

West Virginia Municipal Home Rule Pilot Program Application

SECTION I: APPLICATION INFORMATION

A. General Information

Name of Municipality: City of Bridgeport, West Virginia

Certifying Official: James R. Christie

Title: Mayor

Contact Person: A. Kim Haws

Title: City Manager

Address: P.O. Box 1310

City, State, Zip: Bridgeport, West Virginia, 26330

Telephone Number: (304) 842-8200

Fax Number: (304) 842-8201

E-Mail Address: kim.haws@bridgeportwv.com

2000 Census Population: 7,306

B. Municipal Classification

Please identify municipal class/metro government: (Check one)

Class I Class II Class III Metro-Government

C. Category of Issues to be Addressed

Please identify areas to be addressed through home rule: (Check all that apply)

Taxing Organization Administrative Personnel

PROBLEM 1: RESTRICTIONS ON MUNICIPAL PARTICIPATION IN PUBLIC SCHOOLS

The City of Bridgeport has been asked, from time to time, to participate with local public schools, located within the corporate limits of the municipality, on projects of shared benefit. Many of these opportunities have centered on recreational programs and facilities. Currently, the City maintains that it cannot participate with the schools on these projects due to an opinion given in 1985 by the West Virginia Tax Department that the municipality is restricted by the West Virginia Code 8-12-5 from using municipal funds and resources for projects that might otherwise be construed as the responsibility of the public schools.

For instance, the City has refrained from participating in projects on public school property that could easily have been seen as community projects. There have been many school projects that have created benefit for the entire community. For instance, on several occasions, the City was asked to participate by installing fencing or to providing manpower to construct fencing for the new football field and track facility that was recently constructed and is utilized extensively and is available for use by all residents for school and community benefit.

In addition, the City of Bridgeport and the Harrison County Board of Education share the use of many facilities. The opinion of the State Tax Department creates confusion as to the extent to which the City of Bridgeport may provide instrumentalities for the instruction, enlightenment, improvement, entertainment, recreation and welfare of its citizens.

The City is seeking the opportunity to legally expend municipal funds and other public resources for the construction of facilities and for the purchase of properties that can be used jointly with the Board of Education for various educational and recreational purposes. In addition, the City, should the need arise, desires the capability to be able to lease or transfer to the Harrison County Board of Education for its operation, management and control these facilities and properties conditioned upon agreements entered into by both parties.

The current restrictions place a legal cloud over the City and the School's ability to work together to provide facilities for the community members who pay taxes for the funding of these facilities. The resources and funds that are available to both the City and Board of Education are limited. Thus it is imperative that we be given the option of working together and combining our respective resources to serve the community that we are both required to serve. It is neither practical nor justifiable that such a restriction be imposed. The City is simply requesting that it be allowed to work jointly with the Board of Education, through legally acceptable processes, to be able to maximize the limited resources that are available to both entities.

PROBLEM 2: REQUIREMENT THAT THE MUNICIPALITY CHARGE LICENSE TAXES NOT TO EXCEED ANTIQUATED AMOUNTS PREVIOUSLY AUTHORIZED BY THE STATE

WV Code 813 4 states as follows: "Whenever anything for which a state license is required, is to be done within the corporate limits of any municipality, the governing body thereof shall have the plenary power and authority, unless prohibited by general law, to require a municipal license which may not exceed the amount of the state license." In 1970, the state of West Virginia repealed the state license ordinance, but allowed municipalities to continue to charge the same fees that the state was charging prior to 1970.

A copy of Bridgeport's municipal license applications has been attached for your review. As you can see, the general business license application includes 90 separate classifications with prices ranging from \$2,500 to \$0. The City of Bridgeport feels that the State of West Virginia made the correct decision in 1970 to do away with this type of licensing. We feel that the current system is very antiquated and is unfair to various types of businesses. As another example, an attorney only pays, by state statute, \$5 for an annual business license, while a beautician is responsible for a \$15 license. The City feels that the provisions as they relate to restaurants of charging \$2 plus \$.25 for each 5 chairs are a very antiquated method of licensing.

You will also notice that the classification 43 for service reflects a \$0 license fee. Therefore, since in 1970 the state did not provide a license fee for any type of service business,

there is no license fee, thus there is no way to register these individuals. There also is no provision in the state licensing code under the business license classifications for contractors or people who own rental property.

The City of Bridgeport feels that this licensing method is very antiquated and unfair. Our request is to establish a flat rate of \$15 for all businesses reflected on these lists with the exception of the beer and liquor license and vending machine license. It is also our desire to eliminate the license requirement for any business or individual who is not liable to pay business and occupation tax. In our case, this would eliminate real estate salesmen, most practical and registered nurses, and radiologists because most of these individuals are employees of other agencies.

It is estimated that the City will lose 107 current business licenses who do not currently pay business and occupation taxes and who will not be required to obtain a business registration. Currently there are 940 separate businesses licensed and they are generating approximately \$13,500.00. Under the new proposal the City will have approximately 833 businesses at \$15.00 which would generate approximately \$12,500.00 in business registration fees. As you can see, this is not a revenue producing item for the City, however, it is felt that it is the proper thing to do and it will treat our businesses equally by eliminating the license fees and establishing a flat business registration fee of \$15.00 for all businesses

PROBLEM 3: THE CITY IS NOT ALLOWED, UNDER CERTAIN CIRCUMSTANCES, TO ANNEX PROPERTY THAT THE CITY IS IN THE BEST POSITION TO PROVIDE PUBLIC SERVICES TO.

The West Virginia Code 8-6-1(a) provides: "Unincorporated territory may be annexed to and become part of a municipality contiguous thereto only in accordance with the provisions of this article." Over the last twenty years, there has been a general proliferation of so-called "shoestring" annexations. The term "shoestring" refers to properties that are annexed to municipalities that are made contiguous to its corporate limits only by the annexation of roads, streams and small strips of land, sometimes as narrow as several feet, in order to make the sought after property meet the contiguous requirements of annexation laws.

Over time, these "shoestrings" have served as barriers to the expansion of the corporate limits of other municipalities who have a reasonable obligation to provide municipal services. These properties are often located in the first-due service areas of other municipalities. The annexation of these properties is often necessary to ensure planned and orderly expansion of corporate boundaries but also in order to assure that adequate public services can be provided to those areas.

However, annexation is prohibited due to the current restrictions of state law. The owners of these properties often desire annexation and their properties are often contiguous to other municipal corporate limits but for the original municipal "shoestring" annexation that separates them. Some of these property owners desire to become part of the City but are prevented from doing so due to the current annexation laws. The City of Bridgeport feels that it is legally unlikely that it can cross these "shoestring" boundaries in order to honor an annexation request that would otherwise make logical and practical sense.

A very good example of this was the annexation of property west of the City of Bridgeport by the City of Clarksburg which currently houses the FBI Fingerprinting Center.

That property was annexed by Clarksburg using a very narrow piece of land, a stream and a public road to meet the demands of the law for boundary contiguity. However, much of the property that lies on the other side of the strip of annexed land is in the City of Bridgeport's first-due service area. But, due to the strip annexation, that property cannot be brought within the City of Bridgeport. This is one of several examples that literally make it impossible for the City of Bridgeport to provide services in areas that need its services and that logically should receive its services but that cannot receive them because of "shoestring" annexations.

The City of Bridgeport proposes that it be authorized to annex unincorporated territory that is contiguous to its corporate boundary, but for the separation by incorporated roads, streams and small strips of land as is prescribed in West Virginia State Law.

PROBLEM 4: THE CITY OF BRIDGEPORT CANNOT ISSUE ITS OWN TAX INCREMENT FINANCING BECAUSE IT IS A CLASS III CITY

Section 4, Article 11 B of Chapter 7 of the West Virginia Code provides that only a county commission or a governing body of a Class I or II municipality may exercise the powers conferred by 7-11 B-1 et seq.

