



P.O.BOX 1310 • 515 WEST MAIN ST. • BRIDGEPORT, WEST VIRGINIA 26330-6310
Phone: (304) 842-8225 • Fax: (304) 842-8201 • www.bridgeportwv.com
A. KIM HAWS
City Manager

March 7, 2011

Ms. Debbie Browning
Executive Assistant
WV Department of Commerce
Building 6, Room 525
Charleston, West Virginia 25305-0311

RE: Municipal Home Rule Board

Dear Debbie:

Attached is a copy of the application for the amendment to the City of Bridgeport's Home Rule Plan with supporting information which we anticipate bringing to the Home Rule Board March 17, 2011.

Yours truly,

A handwritten signature in blue ink, appearing to read "A. Kim Haws", is written over a horizontal line.

A. Kim Haws
City Manager

AKH/jsl



Opportunity lives here.

**515 West Main Street
P.O. Box 1310
Bridgeport, WV 26330-6310**

James R. Christie, Mayor
Kim Haws, City Manager
Mario Blount, Recorder

HOME RULE PILOT PROGRAM

2011 Amendment



City Council:

Robert L. Greer
Charles C. Lindsey
Diana Cole Marra
Melissa S. Matheny
John S. Wilson, Sr.

BEFORE THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD

APPLICATION OF THE CITY OF BRIDGEPORT, WEST VIRGINIA, FOR AMENDMENT TO ITS MUNICIPAL HOME RULE PLAN APPROVED MARCH 21, 2008

SECTION I

BACKGROUND AND GENERAL INFORMATION

Applicant, City of Bridgeport, was created by Order of the Circuit Court of Harrison County in or on March 21, 1887, and has existed continuously since that time as a West Virginia municipal corporation pursuant to general municipal laws of the State of West Virginia. On March 6, 1993 the voters of the City of Bridgeport adopted a charter creating a city manager form of municipal government pursuant to the provisions of Chapter 8 of the West Virginia Code, under which it continues to operate.

Bridgeport is a **Class III Municipal Corporation** in Harrison County, West Virginia, having a population of 7,928. Bridgeport was selected as a participant in the West Virginia Home Rule Pilot Program by the West Virginia Municipal Home Rule Board at its meeting held on May 21, 2008, as to all sections of its application, to-wit, (1) relating to restrictions on municipal participation in public schools; (2) the requirement that a municipality charge license and taxes not to exceed antiquated amounts previously authorized by the State; (3) authorizing the City to annex property to which it is best suited to provide public services under certain circumstances; and (4) authorizing Bridgeport as a Class III municipality to issue its own tax increment financing.

The Bridgeport Volunteer Fire Department, Inc., a non-profit West Virginia corporation chartered on the 24th day of April, 1935, provided fire service to Bridgeport and its surrounding areas for many years without assistance from the City. Bridgeport began, pursuant to the provisions of Section 8, Article 15 of the West Virginia Code, providing funds and equipment and personnel to the Fire Department to aid in providing this service until the 27th day of November, 2000, when Bridgeport adopted an ordinance creating a paid fire department. Bridgeport's paid Fire Department operated in conjunction with the Bridgeport Volunteer Fire Department until February 9, 2010, at which time the Bridgeport Volunteer Fire Department ceased to be certified as a West Virginia firefighting unit and joined Bridgeport's paid Fire Department in forming a combination fire department as defined by the West Virginia State Fire Commission. Since that time the Bridgeport combination Fire Department has provided fire protection service to the residents and businesses within the corporate limits of the City of Bridgeport and to residents and businesses outside of the City of Bridgeport within its Fire Service District as designated by the West Virginia State Fire Commission and the State Fire Marshall.

Effective July 1, 2007, Bridgeport began to assess fire service fees to the residents and businesses within the corporate limits in order to fund its fire protection services. Fire service fees are paid only by residents and businesses within the corporate limits of the City and funding for fire protection services is supplemented by general charges and taxes applying to City residents. Imposition of the fire service fee within the City amplified the inequity of large expenditures of funds derived from fees

and charges applying to City residents and businesses for services rendered to residents and businesses outside of the City limits. Accordingly, Bridgeport seeks by this proposed amendment, to address the **ISSUE** of funding fire protection service provided by the City outside of its corporate limits but within its mandated Fire Service District. Bridgeport proposes to address this issue by implementing a revenue producing **FEE FOR SERVICES** within its Fire Service District. (**CATEGORY TAXING**).

