

Ordinance 2022-9

## **Amendment to Weston City Code Providing for a Planning Commission**

WHEREAS, the City of Weston wishes to update its rules and regulations concerning the Weston Planning Commission;

WHEREAS, this ordinance shall control the issues addressed in this ordinance and shall not repeal or replace any other issues not addressed in this ordinance that may be addressed in prior ordinances;

WHEREAS, the City of Weston now promulgates the following ordinance concerning the Planning Commission:

### **§1 Membership and Term of Membership**

The Planning Commission shall consist of nine (9) members. The membership makeup shall be consistent with requirements found in West Virginia Code §8A-2-3, or subsequent code sections that replace or alter §8A-2-3.:

- a) One member of the Planning Commission must be a member of the municipal governing body (i.e. City Council), or its designee. The term of this member shall last as long as the member holds her position in the governing body.
- b) One member of the Planning Commission must be a member of the administrative department of the municipality (i.e. City Manager controls the administrative department), or its designee. The term of this member shall last as long as the person holds her position in the City administration.
- c) Other members of the Planning Commission must be:
  - (1) Residents of the municipality; and
  - (2) Qualified by knowledge and experience in matters pertaining to the development of the municipality.
- d) At least three fifths of all of the members must have been residents of the municipality for at least three years prior to nomination or appointment and confirmation.
- e) The members of a municipal planning commission must fairly represent different areas of interest, knowledge and expertise, including, but not limited to, business, industry, labor, government and other relevant disciplines.
- (f) The Mayor of the City shall be an ex officio member and shall count towards the nine (9) member requirement. The Mayor shall have voting rights as any member.
- g) Members shall serve without compensation but may be reimbursed reasonable and necessary expenses actually incurred in performance of their official duties.
- h) Members shall serve three-year terms. Vacancies shall be filled for the unexpired term and made in the manner consistent with §2 of this Ordinance.

i) in the event the Commission President becomes unable or unwilling to perform the roles of President, the Vice President shall become President. If the President's inability to perform his duties results in his removal, then the Vice President shall become President and the nomination and confirmation of a replacement member shall begin.

## **§2 Nomination of Members**

Pursuant to West Virginia Code 8A-2-3(i), the nomination of members shall be made by the administrative authority of the City of Weston. The administrative authority of the City of Weston rests on the City Manager. The City Manager shall nominate members of the Planning Commission. The City Manager shall defer nomination of the City Council representative to the judgment and majority decision of the City Council.

Upon nomination, the Governing Body of the City of Weston (i.e. City Council) shall, by majority vote, confirm or reject nominations presented by the City Manager.

## **§3 Removal of Members**

Pursuant to West Virginia Code §8A-2-3(k), the governing body may establish procedures for removal of members of the planning commission for inactivity, neglect of duty, or malfeasance. The City Council now determines that a member of the Planning Commission may be removed from the Planning Commission for inactivity, neglect of duty, or malfeasance. The procedure for removing a member shall be as follows:

- a) Upon belief of inactivity, neglect of duty, or malfeasance, the City Manager shall bring such issue to the attention of City Council.
- b) The City Council, if it finds inactivity, neglect of duty, or malfeasance to exist, shall issue a written warning to the member at issue. Such warning may be delivered personally or via certified mail to the member's last known address. The warning shall state the reasons why City Council is considering removing the member. The warning shall further state a reasonable time and place whereby the member may appear before the City Council and be heard on the matter.
- c) After such appearance, or failure to appear as the case may be, the City Council shall determine whether or not to remove the member. The City Council's discretion shall rule in determining if inactivity, neglect of duty, or malfeasance has occurred. Such removal shall be effective immediately upon City Council providing a majority vote to remove the member. Such removal shall be considered a vacancy and shall be filled in the same manner as described in §2 of this ordinance.

## **§4 Regular Meetings**

Regular Meetings of the Planning Commission shall be held at least quarterly on dates to be determined as needed. Regular meetings will start at 4:30pm. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.

## **§5 Special Meetings**

Pursuant to West Virginia Code §8A-2-7(b), the Commission may hold special meetings. Notice of the special meeting must:

- Be in writing;
- Include the date, time, and place of the meeting;
- And be sent to all members at least two days before the special meeting.