To date, Bridgeport has been fortunate enough to have two tax increment financing districts located within its corporate limits. These financing opportunities have provided funding primarily for the construction of roads, water lines and sewer lines which, after construction, become the responsibility of the City.

Bridgeport has a history and successful record of working successfully in partnership with developers and other state and federal entities to help bring economic development projects to fruition. It needs additional opportunities to help move this development forward successfully. One method that has been made available by the legislature is Tax Increment Financing. However, Bridgeport must rely on other entities to issue and manage the TIF projects within its jurisdiction because the law indiscriminately prohibits Class III cities from issuing and managing its own TIF projects.

The City of Bridgeport has a recognized and demonstrated record of being capable of successfully managing very complex projects. It has also demonstrated that it has the capacity of providing the professional staff oversight to make these projects accountable to the governing body of the City. It also has the wherewithal to take care of its future needs through excellent planning and implementation of professionalism in all of its development activities.

Currently, the City is preparing for other major development within its corporate limits. One of the enticements for making these projects a reality is to be able to offer the TIF as one of the tools to help the developers with the cost of public infrastructure within those project areas. The City needs the ability to help move these projects forward with the use of Tax Increment Financing among other funding tools. The City is more than capable of issuing and managing the bonds resulting from this type of financing but needs to be able to control its development activities and provide the local oversight that these activities need.

The City of Bridgeport proposes that this problem be solved by authorizing it, through the Home Rule legislation, to designate TIF areas, issue TIF bonds and be given the authority to manage the resulting bond financing. Bridgeport has the wherewithal, skills and abilities to be able to provide this much needed financing tool on its own projects.

City of
BRIDGEPORT

JAMES R. CHRISTIE
Mayor



**P.O. BOX 1310 • 515 WEST MAIN STREET
BRIDGEPORT, WEST VIRGINIA 26330**
• www.bridgeportwv.com •

May 16, 2008

The Honorable Nick Sparachane, Chairman
West Virginia Home Rule Board
c/o West Virginia Department of Commerce
1900 Kanawha Boulevard East
Building 6 Room 525
Charleston, West Virginia 25305

**Re: City of Bridgeport Home rule Application
Problem No. 4 - Tax Increment Financing**

Dear Mayor Sparachane:

Thank you for the time you and the members of your committee have spent working on the various home rule presentations. Though it is a daunting process, your efforts are very much appreciated.

This letter is to provide the Committee updated information regarding Problem 4 of Bridgeport's application: "THE CITY OF BRIDGEPORT CANNOT ISSUE ITS OWN TAX INCREMENT FINANCING BECAUSE IT IS A CLASS III CITY."

During its most recent session, the West Virginia Legislature passed Senate Bill 280, which amended § 8-38 *et seq.* of the West Virginia Code: the Municipal Economic Opportunity Development District Act. Senate Bill 280, which was passed on March 8, 2008 and goes into effect 90 days from passage, provides for enhanced tax increment financing opportunities for Class I and II municipalities.

In Problem 4, the City of Bridgeport generally outlined its need to be treated as a Class I or II city so that it would be able to take advantage of tax increment financing. The first paragraph of Problem No. 4 specifically refers to the powers conferred by § 7-11B-1 *et seq.*, however, the body of the explanation of Problem 4 makes it clear the City of Bridgeport needs authority for all forms of tax increment financing, not just those limited by a particular West Virginia Code section.

The amendments to § 8-38 *et seq.* in Senate Bill 280 enhance opportunities for tax increment financing by Class I and II municipalities through an excise tax. Thus, Bridgeport respectfully requests the Home Rule Committee solve Problem 4 of Bridgeport's application by allowing the City to implement its own tax increment financing wherever such opportunities are

The Honorable Nick Sparachane, Chairman
May 16, 2008
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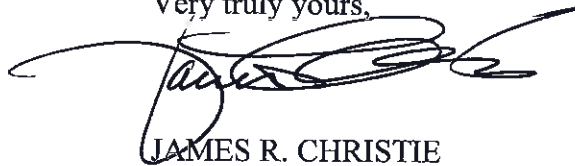
available in the West Virginia Code; regardless of the chapters, sections and articles involved. The City of Bridgeport does not consider this an amendment to its application as much as a supplement given the passage of Senate Bill 280 during this past legislative session.

Specifically, the City of Bridgeport asks that this supplementation be treated as an addition to Paragraph 1 of Problem 4, which will now read, in its entirety, as follows:

“Section 4, Article 11B of Chapter 7 and Article 3B of Chapter 8 of the West Virginia Code provide that only a Class I or II municipality may exercise the powers conferred by 7-11B-1 *et seq.* and 8-38-1 *et seq.* and there may be comparable provisions of the West Virginia Code which authorize tax increment financing.”

Should you have any question regarding this letter or would like to discuss the matter further, contact me at 304.842.6214. Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'James R. Christie', with a large, sweeping flourish extending to the left.

JAMES R. CHRISTIE
Mayor

West Virginia Municipal Home Rule Pilot Program Application
PLEASE TYPE OR PRINT- Application Due by 1-1-2008

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Certifying Official: James R. Christie Title: Mayor

Contact Person: Kim Haws Title: City Manager

Address: 515 W. Main Street

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Please identify municipal class/metro government: (Check one)

Class I Class II Class III Metro-Government

C. Category of Issues to be Addressed

Please identify areas to be addressed through home rule: (Check all that apply)

Taxing Organization Administrative Personnel

(Please describe-attach additional pages if necessary):

SEE ATTACHED

PROBLEM.

Pursuant to an Ordinance adopted on the 24th day of May, 1988, and the authority granted to municipalities under Section 4, Article 13 of Chapter 8 of the West Virginia Code, the City of Bridgeport has required municipal licenses and charged a license tax not to exceed the amount previously authorized by the State. The imposition of licensing requirements for the conduct of various businesses with varying fees creates both administrative problems and leads to confusion and misinterpretation by business owners and operators.

SOLUTION.

The City proposes that it charge a single business license fee of \$15.00 in order to apply uniformity for all those conducting business activities within the City. The proposed solution creates a uniform rate for all businesses and leads to the ease in administration by the City resulting in cost savings and a more understandable business license tax structure.

PROBLEM.

West Virginia Code 8-12-5 (49) states:

"To establish, construct, require, maintain and operate such instrumentalities, other than free public schools, for the instruction, enlightenment, improvement, entertainment, recreation and welfare of the municipality's inhabitants as the governing body may deem necessary or appropriate for the public interest....." (Emphasis added)

By opinion rendered on March 29, 1985, the West Virginia State Tax Department opined that the foregoing restricted municipal involvement in the "free public school" system to the extent that contributions from municipal funds could not be made to the Bridgeport Band Boosters for the purpose of buying uniforms. Based upon this opinion,

Bridgeport has not participated in the construction of instrumentalities or purchase of acquisition or leasing of property which would be turned over to or used at less than fair market value by the Board of Education as a part of the operation by it of a free public school system. The City of Bridgeport and the Harrison County Board of Education share many facilities and the opinion of the State Tax Department creates confusion as to the extent to which the City of Bridgeport may provide instrumentalities for the instruction, enlightenment, improvement, entertainment, recreation and welfare of its inhabitants by participating with the Board of Education in facilities and activities which may be deemed to be a part of the Harrison County free public school system.

SOLUTION.

Provide by Ordinance that the governing body of the City of Bridgeport may, by proper appropriation, expend municipal funds from any lawful source for the construction of facilities and purchase of property to be used in conjunction with the Board of Education to provide for the instruction, enlightenment, improvement, entertainment, recreation and welfare of the inhabitants of the City of Bridgeport, such property and facilities to be leased or transferred to the Harrison County Board of Education for its operation, management and control pursuant to such conditions as may by agreement between the City of Bridgeport and the Board of Education, be provided.