Bridgeport in its Application requests no change, modification, or amendment to Sections I, II, III, or IV, of its Home Rule Plan. By this Application, Bridgeport respectfully requests that pursuant to the authority granted by Section 5A of Article I of Chapter 8 of the West Virginia Code, that this Board approve amendment to its Home Rule Plan to authorize the City of Bridgeport to assess and collect a fire service fee outside of its corporate limits within its Fire Protection Service District as established by the West Virginia State Fire Commission and the West Virginia State Fire Marshall in which District the City of Bridgeport has a first due responsibility and to authorize the City of Bridgeport to file, assess, and collect a lien on real property located within said District for unpaid and delinquent fire service fees.

SECTION II

A. Narrative.

1. Specific Laws, Policies, and Regulations Affected:

West Virginia Code §8-13-13.

2. Problem: The City of Bridgeport is currently required by the

West Virginia State Fire Commission to render fire protection services in its First Due

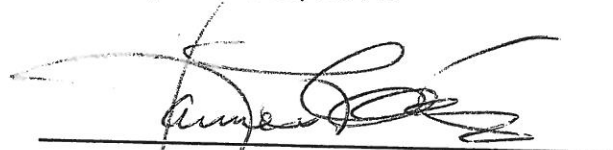
Area as designated by the West Virginia State Fire Marshall and the West Virginia State Fire Commission. This Area includes areas outside of the City of Bridgeport and includes as many as two thousand seven hundred (2,700) residential and utility structures and 888,890 square feet of commercial structures. By contrast, Bridgeport currently provides fire protection services within its corporate limits to approximately 3,669 structures. Bridgeport assesses a fire service fee within its corporate limits which funds only approximately 20% of the cost of its fire protection services and substantial funding is provided to the Fire Department by general revenue provided by taxes within the corporate limits. Bridgeport receives no revenue for providing fire protection services by its paid Fire Department outside of the corporate limits. Providing this service requires additional manpower and equipment at a significant cost to the City. Accordingly, considering its obligation to its residents and citizens, Bridgeport must either receive revenue to fund in part the additional cost of its fire protection services rendered outside of the City of Bridgeport or petition the State Fire Commission to change its Fire Service District to include only properties within the corporate limits.

3. Proposed Solution. Bridgeport proposes to assess a fire service fee for providing fire protection outside of its corporate limits and to file and enforce a lien for unpaid and delinquent fees in order to provide funding in part for providing fire protection services to properties outside of its corporate limits.

(a) While this is a fee for service, it would fall in the area to be addressed through home rule of taxing.

(b) Bridgeport attaches hereto a **Proposed Ordinance** to implement a fire service fee in areas outside of its corporate limits, but within its Fire Service District as designated by the West Virginia State Fire Commission and the West Virginia State Fire Marshall, which Ordinance provides for the filing, assessment, and collection of a lien to collect any delinquent and unpaid fees and provides for an administrative procedure for the filing, assessment, and collection of such lien. Also attached hereto is a **Feasibility Study** indicating the proposed fiscal impact with respect to financing fire services outside of its corporate limits.

Respectfully submitted this 17th day of March, 2011.



Mayor

**AN ORDINANCE AMENDING, ENACTING, AND REENACTING
ARTICLE 1519 OF THE CODIFIED ORDINANCES OF THE CITY OF
BRIDGEPORT, HARRISON COUNTY, WEST VIRGINIA, BY AMENDING
SECTION 1519.01(a) ENTITLED LEGISLATIVE PURPOSE AND
MAINTENANCE TO PROVIDE THAT THE BRIDGEPORT FIRE
DEPARTMENT SHALL RESPOND TO ANY FIRE INCIDENT WITHIN
ITS FIRST DUE AREA AS DESIGNATED BY THE WEST VIRGINIA
STATE FIRE COMMISSION AND WEST VIRGINIA STATE FIRE
MARSHALL; BY ADDING A NEW SECTION DESIGNATED SECTION
1519.04(A) PROVIDING RATES AND CHARGES FOR FIRE FEES FOR
PROPERTIES LOCATED OUTSIDE OF THE CORPORATE LIMITS OF
THE CITY BUT WITHIN THE CITY'S FIRST DUE AREA; BY ADDING A
NEW SECTION DESIGNATED SECTION 1519.06(A) PERMITTING THE
CITY OF BRIDGEPORT TO FILE A LIEN ON PROPERTY WITHIN ITS
FIRST DUE AREA FOR UNPAID AND DELINQUENT FIRE SERVICE
FEES AND PROVIDING FOR NOTICE THEREOF**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRIDGEPORT, HARRISON COUNTY, WEST VIRGINIA, THAT ARTICLE 1519.01(a) OF THE CODIFIED ORDINANCES OF THE CITY BE, AND THE SAME IS HEREBY AMENDED, ENACTED, AND REENACTED TO AMEND SECTION 1519.01(a) AND TO ADD SECTIONS 1519.04(A) AND 1519.06(A) TO READ AS FOLLOWS:

