

ORDINANCE 339

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS,
WEST VIRGINIA AMENDING CITY CODE, CHAPTER 32: CITY OFFICERS,
GENERAL PROVISIONS**

WHEREAS, the Common Council of the City of Elkins, West Virginia, previously adopted City Code, Chapter 32: City Officers, General Provisions; and

WHEREAS, it has become apparent that certain provisions of the City Code need to be amended and supplemented for clarity purposes, and

WHEREAS, the Common Council has determined that by making this change and supplementation to said Chapter 32 of the City Code, it 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, Chapter 32: City Officers, General Provisions be amended and supplemented as follows:

§ 32.02 POWERS AND DUTIES OF ADMINISTRATIVE OFFICERS

(A) There shall be five Administrative Officers of the City (the City Clerk, the City Treasurer, the Fire Chief, the Operations Manager, and the Police Chief), nominated and appointed as described in Charter Section 3.01, sworn to uphold the Constitution of the United States and the Constitution of this State, and mutually responsible for the conduct and management of the affairs of the City in accordance with the Charter, this Code, general law, and the ordinances, resolutions, and orders of Council.

(B) In addition to specific provisions concerning these officers elsewhere in the Charter and in this Code, these Officers shall hold administrative authority over their respective departments and shall competently and fairly exercise the power and duties described in this section over the personnel assigned to their departments by Council. These Officers shall:

- (1) Exercise sole responsibility for the appointment, delegation of authority, supervision, performance evaluation, and discipline, including removal, of all City employees assigned by Council to their respective departments, except as otherwise provided by law, or by rules adopted by Council.
- (2) Exercise sole responsibility for the direction, supervision, and administration of all departments, offices, and agencies of the City falling within their respective departments, except as otherwise provided by law, or by rules adopted by Council.
- (3) Serve as the point of contact between elected officials, when they are acting in their capacity as elected officials, and the personnel assigned to these Officers' departments. Individual elected officials shall not attempt to influence or direct the work or actions of any employee, except as otherwise specifically allowed by law, or by rules adopted by Council.
- (4) Attend all meetings of Council, with the right to take part in any discussion or deliberation. The Administrative Officers may not vote on issues before Council.
- (5) Ensure that all laws, ordinances, and provisions of the Charter, Code, and acts of the Council are faithfully executed and enforced.
- (6) Collaborate to prepare and submit to the Finance Committee and Council the annual budget and capital program.
- (7) Propose to the Council official acts of the City, including ordinances, policies, and rules, which Council may by ordinance or other action adopt with or without amendment.
- (8) Make such reports as the Council may require concerning the operations of City departments, offices, and agencies.
- (9) Keep the Council fully advised as to the condition and future needs of the City and make recommendations to the Council concerning the affairs of the City.
- (10) Devote all assigned working time to the performance of the duties of their offices, and while occupying such offices are not to engage, directly or indirectly, or be actively interested in any private business which would conflict with the performance of duties concerning the affairs of the City.
- (11) Propose annually to Council short- and long-term goals and objectives to be accomplished in the performance of their duties.
- (12) Perform such other duties as are specified in the Charter, this Code, or other acts of Council.

The changes to the City Code are only to the Section referred to herein as a new Section and all other Sections of the City Code shall remain unchanged and in full force and effect.

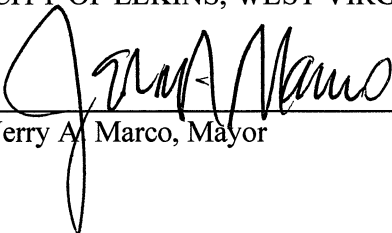
If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON THE FIRST READING: November 7, 2024

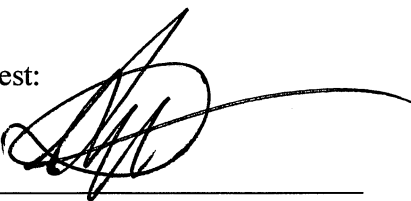
PASSED AND APPROVED ON FINAL READING: November 21, 2024

CITY OF ELKINS, WEST VIRGINIA



Jerry A. Marco, Mayor

Attest:



Sutton Stokes, City Clerk