PROBLEM.

West Virginia Code 8-6-1(a) provides:

“Unincorporated territory may be annexed to and become part of a municipality contiguous thereto only in accordance with the provisions of this article.”

With the proliferation of so-called "shoestring" annexations, roads, streams and small strips of land have been incorporated into municipal corporate limits. These "shoestrings" serve as a barrier to expansion of other municipal corporate limits to include areas to which municipal services may be extended and to which the infrastructure necessary to planned and orderly expansion may be provided. The owners of these properties subject to development contiguous to the corporate limits but for the municipal shoestring separating them, desire that their property become a part of the City. However, with the separation by another incorporated area, the City feels that it is legally unlikely that it can cross these boundaries.

SOLUTION.

The City proposes to provide by Ordinance that it be authorized to annex unincorporated territory contiguous to its corporate boundary, but for the separation by incorporated roads, streams and small strips of land in the manner prescribed by West Virginia Code §8-6-1, et seq.

PROBLEM.

Bridgeport has been fortunate enough to have two tax increment financing districts within its corporate limits. Such financing has provided principally for the construction of roads, water lines and sewers which, after construction, become the responsibility of the City. Section 4, Article 11 B of Chapter 7 of the West Virginia Code provides that only a county commission or a governing body of a Class I or II municipality may exercise the powers conferred by 7-11B-1 et seq.

SOLUTION

The City of Bridgeport proposes that this problem be solved by authorizing Class III municipalities with expanded home rule authority to exercise the powers granted by West Virginia Code 7-11B 1 et seq.

EXHIBITS TO BE ATTACHED

Taxation – Feasibility Study

Written Plan

Narrative

Proposed Ordinances

State Tax Department Opinion

City Charter

FEASIBILITY STUDY

WV Code 813-4 states as follows "Whenever anything for which a state license is required, is to be done within the corporate limits of any municipality, the governing body thereof shall have the plenary power and authority, unless prohibited by general law, to require a municipal license which may not exceed the amount of the state license." In 1970, the state of West Virginia repealed the state license ordinance, but allowed municipalities to continue to charge the same fees that the state was charging prior to 1970. We have attached a copy of Bridgeport's municipal license applications. As you can see, the general business license application includes 90 separate classifications with prices ranging from \$2,500 to \$0. The City of Bridgeport feels that the State of West Virginia made the correct decision in 1970 to do away with this type of licensing. We feel that it is very antiquated and is unfair to various types of businesses. As you can see on our application an attorney only pays, by state statute, \$5 for an annual business license, while a beautician is responsible for a \$15 license. We feel that the provisions as they relate to restaurants of charging \$2 plus \$.25 for each 5 chairs are a very antiquated method of licensing. You also notice that classification 43 for service reflects a \$0 license fee. Therefore, since in 1970 the state did not provide a license fee for any type of service business, there is no license fee, thus there is no way to register these individuals. There also is no provision in the state licensing code under the business license classifications for contractors or people who own rental property. The City of Bridgeport feels that this licensing method is very antiquated and unfair. Our request is to establish a flat rate of \$15 for all businesses reflected on these lists with the exception of the beer and liquor license and vending machine license. It is also our desire to eliminate the license requirement for any business or individual who is not liable to pay business and occupation tax. In our case, this would eliminate real estate salesmen, most practical and registered nurses, and radiologists because most of these individuals are employees of other agencies. We estimated that we will lose 107 current business licenses who do not currently pay business and occupation taxes and who will not be required to obtain a business registration. Currently we have 940 separate businesses licensed and they are generating approximately \$13,500.00. Under the new proposal we will have approximately 833 businesses at \$15.00 which would generate approximately \$12,500.00 in business registration fees. As you can see, this is not a revenue producing item for the city however we feel that it is the proper thing to do and it will treat our businesses equally by eliminating the license fees and establishing a business registration fee of \$15.00 for all businesses

**CHARTER
FOR THE CITY OF
BRIDGEPORT, WEST VIRGINIA**

EDITOR'S NOTE: The Bridgeport City Charter was adopted on March 6, 1993. Dates appearing in parenthesis following a section heading indicate those provisions were amended, added or repealed on the date given.

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PREAMBLE TO THE BRIDGEPORT CITY CHARTER

Bridgeport became an incorporated community on March 21, 1887, many years after having been carved out of the wilderness by our pioneer ancestors. From humble beginnings, it has become a small city of 7,000 friendly people who take pride in its growth, development, convenience and aesthetic values.

It was the mission of the Charter Board, elected and empowered by the citizens of Bridgeport at an election held June 3, 1992, to study and recommend such improvements in the city government as may be deemed necessary.

The study has identified the following two problem areas:

1. The lack of effective short and long term planning, as well as a lack of continuity and consistency, are the result of the short and unstaggered terms of the governing body.
2. City growth has created additional administrative needs in excess of the response capacity of the administrative authority which meets regularly two evenings per month. Inefficiencies result from the lack of access to an effective central authority on a daily basis.

The proposed charter contains the following remedies to the identified problems:

1. Retain as the governing body, with longer staggered terms, the present Council consisting of the Mayor, Recorder and 5 other members. The Council shall have full legislative powers and be responsible for governmental policy and citizen contacts.
2. Council shall be empowered and required to employ a Manager who is responsible for all the administrative duties of city operations.

In this charter we have provided for leadership of the city, as mandated by the electorate, and a government which is accountable to the citizens it represents, clearly delineating the duties, responsibilities and authorities of the administrative and legislative branches of the city's government.

In the hope that we have fulfilled our mission and our obligation, we, the Charter Board, have adopted and do propose to the electorate of the City of Bridgeport, the following charter:

CHARTER OF
THE CITY OF BRIDGEPORT, WEST VIRGINIA

SECTION 1. INCORPORATION AND SUCCESSION.

The inhabitants within the corporate boundaries of the City of Bridgeport, as they now are or as they may hereafter be, shall be and continue to be a municipal body politic and corporate by the name of the "The City of Bridgeport" and as such shall have perpetual succession and shall succeed to and own, possess and enjoy all property, rights, title and interests of every kind and character owned or held by or vested in the City of Bridgeport, a municipal corporation, at the time this charter becomes effective and shall be subject to all existing debts, liabilities or obligations of said municipal corporation.

SECTION 2. FORM OF GOVERNMENT.

A "Manager-Mayor Plan", set forth as "Plan V" in Section 2 of Article 3 of Chapter 8 of the West Virginia Code 1931 as amended, is established as the form of government for the City of Bridgeport. There shall be a Mayor elected at large by the qualified voters of the City, as hereinafter provided, who shall serve as a member and the presiding officer of the Council; and a Manager who shall be appointed by the Council. The Council, Mayor and Recorder shall be the governing body. The Manager shall be the administrative authority. The Manager shall manage the affairs of the City under the supervision of the Council and shall be responsible to the Council. The Manager shall appoint or employ, in accordance with Chapter 8 of the West Virginia Code and this Charter, all subordinates and employees for whose duties or work the Manager is responsible to Council.

SECTION 3. POWERS OF THE CITY, SELF GOVERNMENT AND HOME RULE.

The City of Bridgeport shall have each and every authority and power granted to it by this Charter and any power and authority heretofore conferred on it by the legislature by general, special or local law or parts thereof not inconsistent with the constitution or general law of the State. The City of Bridgeport shall also have all powers granted to municipalities under the constitution and statutes of the State of West Virginia, including all powers of local self government and home rule granted by Chapter 8 of the Code of West Virginia, as amended, as well as any powers or authority fairly incidental thereto or reasonably implied and within the purpose thereof, and all such powers shall be executed in the manner prescribed by this Charter and if not prescribed herein, in such manner as shall be provided by ordinance of City Council.

