

ORDINANCE 337

**AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA
AMENDING CITY CODE, ARTICLE II: LEGISLATIVE BRANCH,
§2.02 COMPOSITION, ELEGIBILTIY, ELECTION AND TERMS**

WHEREAS, the Common Council of the City of Elkins, West Virginia previously adopted Ordinance 274, which revised, amended, restated, codified and compiled certain existing general ordinances and in so doing adopted Article II: Legislative Branch,, §2.02 Composition, Eligibility, Election and Terms; and

WHEREAS, subsequent to the passages of Ordinance 274, it has become apparent these certain provisions of the City Code need to be changed and amended for clarity purposes; and

WHEREAS the Common Council has determined that by making this change and amendment to said section of the City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms is in the best interests of the City and its residents.

NOW THEREFORE BE IT ORDAINED and ENACTED by the Common Council that City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms be amended as follows:

SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

- (a) Composition. There shall be a City Council of ten members. Two Councilors shall reside in and represent each of the five wards of the City.
- (b) Eligibility. Only resident voters of the City, as defined by this Charter, shall be eligible to hold the office of Councilor. Councilors shall reside in the Ward to be represented at the time of nomination and throughout the term of office. There shall be no other eligibility requirements. Council shall be the final arbiter of the

eligibility of any prospective candidate and the continued eligibility of an elected Councilor.

(c) Nomination. Any person who is eligible to hold office as a Councilor may file for election in compliance with West Virginia and City law.

(d) Election. Councilors shall be elected by the qualified voters of the wards they reside in and represent. One member of the council for each ward shall be elected at each City election.

(e) Term. Councilmembers shall serve a term of four (4) years, beginning on the first day of July immediately following the election of that member, and until the successor in office is elected and qualified.

(f) Special Elections. Special elections for any purpose must be authorized by a two-thirds majority public vote of a quorum of the Council and called by the Mayor. Notices of all special elections must be given by publication in a newspaper of general circulation, published in the City of Elkins.

(g) Canvas. The Council shall sit as the Board of Election Canvassers in compliance with State and City law. In the case of a tie vote for any office, Council shall by majority vote determine the winning candidate.

(h) Vacancy. The office of a Councilmember shall become vacant upon death, resignation, or forfeiture or removal from office in any manner authorized by law or by this Charter. A vacancy shall also exist whenever a Councilmember shall remove from the ward from which the nomination to serve was made. The vacancy shall be filled by appointment of a qualified person by Council. The office shall be placed on the next election for service of the remainder of the vacated term or for a new term, whichever is appropriate.

The changes to City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms are only to the section referred to herein specifically and all other sections of said Article shall remain unchanged and in full force and effect.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

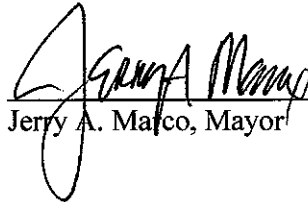
ORDINANCE

2

PASSED AND APPROVED ON FIRST READING: July 11, 2024.

PASSED AND APPROVED ON FINAL READING: August 1, 2024.

CITY OF ELKINS, WEST VIRGINIA


Jerry A. Malco, Mayor

Attest:



Sutton Stokes, City Clerk

ORDINANCE

3