Written notice of a special meeting is not required if the date, time, and place of the special meeting were set at a regular meeting.

Notice for special meetings shall, if applicable, adhere to relevant Notice requirements of the West Virginia Code and West Virginia Ethics Commission.

### **§6 Quorum**

A quorum of members must be present in order to conduct a meeting. "Present" includes physically present or present via telephone call or present via internet meeting programs (such as Zoom and the like). Any attendance issues shall be resolved by the President of the Commission.

### **§7 Majority Votes**

When a quorum exists, a majority vote of the quorum shall be required for motions to be passed/adopted.

### **§8 Officers and Election of Officers**

The Planning Commission shall elect, from its members, a president and vice president. Said election shall occur at the first regular meeting each year. For purposes of defining when a "year" starts, the Planning Commission year begins on January 1.

The Planning Commission is free to create other offices/officers and fill those positions via rules adopted by the Planning Commission and approved by City Council.

### **§9 Duties of the Governing Body Relative to the Planning Commission**

Pursuant to West Virginia Code §8A-2-10, the City Council shall provide the planning commission with:

- a) Suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and
- b) Appropriate money to defray the reasonable expenses of the planning commission;

### **§10 Planning Commission May Accept Gifts, Funds, and Donations**

Pursuant to West Virginia Code §8A-2-11, the Planning Commission is authorized to accept gifts, funds, and donations. Said gifts, funds, and/or donations shall be deposited with the appropriate governing body into a special nonreverting planning commission fund for expenditures by the Planning Commission for the purpose designated by the donor.

### **§11 Powers and Duties of the Planning Commission**

Pursuant to West Virginia Code §8A-2-11, the Planning Commission has the following powers and duties:

- (a) Exercise general supervision for the administration of the affairs of the commission;
- (b) Prescribe rules and regulations pertaining to administration, investigations and hearings: Provided, That the rules and regulations are adopted by the governing body;
- (c) Supervise the fiscal affairs and responsibilities of the commission;
- (d) With consent from the governing body, hire employees necessary to carry out the duties and responsibilities of the planning commission: Provided, That the governing body sets the salaries;
- (e) Keep an accurate and complete record of all planning commission proceedings;
- (f) Record and file all bonds and contracts;
- (g) Take responsibility for the custody and preservation of all papers and documents of the planning commission;
- (h) Make recommendations to the appropriate governing body concerning planning;
- (i) Make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction;
- (j) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under this article;
- (k) Adopt a seal, and certify all official acts;
- (l) Invoke any legal, equitable or special remedy for the enforcement of the provisions of this article or any ordinance, rule and regulation or any action taken thereunder;
- (m) Prepare and submit an annual budget to the appropriate governing body by February 15 of the calendar year;
- (n) If necessary, establish advisory committees;
- (o) Delegate limited powers to a committee composed of one or more members of the commission;
- (p) Contract for special or temporary services and professional counsel with the approval of the governing body. Upon request, a county prosecuting attorney, the county surveyor, the county engineer, or any other county or City employee may render assistance and service to a planning commission without compensation;
- (q) Consider and address issues that the governing body deems necessary or desirable for the Planning Commission to review and make recommendations;

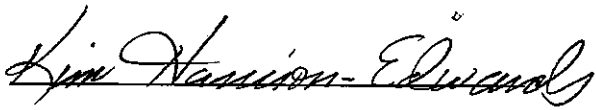
(r) Any and all powers that the laws and regulations of West Virginia give to a Planning Commission

**§12 Severability**

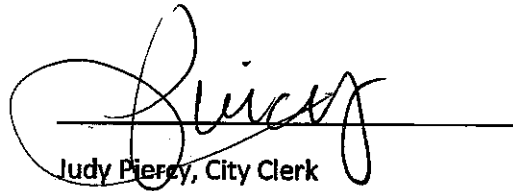
In the event that any portion of this ordinance shall be declared void or the like, the remaining parts of the ordinance shall remain in effect.

First Reading March 7, 2022

Second Reading April 4, 2022



Kim Harrison-Edwards, Mayor

  
Judy Piercy, City Clerk