SECTION 6. ATTENDANCE AT COUNCIL MEETING REQUIRED FOR VOTING.

No member of Council may vote on any matter before Council unless that member is present at the time of the vote. No proxies or absentee votes shall be permitted.

SECTION 7. SELECTION, POWERS AND DUTIES OF MAYOR.

There shall be a Mayor elected at large by the qualified voters of the City who shall serve as a member and the presiding officer of the Council and shall perform such other duties as provided by this Charter or by law. The Mayor shall serve for a term of four (4) years beginning on July 1st following his or her election and continuing until June 30 following the next mayoral election. Any vacancy in the office of Mayor shall be filled by appointment by the remaining members of the Governing Body of one of its members to serve for the unexpired term.

SECTION 8. DEVELOPMENT COMMITTEE; MAYOR'S ADVISORY COMMISSION ON ECONOMIC AND INDUSTRIAL DEVELOPMENT.

The Mayor shall appoint and chair a Development Committee consisting of three members of Council, including the Mayor, and two residents of the City. The Development Committee shall consider and report annually to Council matters related to economic development, the use of public buildings and real estate, planning, zoning, housing and annexation.

SECTION 9. LIMITATION ON TERMS OF THE MAYOR.

The Mayor shall be elected to not more than two consecutive terms: Provided, that nothing herein shall be construed as preventing an incumbent Mayor from election to a Council term following the end of the Mayor's term.

SECTION 10. RECORDER.

There shall be a Recorder elected at large by the qualified voters of the City who shall serve as a member of the Council and shall keep the journal of proceedings of the Council and have charge of and preserve the records of the City. Whenever the Mayor is unable because of illness or absence from the municipality to perform the duties of his office and during any vacancy in the office of Mayor, the Recorder shall perform the duties of the Mayor and be vested with all of his power and authority. The Recorder shall serve for a term of four (4) years; provided however, that the Recorder elected at the first election held hereunder shall serve for a term of two (2) years. Any vacancy in the office of Recorder shall be filled by the affirmative vote of Council appointing a qualified person to fill the vacancy for the unexpired term.

SECTION 11. OATHS OF MAYOR AND MEMBERS OF COUNCIL.

The Mayor, Recorder, and all other members of Council, before entering upon the duties of the office, shall make an oath or affirmation to support the Constitutions of the United States and the State of West Virginia and to discharge faithfully the duties of the office to the best of their skill and judgment. This oath or affirmation must be before someone authorized to administer oaths and shall be filed with the City Recorder.

SECTION 15. MANAGER, POWERS AND DUTIES GENERALLY.

It shall be the duty of the Manager unless otherwise specifically provided in this Charter; to supervise the administration of the affairs of the City; to see that the orders, bylaws, ordinances, acts and resolutions of the Council thereof are faithfully executed and enforced; and to see that the laws of the State are enforced within the corporate limits of the City. The Manager shall be an ex officio member of all committees of Council. It shall also be the duty of the Manager to make all appointments and removals in the administrative and executive services, except as otherwise provided in this Charter, and those appointments and removals shall be made exclusively by the Manager without the consultation, advice or approval of the Council or any member thereof; to recommend from time to time to the Council such measures as the Manager may deem necessary for the welfare of the City; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate; to prepare and submit to the Council such reports as may be required by that body, and to perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the Council. The Manager shall determine the needs and prepare, in consultation with City department heads, a long range plan, extending two, five, and ten years, setting forth the capital expenditures which are needed to enhance the growth, prosperity and future development of the City and the improvement and development of its facilities, suggesting funding sources to acquire the same. The Manager shall report his findings to Council prior to submission of the annual budget. The Manager shall be responsible to Council for the proper administration of the affairs of the City by the Manager's subordinates. Except as otherwise provided in this Charter, all other executive and administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by the Manager. The Manager shall be vested with discretion in the performance of his duties, and shall not be subject to direction or control by any member of the Council or any other person or persons. The Manager shall have the power to remove any officer whom he may appoint, or any employee of the City for whose duties or work the Manager is responsible, unless otherwise provided in this Charter; Provided, however, that the Manager may exercise this power only with the consent of Council during the first six (6) months of his employment.

SECTION 16. MANAGER CONTRACTS; RATIFICATION.

The Manager shall negotiate and enter into all contracts upon behalf of the City except as otherwise provided in this Charter or by ordinance. Such contracts to be negotiated and entered into by the Manager shall be within the limits of the budget, as determined by the purpose and subject matters of the contracts. If any such contract involves the expenditure of more than \$5,000.00, or the performance thereof extends beyond the budget year, or involves the expenditure of money not within the budget, such contract must be ratified by Council. The Manager shall report in writing to Council any negotiations and the terms of the contracts requiring their ratification, and the Council may in such cases alter, amend, ratify or reject any such contract. Any contract executed by the Manager on behalf of the City in violation of the terms of this section shall not be binding upon the City.

I, _____, hereby certify that I am a candidate for the office of [Mayor, Recorder, or member of Council] of the City of Bridgeport, and desire my name to be printed on the official ballot of the City of Bridgeport to be voted at the election to be held on the _____ day of _____, 19____; that I am a legally qualified voter of the City of Bridgeport; that my residence is _____, in the City of Bridgeport; that I am eligible to hold that office; and that I am a candidate for that office in good faith.

Candidate

SECTION 20. RECALL OF MAYOR, RECORDER OR MEMBER OF COUNCIL.

The Mayor, Recorder or any member of Council may be removed from office by the following procedure: a petition signed by at least ten percent of the qualified voters of the City shall be filed with the Recorder, which petition shall contain a general statement of the grounds for which the removal is sought. The petition shall be accompanied by a bond in an amount determined by the Recorder to equal the cost of the recall election with sufficient surety condition to pay the cost of the recall election if majority of the legal votes cast are against the recall. Such petition and bond shall be submitted to, examined and certified by the Recorder, and if such petition be deemed sufficient by the Recorder, the Recorder shall certify the same to the City Council without delay. Upon receipt of such petition the Council shall order and fix a date for holding a special recall election, not less than thirty days nor more than fifty days from the date of the Recorder's certificate. The Council shall publish notice of the election once a week for three successive weeks in two newspapers of general circulation in the City. The ballot for such recall election shall be substantially of the following form and effect:

OFFICIAL BALLOT

_____ day of _____, 19____ Special recall
election for the removal of ____ For the recall of _____
____ Against the recall of _____

Should a majority of the votes cast be in favor of recall the person recalled shall forthwith forfeit his office and the Council shall, at its next meeting following the recall election, appoint a successor to such office for the unexpired term of same.

The method of removal shall be cumulative and in addition to any other methods of removal provided by law. No recall petition shall be filed within ninety days succeeding or preceding any regular Council meeting.

SECTION 27. DIRECTOR OF RECREATION.

The Manager shall appoint and may discharge a Director of Recreation who shall be in charge of the recreation programs of the City and all playgrounds, recreation centers and recreation facilities of the City and shall perform such other duties as Council may provide by ordinance or be assigned by the Manager.

SECTION 28. DIRECTOR OF LIBRARY SERVICES.

The manager shall appoint and may discharge a Director of Library Services who shall hold a Masters Degree in Library Science and who shall be in charge of all library facilities of the City and shall perform such other duties as Council may provide by ordinance or be assigned by the Manager.

SECTION 29. APPOINTMENT OF MUNICIPAL COURT JUDGE.

The Manager shall appoint and may discharge a Judge of Municipal Court from among the members of the Harrison County Bar, who need not be a resident of the City of Bridgeport.

SECTION 30. JUDGE TO APPOINT CLERK.

