

ORDINANCE NO. 1-409

CHAPTER 1, ARTICLE 4 Section 409 OF THE CODE OF THE TOWN OF SUTTON

WHEREAS, the Town Council of the Town of Sutton, West Virginia, is authorized under West Virginia Code §§ 8-11-3, 8-11-4, and 8-12-5, and other applicable provisions of state law, to adopt, amend, repeal, and reenact ordinances governing municipal affairs; and

WHEREAS, the Town Council finds that the existing provisions of Chapter 1, Article 4 Section 409 contain outdated, unclear, or fragmented language that no longer reflects current Town policy or best practices; and

WHEREAS, the Town Council finds it in the best interest of the Town and its residents to repeal the existing provisions and adopt a consolidated, modernized replacement that is clear, enforceable, and consistent with current West Virginia law;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUTTON, WEST VIRGINIA, THAT:

Section 1. Repeal

Chapter 1, Article 4, Section 409 of the Code of the Town of Sutton, as previously enacted and amended, is hereby repealed in its entirety.

Section 2. Reenactment and Replacement

Chapter 1, Article 4, Section 409 of the Code of the Town of Sutton is hereby reenacted in its entirety to read as follows:

1-409- Purchasing in open market, competitive bids, or Emergency Expenditures by the Mayor.

(a) Purchases of \$4,000 or less may be made by the council on the open market.

(b) Purchases exceeding \$4,000 shall be made by competitive bidding, except in emergencies, in accordance with state law. Bid notices shall be publicly advertised, sealed bids received, and awards made to the lowest responsible bidder meeting specifications. The Council may require performance bonds and may reject bids as permitted by law. In any instance that requires competitive bids, the council shall publish in the Braxton County newspaper and were ever else they see fit for best results at least 30 days prior to the deadline.

(c) The mayor is authorized to approve and incur emergency expenditures on behalf of the Town not to exceed two thousand dollars (\$2,000.00) per occurrence when immediate action is necessary to:

(1) Prevent damage to Town property;

(2) Restore or maintain essential municipal operations; or

(3) Address an urgent situation where delay would reasonably result in increased cost, risk, or disruption.

Emergency expenditures may include, but are not limited to, repairs or replacement of critical equipment such as computers, printers, utilities, building systems, or other infrastructure necessary for Town operations. The mayor shall report any emergency expenditure made under this section to the Town Council at the next regular or special meeting, including the amount, purpose, and vendor. Any emergency expenditure exceeding two thousand dollars (\$2,000.00) shall require approval by the Town Council at a duly noticed meeting and by majority vote. Nothing in this section shall authorize expenditures in excess of available budgeted funds or in violation of state purchasing or fiscal laws.

(West Virginia State Code §8-12-10, Section last amended 2022 then in 2026)

The provisions set forth above shall replace all prior versions of Chapter 1 Article 4 Section

Section 3. Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Severability

If any section, subsection, clause, phrase, or provision of this ordinance or the reenacted provisions is held invalid or unenforceable, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

Section 5. Effective Date

This ordinance shall take effect upon adoption, following required readings, approval, and publication as provided by law.