1519.01. LEGISLATIVE PURPOSE; MAINTENANCE

(a) Fire protection service shall be continued, maintained and improved by the City in part at the charge and expense of the owners of buildings and structures of every kind and nature located within the Fire Service District (First Due Area) of the Bridgeport City Fire Department as designated by the West Virginia State Fire Commission and West Virginia State Fire Marshall, which owners are declared to be users and beneficiaries of fire services. Fire services shall be provided by Bridgeport City Fire Department as hereinafter provided within the geographic area established by the West Virginia State Fire Commission as the First Due Area of the Bridgeport City Fire Department.

1519.04(A) PROVIDING RATES AND CHARGES FOR FIRE FEES FOR PROPERTIES LOCATED OUTSIDE OF THE CORPORATE LIMITS OF THE CITY BUT WITHIN THE CITY'S FIRST DUE AREA

- | | | |
|-----|--|---|
| (a) | Owner single family residential unit of any size | \$150.00 per year or
\$37.50 per quarter |
| (b) | Owner of any residential unit with one or more detached structures exceeding 1,000 square feet on contiguous lots. | an additional \$75.00 or
\$18.75 per quarter |

(c) Owner – nonresidential unit
structure

\$.0675 per square foot

**1519.06(A) PERMITTING THE CITY TO FILE A LIEN ON PROPERTY WITHIN ITS
FIRST DUE AREA FOR UNPAID AND DELINQUENT FIRE SERVICE
FEES AND PROVIDING FOR NOTICE THEREOF**

The City shall have and may file a lien on real estate located within its Fire Service District for unpaid and delinquent fire service fees. Prior to filing any such lien, the Director of Finance shall give notice to the property owner by Certified Mail Return Receipt Requested that the municipality will file the lien unless the delinquency is paid by a date specified in the Notice which date must be no less than ninety (90) days from the date the Notice is mailed. The property owner shall have the right to appeal the filing of any such lien in accordance with the provisions of Section 1519.09 of this Ordinance and in the event the Fire Service Appeals Board shall render a ruling adverse to the property owner, the property owner shall have a right to appeal to the Circuit Court of Harrison County, West Virginia.

**FEASIBILITY STUDY CITY OF BRIDGEPORT
OUTSIDE CITY LIMITS FIRE FEES
January 24, 2011**

The City of Bridgeport has accepted the responsibility of providing emergency service in its first due areas as assigned by the West Virginia State Fire Commission. This area includes the City of Bridgeport and areas adjacent. However, can the City justify the cost of providing service to areas outside of its corporate limits that are not contributing funds to help defray these costs? The City of Bridgeport feels that it is unfair to our residents to provide the same level of fire services for non-city businesses and residents free of charge. The city requires its residents to pay 100% of the cost of those services in the form of a fire service fee and taxes received from the City of Bridgeport General Fund.

About 40 years ago, the City of Bridgeport provided areas within its first due assignment fire protection services through the use of a volunteer fire department. Over the years, there has been a substantial increase in the new training requirements for firefighters. In Bridgeport, like many communities throughout the country, volunteerism has diminished. Approximately 40 years ago, with the deterioration in volunteerism, the City started hiring full time firefighters to support the volunteer organization. First it was one and then five and we currently have 23 full time firefighters on staff. Utilizing the 23 existing members plus approximately 10 volunteer firefighters, the city has accepted the responsibility of providing emergency services in the city limits and its first due areas. In providing this service, we have been given the task of determining if it makes economic sense for the City to provide services outside of its city limits while jeopardizing services to the Bridgeport residents and do this without payment from those residents who reside outside of the City limits.