The Judge of the Municipal Court shall appoint a Clerk of the Municipal Court who shall have the powers and duties set forth in Section 35 of the Charter.

SECTION 31. DUTIES OF MUNICIPAL COURT JUDGE; TEMPORARY JUDGE.

The Judge of the Municipal Court shall preside over that Court and try and determine all cases over which that Court has jurisdiction. In the event of the Judge's temporary absence or disability, the Manager shall appoint a member of the Harrison County Bar to preside over the Court, and perform the duties of the Judge thereof, during the absence or disability of the regular Judge, and the Judge's salary shall be transferred to and paid to the temporary Judge for the time of service as such Judge.

SECTION 32. JURISDICTION OF MUNICIPAL COURT.

The Judge of the Municipal Court shall have jurisdiction over all offenses against, or violation of, the ordinances of the City, and full authority to punish in any manner lawfully prescribed by such ordinances, the offenders against or violators of the same.

The Judge of the Municipal Court shall have the same misdemeanor criminal jurisdiction and powers within the City of Bridgeport as is now provided by law for magistrates elected in Harrison County.

SECTION 33. PROCEEDINGS IN MUNICIPAL COURT.

The proceedings for the recovery of the fines or for the enforcement of the penalty prescribed by any ordinance shall conform to the regulations, so far as they are applicable, prescribed in the Code of West Virginia for proceedings before magistrates.

performance of the judgment or order of the Circuit Court of the County made or rendered upon such appeal. Every such bond shall be with security approved by the Municipal Court or its Clerk; but in any case in which an appeal is taken or granted on behalf of the City, no bond or security shall be required. Every such appeal shall be proceeded within the Circuit Court in the same manner as is provided by law for the proceedings in such Circuit Court, in cases appealed from magistrates. If, on such appeal, judgment be against the appellant, it shall also be against the sureties on the appeal bond for costs, and for any fine or pecuniary penalty adjudged against the defendant. No such appeal shall be allowed after ten days from the date of any final order or judgment desired to be appealed from.

SECTION 39. ANNUAL AUDIT OF BOOKS AND ACCOUNTS; PUBLICATION.

At the end of each fiscal year the City Council shall cause a full and complete examination of all the books and accounts of the City to be made by the West Virginia State Tax Department, Division of Tax and Revenue, or its successors, or by other competent accountants. The Finance Director shall publish such reports as are required by law.

SECTION 40. AUDIT OF BOARDS AND COMMISSIONS.

All boards and commissions of the City of Bridgeport that receive or disburse money independent of the City Finance Department shall be audited by an independent certified public accountant and the audit report shall be filed with the Director of Finance not later than 90 days after the end of the fiscal year of the board or commission.

SECTION 41. FISCAL YEAR FIXED BY ORDINANCE.

Unless otherwise provided by law the fiscal year of the City of Bridgeport shall be fixed by ordinance.

SECTION 42. GENDER.

The masculine gender has been used herein for convenience only and shall be deemed where appropriate to include the feminine and neuter.

SECTION 43. SEPARABILITY.

The provisions of this Charter shall be construed as severable, and should any provision be held unconstitutional, or for any other reason invalid, such holding shall in no way affect any other provision thereof.

SECTION 44. EXISTING ORDINANCES, RULES, REGULATIONS AND PRACTICES TO CONTINUE: INCONSISTENT ORDINANCES, RULES, REGULATIONS AND PRACTICES REPEALED.

All existing ordinances and all existing rules, regulations and practices, if not inconsistent or in conflict with this charter, shall continue in full force and effect until repealed or modified by competent authority. All ordinances, rules, regulations and practices that are inconsistent or in conflict with this charter are hereby repealed to the extent of such inconsistency or conflict.

PUBLISHER'S CERTIFICATE

I, Sara V. Shingleton, Classified Manager of THE EXPONENT TELEGRAM, a newspaper of general circulation published in the City of Clarksburg, County and state aforesaid, do hereby certify that the annexed:

NOTICE

was published in THE EXPONENT-TELEGRAM 2 time(s) commencing on the 10th day of November 2007 and ending on the 17th day of November 2007 at the request of CITY OF BRIDGEPORT.

Given under my hand this 20th day of November 2007

The publisher's fee for said publication is: \$25.48 for 112 words at \$0.1138 per word per day.

Sara V. Shingleton

Classified Manager of The Exponent-Telegram

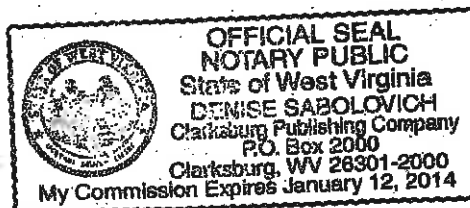
SEAL

Subscribed to and sworn to before me this 20th day of November 2007.

Denise Sabolovich
Notary Public in and for Harrison County, WV

My commission expires on:

The 12th day of January 2014



NOTICE
In accordance with §8-1-5a(h)(1) et seq. of the West Virginia Code, notice is hereby given that the City of Bridgeport's Home Rule Pilot Program Application is available for public inspection in the City Clerk's Office located in the Bridgeport Municipal Complex, 515 West Main Street, Bridgeport, West Virginia. A public hearing regarding the written plan will be held Monday, December 10, 2007, at 7:00 p.m. in Bridgeport City Council Chambers located in Bridgeport City Hall, 515 West Main Street, Bridgeport, West Virginia. The City of Bridgeport's Home Rule Pilot Program Application components will include local taxation, annexation, land bank development, and various other proposals related to the authority of local government.

December 10, 2007

BRIDGEPORT CITY COUNCIL MINUTES

City of Bridgeport
County of Harrison
State of West Virginia

Bridgeport City Council met in regular session Monday, December 10, 2007, at 7:00 p.m. in council chambers of the Bridgeport Municipal Complex, 515 West Main Street.

COUNCIL MEMBERS PRESENT:

Mayor James R. Christie; Recorder Mario D. Blount; Councilors Ruth J. Allen, Charles C. Lindsey, ~~Melissa S. Matheny~~, and Andrew J. Pomeroy.

COUNCIL MEMBERS ABSENT:

Councilors Melissa S. Matheny and Harry M. Murray III.

CITY STAFF PRESENT:

City Manager A. Kim Haws, City Attorney Dean Ramsey, City Clerk Judy Lawson, Director of Community and Public Works Tom Brown, Public Safety Director and Police Chief Jack Clayton, and Fire Chief Chuck Feathers.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Recorder Blount, followed by the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the November 26, 2007, council meeting were duly approved as presented on a motion by Councilor Allen, seconded by Councilor Lindsey.

REPORT BY MAYOR:

Mayor Christie discussed the commuter flight service at the North Central WV Airport; the success of the City's "light up night" last week; and the WV Junior College Commencement at which he spoke.

REPORT BY CITY MANAGER:

None.

PUBLIC COMMENTS:

Greg Mudgett, 106 Country Meadow Lane, expressed his concerns as to whether the Fire Department knows they are located inside the city limits. He also stated that there are six homes in that development and expressed his dismay that the City will only

BRIDGEPORT CITY COUNCIL MINUTES

December 10, 2007

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pave the street from Route 131 to the culvert and asked Council to consider paving the entire road for them. Mayor Christie advised Mr. Mudgett that he would get with the City Manager and City Engineer and get back to him with their decision.

