

AN ORDINANCE AMENDING SECTION 7.05 OF THE CITY CHARTER PROVIDING FOR WARDS AND ADJUSTMENT OF WARD BOUNDARIES

WHEREAS, West Virginia Code § 8-4-8 provides that whenever the governing body of a municipality shall deem it expedient to amend the charter of the City, it shall propose the amendment by ordinance; and

WHEREAS, City Council finds and determines that it would be in the best interest of the City to amend its Charter as it relates to apportionment of ward boundaries;

NOW, THEREFORE, the City of Morgantown hereby ordains that the City Charter is amended as follows:

SECTION 7.05. WARDS, ADJUSTMENT OF WARD BOUNDARIES.

(a) Number of Wards. The territory included in the City shall be, and is hereby divided into seven wards and the number of wards shall not be increased or decreased.

(b) Ward Boundary Commission. The Council shall appoint seven qualified voters, one from each of the seven wards of the City as they exist at the time of such appointment, who shall comprise a Ward Boundary Commission. The voters chosen shall not be employed by the City in any other capacity. The appointment shall be made not later than 30 days after the commencement of each Council's term of office.

(c) Report. ~~On or before September 30th of each even-numbered year, the Commission shall file with the City Clerk a report containing a recommended plan and a map for adjustment of ward boundaries, or recommending that no adjustment be made, to comply all in accordance with the specifications set forth in subsection (d), which report shall be made between November 15 and November 30 of each even-numbered year.~~

(d) Specifications. Except as otherwise provided in Section 10.05, the ward boundaries shall be adjusted from time to time in accordance with the following specifications:

(1) Each ward shall be formed of contiguous territory, and its boundary lines shall follow the precinct lines and the center lines of streets wherever practicable.

(2) Each ward shall contain as nearly as practicable the same total population, determined by the most recently published United States Census Bureau American Community Survey five-year estimate and registered voter data; or, if such publication is unavailable, by the last decennial census and registered voter data. ~~number of qualified voters, determined from the registration for the last statewide general election.~~ This specification shall not be construed to require the adjustment of precinct boundaries or to require the sacrifice of compactness of wards for the sake of achieving equality of numbers of ~~registered voters~~ residents among the seven wards of the City. The report shall include a map and description of the boundaries of each of the wards.

(e) Action on Report. ~~At its next regular meeting following Within 15 days after the date of the filing of the report mentioned in subsection (c), or at an earlier special meeting called to consider the report,~~ the Council shall approve or disapprove the same or postpone consideration of the report to a future date. ~~Council shall approve or disapprove the report prior to its first regular~~

meeting in December. If the report is disapproved, the Council shall state the reasons therefor on the minutes of the Council meetings. If the report is approved, the Council shall ~~within 15 days after such approval,~~ introduce a proposed ordinance providing for the ward boundaries in accordance with the specifications contained in the report at or before its first regular meeting in December; provided that, if the report recommends no changes, Council need not introduce an ordinance following its approval. The procedure for the enactment of the ordinance shall be the same as for any ordinances provided for under Section 2.13 with the additional requirements of Section 2.13(b)(3).

(f) Enactment of Ordinances. If (1) the report of the Commission is disapproved, or (2) if the Commission fails to file the report as and when required by subsection (e), the Council shall ~~within 15 days after such disapproval or of such failure to file the report, nevertheless~~ introduce an ordinance adjusting the ward boundaries consistent with specifications of subsection (d) at or before its first regular meeting in December unless the Council shall, within 15 days after the filing of the report, or of the failure to file the report, make a finding of fact, entered upon the minutes of the Council meetings, that no ward boundary adjustments are necessary. The procedure for the enactment of such ordinance shall be the same as for any ordinances provided for under Section 2.13 with the additional requirements of Section 2.13(b)(3).

(g) Effect of Enactment. The new ward boundaries as of the date of the enactment of an ordinance providing therefor shall supersede previous ward boundaries for all the purposes of the next regular City election including nominations, unless such ordinance is enacted after December 31 of the year preceding the election. The new ward boundaries shall supersede previous ward boundaries for all other purposes as of the date of which all Councilmembers elected at that regular City election take office.

(h) Terms of Members of the Commission. The terms of office of the members of the Commission shall expire at the same time as the expiration of the terms of the Council which appointed them. A new Commission shall thereafter be appointed as provided by subsection (b).

This ordinance shall become effective upon adoption, subject to the statutory requirements imposed by West Virginia Code section 8-4-8.

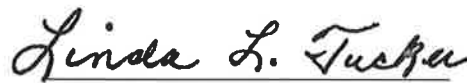
FIRST READING: **May 2, 2017**

ADOPTED: **July 18, 2017**

FILED: **July 19, 2017**

RECORDED: **July 19, 2017**


Mayor


City Clerk