West Virginia Code 8-15-3 allows municipalities to charge up to 50% of the annual tax levied for current municipal purposes upon property within said municipality to provide fire service outside the city limits. It is almost impossible to look at each individual piece of property to arrive at a cost estimate. However, we utilized an average value of a home of \$150,000. Based upon the assumption that the average home and property in the area is worth \$150,000, we determined that if this home was located within the corporate limits, the owner would pay property tax and special levy tax in the amount of approximately \$300.00. City residents are also required to pay 2% utility tax on all of their utility bills. Based upon the anticipated revenue that the City of Bridgeport will receive in FY 10/11 of \$450,000 for utility tax divided by the number of customers that pay that tax (3,771) it is determined that the average resident pays \$120.00 in utility tax on an annual basis. Therefore, if one adds these two numbers together, the average resident is paying \$420.00 in taxes and fees. Based upon 8-15-3 of the West Virginia code, we therefore assume that 50% of what a current average residential customer in Bridgeport pays would represent approximately \$210.00. State code also states that the city is authorized to charge up to this amount of money in addition to the normal amount of fire fee that a city resident currently pays. This would allow for the outside customers

for which we are providing service to pay their fair share of the fire fee. Therefore, we believe state law allows the city to charge a \$100 fire fee plus the \$210.00 additional fee which represents 50% of the in city taxes which an average resident pays or anywhere from \$290.00 and \$310.00 on an annual basis to provide fire protection services outside our city limits but within the first due area.

In using the method of funding as outlined in the state code, the city feels that there are several issues which make it very difficult to calculate. First of all, some homes within this area may have a value of \$50,000 or less while other homes may have a value of \$500,000 or more. We feel that it would be very difficult to calculate on an annual basis the actual values to determine this amount. Therefore, city council has made a decision that they are willing to pass a fire fee based upon a flat fee for residential customers of \$150.00 and for commercial properties of 6.75 cents per square foot which is 50% higher than the charge for commercial properties within the city limits for fire fee only.

The potential problems that we anticipate with the administration of the fire fee for customers outside of the city limits are numerous. The customers involved will have to be determined and valid mailing addresses obtained. We are hoping that we can obtain most of this information from the assessors office, through the Bureau of Fire and Rescue and a team of people going out and determining actual structures within our first due area. Once the billing procedure has begun, we will have a method to collect these fees outlined in the ordinance. We also anticipate being able to file liens on any customers property which is more than 120 days delinquent. Bridgeport City Council passed a fire fee effective in June 2007 for Bridgeport's municipal customers. We would anticipate using most of the definitions in that ordinance as part of the ordinance for non-residents; however, the fee structure would be modified in a manner which would help us receive dollars from outside customers to help defray the cost of operating the fire department. Council has also established that we will not have an exemption for hardship cases. However any churches or synagogues in this area will be exempt. It is also anticipated that we will bill on a quarterly basis for these fire fees. They have also determined that the owner of any residential unit with one or more detached structures exceeding 1,000 square feet on contiguous lots will be charged a flat fee of \$75.00 in addition to the \$150.00 fire fee.

As we reviewed this new fire fee proposal, we felt that it could not be a part of the current city utility billing program in operation for several reasons. First, we do not feel that it would be cost effective to bill monthly. Second, almost all of the customers would be a new customer and not part of our current billing system. Third, we would not want to consider the collection of these fees in the same manner as we do the city's residential fees. Billing on a quarterly basis will help reduce billing and collection expenses. It has also been determined that each unit within a mobile home park will be billed as a separate residential unit at a fee of \$150.00 per year.

The current Fire Department receives approximately \$550,000 from fire fees that are collected from customers living in the city limits and \$430,000 from ambulance fees.