Charles and Freda Reed, 111 Lawman Avenue, expressed their concern with the sewage smell that keeps entering their home. They said the public works crew keeps flushing the line, but the smell returns in a few days. Mayor Christie asked the City Engineer to meet with Mr. Reed and report back to council with his findings.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Item 1. PUBLIC HEARING:

Mayor Christie opened the public hearing for the West Virginia Municipal Home Rule Pilot Program Application. He and legal counsel Dean Ramsey explained the application to the public as follows:

In 2007 the West Virginia Legislature passed Senate Bill 747 that established the Municipal Home Rule Pilot Program. This legislation gives municipalities the opportunity to participate in a pilot program designed to clarify and increase the powers of municipal self-governance, also known as home rule. By authorizing the pilot program, the West Virginia legislature will have an opportunity to evaluate the viability of allowing all municipalities to have broad-based state home rule. It is the intent of the legislature in enacting this pilot program to establish a framework for municipalities within which new ideas can be explored to see if they can or should be implemented on a statewide basis. Of all applications submitted, a seven-member board will choose not more than five municipalities to participate in the program.

The items Bridgeport will address if granted home rule will be:

(1) **STATE RESTRICTIONS ON MUNICIPAL PARTICIPATION IN PUBLIC SCHOOLS.**

Due to an opinion given in 1985 by the West Virginia Tax Department, the City is prohibited from using municipal funds and resources for projects that might otherwise be construed as the responsibility of the public schools. The City is simply requesting that it be allowed to work jointly with the Board of Education, through legally acceptable processes to be able to maximize the limited resources that are available to both entities.

BRIDGEPORT CITY COUNCIL MINUTES

December 10, 2007

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- (2) STATE REQUIREMENT THAT THE MUNICIPALITY CHARGE LICENSE TAXES NOT TO EXCEED ANTIQUATED AMOUNTS PREVIOUSLY AUTHORIZED BY THE STATE.

This would allow the City to charge businesses a flat license fee of \$15 for all businesses as opposed to various fees for more than 90 classifications.

- (3) THE CITY IS NOT ALLOWED, UNDER CERTAIN CIRCUMSTANCES, TO ANNEX PROPERTY THAT THE CITY IS IN THE BEST POSITION TO PROVIDE PUBLIC SERVICES TO.

This would allow the City to annex land by current methods even if the land is not contiguous due to incorporated roads, streams and small strips of land commonly referred to as shoestring annexations.

- (4) THE CITY OF BRIDGEPORT CANNOT ISSUE ITS OWN TAX INCREMENT FINANCING BECAUSE IT IS A CLASS III CITY.

Under State Law only Class I and II cities can issue TIF districts without approval of a county commission. If this pilot program would be approved, Bridgeport could issue its own TIF districts in Bridgeport without obtaining approval of the Harrison County Commission.

Mayor Christie then opened the floor to public comments.

Diana Marra, 10 Lee Ann Lane, passed out copies of Senate Bill 747 and expressed her concerns that the legal ad was not placed in a timely manner. It was published Saturday, November 10. She further stated that she was unable to obtain a copy of the application until the first business day after that, which was November 13. She also stated that she felt the information obtained in the application was incomplete and expressed her dismay that the complete packet was not available at an earlier date.

Item 2. A motion was made by Councilor Lindsey to approve first reading of ordinance authorizing submission of an application and plan pursuant to the West Virginia Municipal Home Rule Pilot Program as established by Senate Bill No. 747; authorizing the Mayor and City Manager to sign the application and all documents and submissions to be filed pursuant thereto; and authorizing the City Recorder to certify this ordinance for submission with the application. Motion was seconded by Councilor Pomeroy and duly approved.

BRIDGEPORT CITY COUNCIL MINUTES

December 10, 2007

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Item 3. Council considered an amendment to the By-laws of the Emergency Services Council changing the number of members. Mayor Christie expressed concern that the proposed language was unclear and did not set forth the staggered terms for the new members. On a motion by Councilor Lindsey, seconded by Councilor Allen, the matter was tabled.

Item 4. A motion was made by Councilor Pomeroy to table first reading of an ordinance amending the Fire Protection Fee Ordinance. Motion was seconded by Councilor Lindsey and unanimously approved.

Item 5. There were no budget revisions or authorizations.

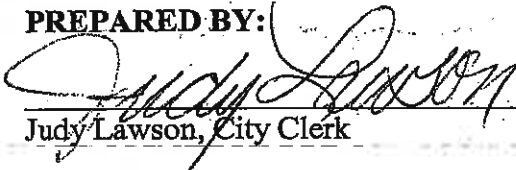
EXECUTIVE SESSION:

None.

ADJOURNMENT:

Meeting adjourned at 9:05 p.m. on a motion by Councilor Allen, seconded by Councilor Lindsey, and duly approved.

PREPARED BY:



Judy Lawson, City Clerk



MAYOR



RECORDER

APPROVED:



Date.

12/17/07

AN ORDINANCE AUTHORIZING THE CITY OF BRIDGEPORT TO FILE AN APPLICATION AND PLAN PURSUANT TO THE WEST VIRGINIA MUNICIPAL HOME RULE PILOT PROGRAM AS ESTABLISHED BY SENATE BILL NO. 747; AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN THE APPLICATION AND ALL DOCUMENTS AND SUBMISSIONS TO BE FILED PURSUANT THERETO; AND AUTHORIZING THE CITY RECORDER TO CERTIFY THIS ORDINANCE FOR SUBMISSION WITH THE APPLICATION

WHEREAS, the West Virginia Legislature duly adopted Senate Bill No. 747 establishing a Municipal Home Rule Pilot Program; and,

WHEREAS, the City of Bridgeport is an eligible municipality to participate in such program; and,

WHEREAS, eligible municipalities may submit a written plan and application pursuant to the provisions of said program; and

WHEREAS, the City of Bridgeport has caused to be prepared an application and plan, together with attachments and affidavits; and,

WHEREAS, the City of Bridgeport has caused to be published a notice as required by law and has conducted a public hearing pursuant to such notice.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bridgeport, Harrison County, West Virginia, as follows:

1. That the City of Bridgeport submit an application to participate in the Municipal Home Rule Pilot Program established by the West Virginia Legislature as set forth in Senate Bill No. 747, together with all affidavits and attachments attached thereto, all in the form attached to this Ordinance and incorporated herein.

2. That the Mayor and City Manager be and they are hereby authorized to execute on behalf of the City the application and all associated documents submitted therewith as required by Senate Bill No. 747.

3. That the Recorder be and he is hereby authorized to certify this Ordinance and the manner of its adoption for submission with the application.

ADOPTED BY THE COUNCIL OF THE CITY OF BRIDGEPORT ON SECOND AND FINAL READING THIS 17TH DAY OF DECEMBER, 2007.

Marie S. Blat

Recorder

[Signature]
Mayor

PROPOSED DRAFT FOR
WEST VIRGINIA HOME RULE APPLICATION

AN ORDINANCE AUTHORIZING THE GOVERNING BODY OF THE
CITY OF BRIDGEPORT TO EXERCISE THE POWERS AND CARRY
OUT THE PURPOSES OF THE WEST VIRGINIA TAX INCREMENT
FINANCING (WEST VIRGINIA CODE §7-11B-1, ET SEQ.)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRIDGEPORT, HARRISON COUNTY, WEST VIRGINIA, THAT THE GOVERNING BODY OF SAID CITY MAY, FROM TIME TO TIME EXERCISE THE POWERS AND CARRY OUT THE PURPOSES OF THE WEST VIRGINIA TAX INCREMENT FINANCING ACT (WEST VIRGINIA CODE §7-11B-1, ET SEQ. IN THE SAME MANNER AS A CLASS I OR CLASS II MUNICIPALITY.

Adopted by the Council of the City of Bridgeport on second and final reading this _____ day of _____, 20_____.

