



Opportunity lives here.

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

Robert L. Greer, Mayor
A. Kim Haws, City Manager
Melissa S. Matheny, Recorder


MUNICIPAL HOME RULE
PILOT PROGRAM
PHASE II
2014 Amendment


APPLICATION



City Council:

Darrell Bowen
Diana Cole Marra
Harry (Hank) Murray, III
John S. Wilson, Sr.
Dustin Vincent


A. Kim Haws, City Manager


Robert L. Greer, Mayor

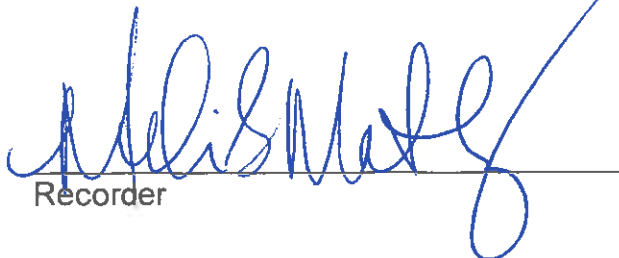
AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD FOR AMENDMENT TO THE CITY'S HOME RULE PLAN; TO AUTHORIZE MODIFICATION TO THE PROCESS FOR SECURING PROFESSIONAL SERVICES; TO AUTHORIZE MODIFICATION OF THE PROCESS FOR HIRING ASSISTANT FIRE CHIEF AND PROMOTING TO FILL VACANCIES WITHIN THE POLICE DEPARTMENT AND THE PAID FIRE DEPARTMENT; TO AUTHORIZE INTERGOVERNMENTAL AGREEMENTS BY RESOLUTION; TO ELIMINATE APPROVAL BY ATTORNEY GENERAL AND REQUIREMENT THAT EACH PUBLIC AGENCY HAVE AUTHORITY TO COMPLETE AND OPERATE A JOINT AND COOPERATIVE UNDERTAKING

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 modification to the process for securing professional services; to authorize modification of the process for hiring Assistant Fire Chief and promoting to fill vacancies within the Police Department and the paid Fire Department; to Authorize intergovernmental agreements by resolution; to eliminate approval by Attorney General and to eliminate requirement that each public agency acting alone have authority, power or privilege to engage, construct, complete, and operate the joint and cooperative undertaking.

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, hearings, notices, certificates, and affidavits as are necessary or convenient to the filing of such Application.

Adopted this 22nd day of September, 2014, upon second and final

reading.


Recorder


Mayor

INTRODUCTION AND BACKGROUND

The City of Bridgeport, a Class III Municipal Corporation, Harrison County, West Virginia, having a population of approximately 8,149, 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. Bridgeport's original application contained four sections, (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 Board, at its meeting held on the 17th day of March, 2011, approved an amendment to the Home Rule authority of the City authorizing fire fees outside of the corporate limits of the City and authorizing a lien for the collection thereof.

Bridgeport now seeks to amend and revise its application relating to intergovernmental agreements, civil service as it relates to supervisory personnel, and procurement of engineering and architectural services.

Bridgeport, pursuant to its Charter adopted on the 17th day of March, 1993, operates under a "Manager-Mayor Plan" form of government as set forth in Section 2 of Article 3 of Chapter 8 of the West Virginia Code 1931 as amended. Pursuant to its Charter, the City Manager is authorized and directed to make all appointments and removals of administrative and executive personnel, which

appointments and removals are made exclusively by the City Manager without consultation, advice, or approval of the Council or any member thereof. The Charter provides, among other things, that the Manager “shall appoint and may discharge the Chief of Police and the Chief of the Fire Department”.

Bridgeport, centrally located at the intersection of U.S. Route 50 and Interstate 79 between Clarksburg and Fairmont, West Virginia, has enjoyed strong population growth and significant economic and commercial development. Bridgeport attributes its growth and economic and commercial development not only to its location but also to its dedication to providing excellent services to its citizens, both residential and commercial. As a result of its rather dramatic growth, Bridgeport has cooperated with county and other agencies in the construction of substantial and comprehensive recreational and other facilities which are used by the region and frequently has substantial construction projects which require engineering and architectural services and which at times are constructed in partnership with other governmental agencies and political subdivisions.

Bridgeport has seen a dramatic growth in its police and fire service and has experienced the need for senior and mid-level management in both the police and fire department which it believes it can improve by providing changes in its current civil service programs.

Bridgeport currently maintains a police department consisting of a chief, deputy chief, and 29 full-time officers, and it maintains a fire department consisting of a chief, administrative captain, and 25 full time paid firemen, together with 10 of volunteer firemen. Bridgeport currently employs an experienced registered professional engineer

which supervises its utility and public works facilities and manages and supervises all construction projects, providing inspection and oversight to varying degrees.

Bridgeport takes great pride in the quality and efficiency of its administrative staff in all respects and believes that the amendments to its Home Rule Plan herein set forth will add to and improve the efficient management of its assets and the efficiency with which it carries forth its municipal purposes.