The City subsidizes the fire department with an additional \$1,717,242.00 which comes from the City of Bridgeport General Fund. Approximately 30% of the fire calls which are handled by paid personnel occur outside the City limits. The City must determine if it is fair for city residents to pay for providing these services outside our current boundaries at no charge to non-city residents. The intent of a fire fee outside the city limits would be to help defray the costs of providing services in this area. If the Home Rule Board approves this proposed change to the City of Bridgeport's Home Rule Plan, we anticipate an in-depth study to determine the owners and locations of each residential property within the first due area. We also anticipate this survey to include a list of all barns and or sheds over 1,000 square feet in size. We would also review all commercial property and have buildings measured or use county records to determine the amount which those customers would be billed. It is our opinion that this survey will take several months to complete. Only upon completion of this survey, would we be able to provide accurate projections of revenues to be received.

In conclusion, this feasibility study has been based on our best estimates and actual costs. Some of these estimates were provided by the Harrison Taylor County Addressing and Mapping Coordinator. He advised us that there were approximately 3400 addressable structures in the Bridgeport zip code which are currently outside our corporate city limits. He estimated that approximately 2500 of these addresses are probably within our first due area. If we charge these residential customers approximately \$150 each per year we would anticipate billing approximately \$375,000 on an annual basis. We would not anticipate that we would collect 100% of the amount that we bill. In addition to this billing, there would also be fees charged for commercial property based upon the square footage of that property and a rate. There would also be additional fees charged for buildings above a 1,000 square feet structure located either on a residential or farm land. We anticipate that there will be an additional \$75,000 billed for commercial buildings and or additional utility buildings in addition to residential structures. We thus estimate at the current time, that approximately \$450,000 will be billed through this process and anticipate collecting about 75% of the billing or about \$337,500.00. This \$337,500.00 would represent approximately 12.5% of the current City of Bridgeport Fire Department budget.

**FEASIBILITY WORKSHEET
FIRE FEES OUTSIDE CITY LIMITS**

FY 10/11 ORIGINAL BUDGET

REVENUES

FIRE FEES	\$550,000.00
AMBULANCE FEES	\$430,000.00
GENERAL FUND SUBSIDY	\$1,717,242.00
	<hr/>

TOTAL PROJECTED REVENUE **\$2,697,242.00**

EXPENDITURES

FIRE DEPARTMENT ORIGINAL BUDGET **\$2,697,242.00**

PROPOSED FIRE FEE FOR CUSTOMERS OUTSIDE CITY LIMITS

Estimated Number of Customers/ Footage		Proposed Fee	Amount Charged
2,500	Residential	\$150.00	\$375,000.00
200	Utility Buildings	\$75.00	\$15,000.00
888,890	Commercial	\$.0675 per square foot	\$60,000.00
TOTAL			<hr/> \$450,000.00
Collection Rate - 75%			<hr/> \$337,500.00

FY 10/11 BUDGET WITH ADDITIONAL FIRE FEES

REVENUES

FIRE FEES	\$550,000.00
FIRE FEES OUTSIDE CITY LIMITS	\$337,500.00
AMBULANCE FEES	\$430,000.00
GENERAL FUND SUBSIDY	\$1,717,242.00
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TOTAL PROJECTED REVENUE **\$3,034,742.00**

EXPENDITURES

FIRE DEPARTMENT ADJUSTED BUDGET **\$3,034,742.00**

**FEASIBILITY WORKSHEET
FIRE FEES OUTSIDE CITY LIMITS**

FY 10/11 ORIGINAL BUDGET

REVENUES

FIRE FEES	\$550,000.00
AMBULANCE FEES	\$430,000.00
GENERAL FUND SUBSIDY	<u>\$1,717,242.00</u>

TOTAL PROJECTED REVENUE	<u><u>\$2,697,242.00</u></u>
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EXPENDITURES

FIRE DEPARTMENT ORIGINAL BUDGET	<u><u>\$2,697,242.00</u></u>
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<u>PROPOSED FIRE FEE FOR CUSTOMERS OUTSIDE CITY LIMITS</u>			
Estimated Number of Customers/ Footage		Proposed Fee	Amount Charged
2,500	Residential	\$150.00	\$375,000.00
200	Utility Buildings	\$75.00	\$15,000.00
888,890	Commercial	\$.0675 per square foot	<u>\$60,000.00</u>
TOTAL			<u><u>\$450,000.00</u></u>
Collection Rate - 75%			<u>\$337,500.00</u>