Mayor

Recorder

PROPOSED DRAFT FOR WEST VIRGINIA HOME RULE APPLICATION

**AN ORDINANCE AMENDING, ENACTING AND RE-ENACTING THE
CODIFIED ORDINANCES OF THE CITY OF BRIDGEPORT,
HARRISON COUNTY, WEST VIRGINIA, BY REPEALING THE
FOLLOWING SECTIONS: 705.03 ITINERANT VENDORS; 705.04
HAWKER AND PEDDLERS; 717.15 LAUNDRIES AND CAR WASHES;
717.16 CIRCUS, CARNIVALS AND OTHER PUBLIC SHOWS; 717.17
TRADING STAMPS; 717.18 FORTUNE TELLERS; 717.19 JUNK
DEALERS AND THEIR AGENTS; 717.20 PAWNBROKERS; 717.21
THEATERS AND PUBLIC SHOWS; 717.22 COLLECTION AGENCIES;
717.23 EMPLOYMENT AGENCIES; 717.24 BILLIARD, POOL,
BOWLING ALLEYS AND BAGATELLE TABLES; 717.25 STORES;
717.26 FEES FOR CERTAIN TRADES, PROFESSIONS OR
OCCUPATIONS – (1-14; 15-20; 21-24; 27 AND 28); 717.27 HEARING
AID FITTERS; 717.28 DENTAL CORPORATION; 717.29 FUNERAL
ESTABLISHMENTS; 717.30 MEDICAL CORPORATIONS; 717.31
NURSING HOMES AND PERSONAL CARE HOMES; 717.32
HOSPITALS; 717.33 HOTELS, MOTELS AND BOARDING HOUSES;
717.34 RESTAURANTS; 717.35 BARBER AND BEAUTICIAN
SCHOOLS; 717.36 INSURERS; 717.37 CONSTRUCTION –
SEVERABILITY; PROVIDING FOR EFFECTIVE DATE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRIDGEPORT, HARRISON COUNTY, WEST VIRGINIA, THAT THE CODIFIED ORDINANCES OF THE CITY OF BRIDGEPORT BE AMENDED, ENACTED AND RE-ENACTED BY REPEALING THE FOLLOWING SECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF BRIDGEPORT AS SET FORTH IN THE BRIDGEPORT CITY CODE:

705.03 Itinerant Vendors; 705.04 Hawker and Peddlers; 717.15 Laundries and Car Washes; 717.16 Circus, Carnivals and Other Public Shows; 717.17 Trading Stamps; 717.18 Fortune Tellers; 717.19 Junk Dealers and Their Agents; 717.20 Pawnbrokers; 717.21 Theaters and Public Shows; 717.22 Collection Agencies; 717.23 Employment Agencies; 717.24 Billiard, Pool, Bowling Alleys and Bagatelle Tables; 717.25 Stores; 717.26 Fees for Certain Trades, Professions or Occupations (1-14; 15-20- 21-24; 27 and 28); 717.29 Funeral Establishments; 717.30 Medical Corporations; 717.31 Nursing Homes and Personal Care Homes; 717.32 Hospitals; 717.33 Hotels, Motels and Boarding Houses; 717.34 Restaurants; 717.35 Barber and Beautician Schools; 717.36 Insurers; and 717.37 Construction – Severability.

This Ordinance shall be effective on the _____ day of _____,
2008.

Adopted by the Council of the City of Bridgeport on second and final reading this _____ day of _____, 20_____.

Mayor

Recorder

PROPOSED DRAFT FOR WEST VIRGINIA HOME RULE APPLICATION

**AN ORDINANCE IMPOSING A BRIDGEPORT MUNICIPAL BUSINESS
REGISTRATION TAX; PROVIDING FOR RULES AND REGULATIONS
FOR THE APPLICATION, ADMINISTRATION AND ISSUANCE OF A
BUSINESS REGISTRATION CERTIFICATE AND FOR THE
REVOCAION AND SUSPENSION OF SUCH CERTIFICATE;
PROVIDING FOR THE COLLECTION AND PAYMENT OF TAX;
PROVIDING PENALTIES AND ENFORCEMENT OF SAID TAX**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRIDGEPORT, HARRISON
COUNTY, WEST VIRGINIA, AS FOLLOWS:**

1. No person required to obtain a business registration certificate from the State Tax Commissioner of the State of West Virginia pursuant to West Virginia Code §11-12-1, et seq. shall engage in or prosecute any business activity within the corporate limits of the City of Bridgeport without first obtaining a Bridgeport Municipal Registration Certificate.
2. The Bridgeport Municipal Registration Tax hereby levied shall be Fifteen Dollars (\$15.00) for each annual Business Registration Certificate.
3. The Director of Finance of the City of Bridgeport shall promulgate rules and regulations for the application, issuance, revocation and suspension of said certificate; for the payment of tax for exemptions therefrom; for exemptions from registration; for such other rules and regulations as are consistent with the provisions of West Virginia Code §11-12-1, et seq. and the rules and regulations of the West Virginia State Tax Commissioner. All such rules and regulations promulgated pursuant hereto shall be submitted to and approved by the Council of the City of Bridgeport by ordinance in the same manner as provided for adoption of revenue producing ordinances.
4. Any person engaging in or prosecuting any business contrary to the provisions of this Ordinance or the rules and regulations promulgated and adopted pursuant hereto, whether without obtaining a Bridgeport Municipal Registration Certificate therefore before commencing the same, or by continuing the same after the termination of the effective period of any such certificate may, in addition to paying the Bridgeport Municipal Registration Tax, additions to penalties and interest, be liable for a penalty of Fifty Dollars (\$50.00) for each month or fraction thereof during which he has been in default of the Bridgeport Municipal Registration Tax. It shall be the duty of the Director of Finance to collect the full amount of the business registration tax, additions to tax, interest, and all penalties imposed; Provided, that in no event may the

total penalty for the failure to renew a business registration certificate exceed Fifty Dollars (\$50.00) per registration certificate.

5. The Bridgeport Municipal Business Registration Tax, additions to tax, interest and all penalties, may be collected by the Director of Finance in any manner provided for the collection of municipal taxes, fines, or penalties.

Adopted by the Council of the City of Bridgeport on second and final reading after due and proper notice, this _____ day of _____, 2008.

Mayor

Recorder

PROPOSED DRAFT FOR WEST VIRGINIA HOME RULE APPLICATION

AN ORDINANCE AUTHORIZING THE COUNCIL OF THE CITY OF BRIDGEPORT TO PROVIDE FOR ANNEXATION OF UNINCORPORATED TERRITORY TO BECOME A PART OF THE CITY OF BRIDGEPORT; PROVIDING FOR A DEFINITION OF "CONTIGUOUS"; REQUIRING FURTHER ACTION BY THE COUNCIL OF THE CITY OF BRIDGEPORT;

WHEREAS, the Legislature of the State of West Virginia pursuant to Senate Bill No. 747 (Codified in Section 5A, Article 1, Chapter 8 of the West Virginia Code), provided for a pilot program to increase the powers of municipal self government; and,

WHEREAS, the City of Bridgeport has submitted an application pursuant to the provisions of 8-1-5A West Virginia Code, providing, *inter alia*, that the City of Bridgeport be authorized to annex unincorporated territory to become a part of the City of Bridgeport, such territory to be contiguous to the corporate limits of the City of Bridgeport; and,

WHEREAS, pursuant to said plan, contiguous, unincorporated territory shall include unincorporated areas abutting the corporate limits of the City of Bridgeport directly including unincorporated territory separated from the municipal boundary by an incorporated or unincorporated street or highway or street or highway right of way, creek or river, and the right of way of a railroad or other public service connections or lands owned by the state or the federal government.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bridgeport as follows:

1. The Council of the City of Bridgeport is hereby authorized to provide for the annexation of unincorporated territory in accordance with the provisions of Article 6 of Chapter 8 of the West Virginia Code.

