officer, six hundred dollars: *Provided, however,* That no member of the council shall either directly or indirectly receive any other compensation or emolument for any service rendered the said city in any capacity save and except as above provided, nor shall any member of said council be either directly or indirectly interested in the furnishing of any supplies or in the doing or performance of any contract procured or made for or in behalf of the city.

The salaries as above set forth are to be paid out of the city treasury proportionately at the end of each month, but are never to be paid in advance. All fees, fines, commissions, and

21 emoluments, except salaries, shall be taxed and collected, and  
22 when so collected shall be paid into the treasury of the city by  
23 the officers, respectively, for the absolute use of the city.

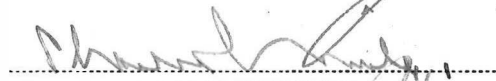
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
 Chairman Senate Committee

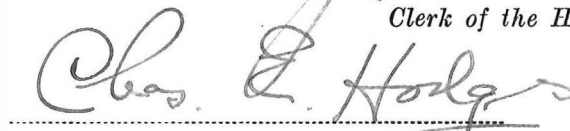
  
 Chairman House Committee

Originated in the Senate

Takes effect 90 days 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 **FEB 26 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 26<sup>th</sup> day of February,  
1935.

  
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SECRETARY OF STATE