FY 10/11 BUDGET WITH ADDITIONAL FIRE FEES

REVENUES

FIRE FEES	\$550,000.00
FIRE FEES OUTSIDE CITY LIMITS	\$337,500.00
AMBULANCE FEES	\$430,000.00
GENERAL FUND SUBSIDY	<u>\$1,717,242.00</u>

TOTAL PROJECTED REVENUE	<u><u>\$3,034,742.00</u></u>
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EXPENDITURES

FIRE DEPARTMENT ADJUSTED BUDGET	<u><u>\$3,034,742.00</u></u>
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HOME RULE AMENDMENT SCHEDULE

Non-resident Fire Service Fee

January 28	All information in a packet ready for public review at City Hall
February 28	Public Hearing and first reading of ordinance to establish the fee
March 10	Sent packet to Home Rule Board
March 14	Second reading of the ordinance
March 17	Presentation before the Home Rule Board in Charleston

PUBLISHER'S CERTIFICATE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Bridgeport will conduct a public hearing on an amendment to its written Home Rule Pilot Program plan to be presented to the Municipal Home Rule Board, which hearing shall be held on the 28th day of February, 2011, at 7:00 p.m. in Council Chambers at the Municipal Building, 515 West Main Street, Bridgeport, Harrison County, West Virginia. Bridgeport's application to amend its written plan granting to the City of Bridgeport authority to assess and collect a Municipal Fire Service Fee outside its corporate limits within its Fire Service District (First Due Area) as designated by the West Virginia State Fire Marshal, together with related authority to provide for the collection thereof by imposing a lien upon properties served and protected by the Bridgeport Fire Department within said District. Its Bridgeport's amended written plan shall be on file in the Municipal Building located at 515 West Main Street, Bridgeport, Harrison County, West Virginia, for thirty (30) days prior to the hearing and is available for public inspection. Following the public hearing, the governing body of the City of Bridgeport may adopt an ordinance after two readings at least six (6) days apart, authorizing the submission of the plan to the Home Rule Board. All interested parties may appear and be heard at the hearing with respect to Bridgeport's proposed amendment to its written Home Rule Plan. DATED this 28th day of January, 2011. /s/ James R. Christie, Mayor

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:

#ADM166. PUBLIC HEARING

was published in THE EXPONENT-TELEGRAM 2 time(s) commencing on the 28th day of January 2011 and ending on the 4th day of February 2011 at the request of CITY OF BRIDGEPORT.

Given under my hand this 4th day of February 2011

The publisher's fee for said publication is: \$56.67 for 248 words at \$0.1143 per word, per day.

Sara V Shingleton

Classified Manager of The Exponent-Telegram



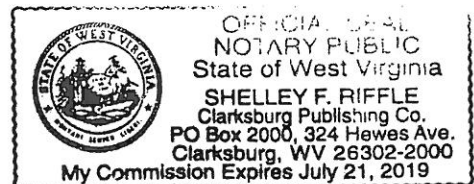
Subscribed to and sworn to before me this 4th day of February 2011.

Shelley F. Riffle

Notary Public in and for Harrison County, WV

My commission expires on:

The 21 day of July 2019



AFFIDAVIT AND VERIFICATION

OF HEARING

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, **Mario Blount**, being first duly sworn, upon his oath, deposes and says:

1. That he is the duly elected, qualified, and acting Recorder of the City of Bridgeport, a municipal corporation, in Harrison County, West Virginia;

2. That pursuant to notice published in the Clarksburg Exponent-Telegram on the 28th day of January, 2011, and the 4th day of February, 2011, a public hearing regarding the Application of the City of Bridgeport to the West Virginia Municipal Home Rule Board for Amendment to its Home Rule authority to be submitted pursuant to the provisions of Chapter 8, Article 1, Section 5a of the West Virginia Code, a hearing was held on the 28th day of February, 2011, in the Council Chambers of the City of Bridgeport, at the Municipal Building at 515 W. Main Street, Bridgeport, Harrison County, West Virginia, at 7:00 p.m., which hearing was attended by the press and members of the public;

3. That at such hearing all persons present were given the opportunity to speak with regard to the proposed Amendment and ask questions of the governing body and at such hearing, the proposed Application was reviewed and attachments were reviewed and discussed;

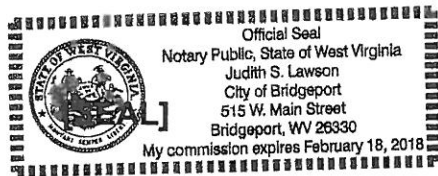
4. That a copy of the proposed plan (amendment) was available for public inspection at least thirty (30) days prior to said public hearing;

Further affiant saith not.