2. For the purposes of said Article 6 of Chapter 8 of the West Virginia Code, including petition for annexation by election, and as provided by Section 2 of said Article, and annexation without an election as provided by Section 4 of said Article 6 of Chapter 8 of the West Virginia Code, "contiguous" means that at the time election or petition or application for minor boundary adjustment the territory proposed for annexation either butts directly on the municipal boundary of the City of Bridgeport or separated from the municipal boundary of the City of Bridgeport by an incorporated or unincorporated street or highway or street or highway right of way, a creek or river, or the right of way of a railroad or other public service corporation, or lands owned by the state or federal government.

This Ordinance shall become effective after adoption by the Council of the City of Bridgeport pursuant to authority granted by Section 5A of Article 1 of Chapter 8 of the West Virginia Code.

Adopted by the Council of the City of Bridgeport, on first reading this _____ day of _____, 2008.

Mayor

Recorder

Adopted by the Council of the City of Bridgeport, on second and final reading this _____ day of _____, 2008.

Mayor

Recorder

**PROPOSED DRAFT FOR
WEST VIRGINIA HOME RULE APPLICATION**

**AN ORDINANCE AUTHORIZING THE GOVERNING BODY OF THE
CITY OF BRIDGEPORT TO EXPEND MUNICIPAL FUNDS FOR
FACILITIES TO BE USED PURSUANT TO AN AGREEMENT WITH
THE BOARD OF EDUCATION OF HARRISON COUNTY TO PROVIDE
FOR INSTRUCTION, ENLIGHTENMENT, IMPROVEMENT,
ENTERTAINMENT, RECREATION AND WELFARE OF THE
INHABITANTS OF THE CITY OF BRIDGEPORT AND TO LEASE OR
CONVEY FACILITIES TO THE BOARD OF EDUCATION FOR ITS USE
AND OPERATION**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRIDGEPORT, HARRISON COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. The Mayor and City Manager by Resolution of the governing body shall have the power and authority to negotiate and present to council for final approval proposed agreements with the Board of Education of Harrison County providing for the expenditure of municipal funds from any lawful source for the construction of facilities and purchase and acquisition of property to be used in cooperation and conjunction with the Board of Education of Harrison County for the instruction, enlightenment, improvement, entertainment, recreation and welfare of the inhabitants of the City of Bridgeport, which properties may be leased or transferred to the Board of Education of Harrison County for its operation, management and control, subject to any conditions set forth in such proposed agreement.

2. Any agreement presented pursuant to the authority hereof shall be effective only upon approval by the governing body of the City of Bridgeport by Ordinance adopted on two readings, the second reading of which shall be held only after a public hearing, notice of which shall be given at least ten (10) days prior to the final reading, by publication as a Class II legal publication.

Adopted by the Council of the City of Bridgeport, on second and final reading, this _____ day of _____, 20_____.

Mayor

Recorder

Law Offices

West & Jones

360 Washington Avenue

P. O. Box 2348

Clarksburg, West Virginia 26302-2348

JAMES C. WEST, JR.
JERALD E. JONES
DEAN C. RAMSEY, PLLC
NORMAN T. FARLEY
KATHRYN K. ALLEN
PERRY B. JONES

December 27, 2007

TELEPHONE (304) 624-5501
FAX (304) 624-4454
Email: law@westandjones.com

West Virginia Home Rule Pilot Program
WV Department of Commerce
State Capitol Complex
Building 6, Room 525
Charleston, WV 25305-0311

Re: City of Bridgeport, West Virginia
Municipal Home Rule Pilot Program Application

Gentlemen:

The law firm of West & Jones, of the City of Clarksburg, West Virginia, are the attorneys for the City of Bridgeport, a West Virginia municipal corporation. As such, we have reviewed various public records and documents provided to us by the City of Bridgeport and we have examined the provisions of West Virginia Code §8-1-5a (the "Act"), concerning the West Virginia Municipal Home Rule Pilot Program. We have been requested to render an opinion stating that the Application to be filed by the City of Bridgeport complies with the requirements set forth in the Act.

As to questions of fact material to our opinion, we have relied upon the public records and documents provided to us by or on behalf of the City of Bridgeport, without undertaking to verify the same by independent investigation. No opinion is expressed herein and this opinion is rendered subject to the accuracy, completeness, and regularity of said public records and documents, the constitutionality of the legislation set forth in West Virginia Code §8-1-5a, and to any limitations provided by public policy or the exercise of judicial discretion in appropriate cases in regard thereto.

The City of Bridgeport is a Class III municipal government. The City of Bridgeport is submitting a West Virginia Municipal Home Rule Pilot Program Application pursuant to the Act. West Virginia Code §8-1-5a provides, in relevant part, as follows:

- "(h) Prior to submitting a written plan, the municipality shall:
 - (1) Conduct a public hearing on the proposed written plan;

- (2) Provide at least thirty days' notice of the public hearing by a Class II legal advertisement;
- (3) Make a copy of the proposed written plan available for public inspection at least thirty days prior to the public hearing; and
- (4) After the public hearing, adopt a municipal ordinance authorizing the municipality to submit a proposed written plan to the Municipal Home Rule Board after the proposed municipal ordinance has been read two times."

A public hearing on the proposed written plan was held by the City Council of the City of Bridgeport on December 10, 2007, as shown by the copy of the Bridgeport City Council Minutes, dated December 10, 2007, a copy of which document is enclosed with said Application. The City of Bridgeport provided at least thirty days' notice of said public hearing by a Class II legal advertisement, as shown by the Publisher's Certificate issued by the Classified Manager of The Exponent Telegram, reflecting that said notice was published two times commencing on November 10, 2007, and ending on November 17, 2007, a copy of which Publisher's Certificate is enclosed with said Application. We are advised that a copy of the proposed written plan was available for public inspection at the Bridgeport Municipal Building in the City of Bridgeport during business hours for each business day for such period of thirty days following the first publication of said notice. After said public hearing, the City of Bridgeport adopted a municipal ordinance authorizing the municipality to submit a proposed written plan to the Municipal Home Rule Board after the proposed municipal ordinance was read two times, as set forth in the Ordinance adopted by the Council of the City of Bridgeport on second and final reading on December 17, 2007, a copy of which document is enclosed with to said Application. (Note: The undersigned is advised by officials of the City of Bridgeport that the minutes of the meeting of the City Council of the City of Bridgeport held on December 17, 2007, have not yet been approved by City Council, for no meeting of City Council has been held since December 17, 2007.)

Based upon the foregoing, we are of the opinion, under existing law and as of the date hereof, that the West Virginia Municipal Home Rule Pilot Program Application of the City of Bridgeport complies with said statutory requirements as set forth in the Act.

Sincerely yours,


Norman T. Farley

NTF:lh

AFFIDAVIT AND CERTIFICATION

The undersigned, A. KIM HAWS, after first being duly sworn, upon his oath, deposes and says:

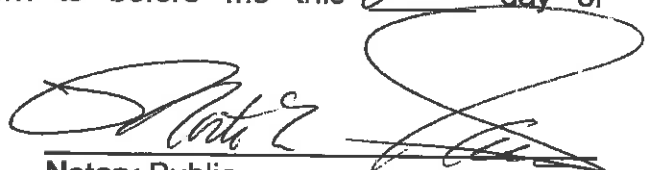
1. That he is the City Manager of the City of Bridgeport, Harrison County, West Virginia.
2. That he is a proper certifying officer duly authorized to certify the application of the City of Bridgeport pursuant to the West Virginia Municipal Home Rule Pilot Program.
3. That he does hereby certify that the foregoing constitutes the application of the City of Bridgeport, together with a record of Publication of Notice and Public Hearing, with respect thereto along with an opinion of counsel regarding the same.
4. That submission and presentation of the attached application has been duly authorized by the governing body of the City of Bridgeport.

Further affiant sayeth not.



A. Kim Haws

Taken, subscribed and sworn to before me this 27 day of December, 2007, by A. Kim Haws.



Notary Public

My commission expires:
11/22/2016