Mario Blount

Mario Blount, Recorder
City of Bridgeport

Taken, subscribed and sworn to before me this 7TH day of MARCH, 2011, by Mario Blount, Recorder for the City of Bridgeport.



Judith S. Lawson
Notary Public in and for
Harrison County, West Virginia

My commission expires:

February 18, 2018

AFFIDAVIT AND VERIFICATION

OF HEARING

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, **Mario Blount**, being first duly sworn, upon his oath, deposes and says:

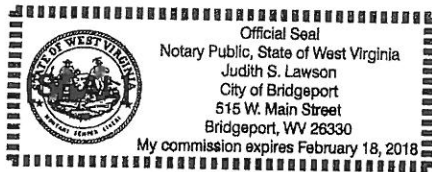
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3. That at such hearing all persons present were given the opportunity to speak with regard to the proposed Amendment and ask questions of the governing body and at such hearing, the proposed Application was reviewed and attachments were reviewed and discussed;

4. That a copy of the proposed plan (amendment) was available for public inspection at least thirty (30) days prior to said public hearing;

Further affiant saith not.

Mario Blount
Mario Blount, Recorder
City of Bridgeport

Taken, subscribed and sworn to before me this 7TH day of MARCH, 2011, by Mario Blount, Recorder for the City of Bridgeport.



Judith S. Lawson
Notary Public in and for
Harrison County, West Virginia

My commission expires:

February 18, 2018

AFFIDAVIT AND VERIFICATION
OF HEARING

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, **Mario Blount**, being first duly sworn, upon his oath, deposes and says:

1. That he is the duly elected, qualified, and acting Recorder of the City of Bridgeport, a municipal corporation, in Harrison County, West Virginia;
2. That pursuant to notice published in the Clarksburg Exponent-Telegram on the 28th day of January, 2011, and the 4th day of February, 2011, a public hearing regarding the Application of the City of Bridgeport to the West Virginia Municipal Home Rule Board for Amendment to its Home Rule authority to be submitted pursuant to the provisions of Chapter 8, Article 1, Section 5a of the West Virginia Code, a hearing was held on the 28th day of February, 2011, in the Council Chambers of the City of Bridgeport, at the Municipal Building at 515 W. Main Street, Bridgeport, Harrison County, West Virginia, at 7:00 p.m., which hearing was attended by the press and members of the public;
3. That at such hearing all persons present were given the opportunity to speak with regard to the proposed Amendment and ask questions of the governing body and at such hearing, the proposed Application was reviewed and attachments were reviewed and discussed;

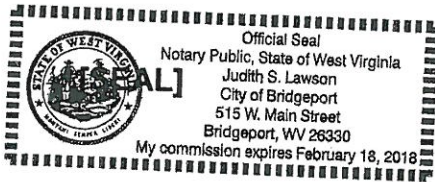
4. That a copy of the proposed plan (amendment) was available for public inspection at least thirty (30) days prior to said public hearing;

Further affiant saith not.

Mario Blount

Mario Blount, Recorder
City of Bridgeport

Taken, subscribed and sworn to before me this 7TH day of MARCH, 2011, by Mario Blount, Recorder for the City of Bridgeport.



Judith S. Lawson
Notary Public in and for
Harrison County, West Virginia

My commission expires:

February 18, 2018

AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD FOR AMENDMENT TO AUTHORIZE THE BRIDGEPORT FIRE DEPARTMENT TO RESPOND TO ANY FIRE INCIDENT WITHIN ITS FIRST DUE AREA AS DESIGNATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND WEST VIRGINIA STATE FIRE MARSHALL; PROVIDING RATES AND CHARGES FOR FIRE FEES FOR PROPERTIES LOCATED OUTSIDE OF THE CORPORATE LIMITS OF THE CITY BUT WITHIN THE CITY'S FIRST DUE AREA; AND PERMITTING THE CITY OF BRIDGEPORT TO FILE A LIEN ON PROPERTY WITHIN ITS FIRST DUE AREA FOR UNPAID AND DELINQUENT FIRE SERVICES FEES AND PROVIDING FOR NOTICE THEREOF.

BE IT ORDAINED by the governing body of the City of Bridgeport, Harrison County, West Virginia, that the Mayor, Recorder and City Manager be and they are hereby authorized to submit to the West Virginia Municipal Home Rule Board an Application for approval of an amendment of its Home Rule Plan, as the same may be amended or supplemented, to authorize the Bridgeport Fire Department to respond to any fire incident within its first due area as designated by the West Virginia State Fire Commission and West Virginia State Marshall, and providing rates and charges for fire fees for properties located outside of the corporate limits of the City but within the City's first due area, and permitting the City of Bridgeport to file a lien on property within its first due area for unpaid and delinquent fire service fees and providing for notice thereof.

BE IT FURTHER ORDAINED, that the Mayor, Recorder and City Manager be and they are hereby authorized to execute such Application for and on behalf of the City and to certify this Ordinance to the Municipal Home Rule Board of the State of West Virginia in accordance with the rules and regulations applicable thereto and to take any and all action necessary with respect to said Application and to execute such other documents, certificates, and affidavits as are necessary or convenient to the filing of such Application.

Adopted this _____ day of _____, 2011, upon second and final reading.

Mayor

Recorder

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March 7, 2011

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Municipal Home Rule Board
Building 6, Room 525
Charleston, West Virginia 25305-0311

RE: Application of the City of Bridgeport, West Virginia,
for Amendment to its Home Rule Plan Approved
March 21, 2008

Ladies and Gentlemen:

We are counsel to the City of Bridgeport, a municipal corporation and political subdivision of the State of West Virginia, in Harrison County of said State. As such counsel, we have examined (i) the Application of the City of Bridgeport, West Virginia for Amendment to its Municipal Home Rule Plan approved on March 21, 2008, (ii) the general information provided in such Application, and the narrative therein provided, (iii) the Affidavit and Verification of the Public Hearing held pursuant to the provisions of Section 5a of Article 1, of Chapter 8 of the West Virginia Code, (iv) the Affidavit of Publication of Notice of said hearing in the Clarksburg Exponent-Telegram, a newspaper of general circulation in Bridgeport, West Virginia, (v) a copy of the Ordinance authorizing submission of the plan adopted on first reading on February 28, 2011, subsequent to the aforementioned public hearing, (vi) the worksheets and formulas in determining fiscal impact, and (vii) the feasibility study provided by the Director of Finance of the City of Bridgeport.

Based upon the foregoing and upon our examination of such other documents, statutes, and regulations, as we have deemed necessary, we are of the opinion as follows:

1. The City of Bridgeport is a duly created and existing municipal corporation in Harrison County, West Virginia, and as such, is a political subdivision of the State of West Virginia.

Municipal Home Rule Board
Page 2
March 7, 2011

2. The City of Bridgeport is a duly designated participant in the legislatively created Pilot Program known as the Municipal Home Rule Pilot Program as authorized by the aforementioned 8-1-5a of the West Virginia Code.

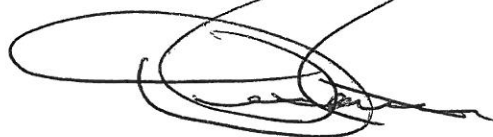
3. Based upon the Affidavit of Mario Blount, Recorder of the City of Bridgeport, and the Affidavit of the Clarksburg Publishing Company, we are of the opinion that the City has complied with the provisions of West Virginia Code 8-1-5a.

4. That said Application complies with the statutory requirements of West Virginia Code 8-1-5a.

5. That to the best of the knowledge and belief of the undersigned there is now pending no litigation, action, suit, proceeding or investigation of law or in equity before any court, public board or body, pending or threatened, wherein an unfavorable decision would prevent the Municipal Home Rule Board from rendering a decision with respect to said Application.

This opinion may be relied upon by the Municipal Home Rule Board with respect to the City of Bridgeport's 2011 Application for Amendment to its Home Rule Plan pursuant to the authority granted by West Virginia Code 8-1-5a f 5.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dean C. Ramsey", written over a horizontal line.

Dean C. Ramsey

DCR:nsm