Municipal Home Rule Pilot Program Phase II

APPLICATION TO AMEND AND SUPPLEMENT

SECTION I: APPLICANT INFORMATION	
A. General Information	
Name of Municipality: City of Bridgeport	
Certifying Official: A. Kim Haws	Title: City Manager
Contact Person: A. Kim Haws	Title: City Manager
Address: 515 West Main Street, P.O. Box 1310	
City, State, Zip: Bridgeport, WV 26330-6310	
Telephone Number: 304-842-8225	Fax Number:
E-Mail Address: kim.haws@bridgeportwv.com	
2010 Census Population: 8,149	
B. Municipal Classification	
<input type="checkbox"/> Class I <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV	
C. Category of Issues to be Addressed (please attach descriptions for applicable categories)	
<input type="checkbox"/> Tax <input checked="" type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input checked="" type="checkbox"/> Personnel <input checked="" type="checkbox"/> Other	

SECTION II: NARRATIVE (written plan, including the following)
<p>Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.</p> <p>Specific problem(s) created by the laws, policies, acts, resolutions, rules or regulations.</p> <p>Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include:</p> <ol style="list-style-type: none"> 1) Proposed solution(s) in one of the five areas (tax/administrative/organization/personnel/other) 2) If revenue related, estimate(s) for proposed solution(s) and how the fiscal impact was determined. Example: Estimated reduction of administrative time and costs = X. Please attach the worksheet or formula used to determine "X" amount. <p style="text-align: center;"><i>Section II SEE ATTACHED</i></p>

SECTION III: AFFIDAVITS
Hearing Mandate Verification Publication Mandate Verification Ordinance Authorizing Submission of Plan Fiscal Impact Worksheets/Formulas (if revenue related) Feasibility Study (if taxes are proposed) Attorney Opinion (application complies with statutory requirements) State of West Virginia Fees Statement (none outstanding)

SECTION II: NARRATIVE

ADJUST THE 5-G PROCUREMENT PROCESS FOR SECURING PROFESSIONAL SERVICES

Specific state laws, policy rule, or regulation in question: 5G-1-3

Specific Problem: The City of Bridgeport has experienced a significant amount of construction over the last decade which has necessitated acquiring professional services using the established 5-G selection process. The process for procuring architectural and engineering services for projects in excess of \$250,000 requires the municipality to encourage firms to “submit an expression of interest, which shall include a statement of qualifications and performance data, and may include anticipated concepts and proposed methods of approach to the project.” The City then evaluates the statements of qualifications and performance data, along with any other information submitted by the respondents to the RFP/RFQ and selects the top three architects/engineers. Many, if not most of the time, all three are equally qualified to perform the work.

The review committee develops a ranking system that takes into account the qualifications and approaches to the project by each of the three top architects/engineers and then begins negotiations with the “top” architect/engineer. Should the City not be able to arrive at a fair and reasonable contract for services, the City then may negotiate price with the “second” architect/engineer in order of ranking and, if negotiations fail, the agency may then negotiate with the “third” architect/engineer. For construction of any water or wastewater projects, the negotiated costs “may not exceed the amount calculated pursuant to the compensation curves for consulting engineering services based upon project construction costs published by the American Society of Civil Engineers manual of practice...”

The City of Bridgeport believes that there are numerous instances where substantial savings in the cost of professional services associated with construction projects could have been realized had the City been able to include a cost of services as part of the criteria in the selection process. Eliminating the ability to use estimated costs in the selection criteria in the selection process takes much of the competitive nature out of the process and thus weakens the City’s ability to negotiate the “lowest” cost for said services.

Without the City’s ability to use price or cost as one of the criterion in selecting the lowest, responsible architect/engineer for professional services, the City is placed at a great disadvantage. As in all other selection procedures that the City initiates, the most fair and reasonable way in which it can distinguish what architect/engineer will best serve its interests is for contractors to be required to “sharpen their pencils” in arriving at the lowest, reasonable cost in providing said services to the municipality. In a system that is based on the free market in selecting business associates, not allowing cost to be considered in the process is extremely counter-productive and eliminates one of the primary measures of competition from the selection process.

Conclusion: The ability for the City of Bridgeport to utilize cost as one of the criterion for selecting a professional service provider makes the process more competitive. This competition

in turn creates the opportunity for the City to be able to increase efficiency and effectiveness in the way in which services are provided by a professional consultant. It also has the potential of reducing the costs associated with those services.

Proposed Solution: The City of Bridgeport proposes that the 5-G process be followed as currently stipulated in the selection of the top three responsible architects/engineers for professional services. Once the top three architects/engineers have been determined, it is proposed that the City have a combined meeting with representatives of the three top architects/engineers. That meeting will be used primarily as an opportunity to “level the playing field” in which the City gives all three participating architects/engineers the details, parameters and expectations of the project in question and refine, if necessary, the scope of services. The three architects/engineers are also given the opportunity to ask questions openly so that, at the conclusion of the meeting, all three architects/engineers have the same information upon which to structure and calculate their fee for said services and present a proposed contract.

The architects/engineers will then submit their proposed contract, including estimated costs to the City. The City will in turn use that information, together with the qualifications, in order to select the lowest, qualified architect/engineer from the three qualified respondents. Should the City not be satisfied with the results of the estimated cost submitted by the three top architects/engineers, it may initiate the advertising process again or may revert to the original list that ranked the next three architects/engineers in the selection process.

Fiscal Impact: The fiscal impact in this process will be that the City will be able to secure, through competitive selection, the lowest, responsible architect/engineer.

ENTER INTO INTERGOVERNMENTAL AGREEMENTS APPROVED BY RESOLUTION OF GOVERNING BODY WITHOUT APPROVAL BY ATTORNEY GENERAL AND AUTHORIZE EXERCISE OR ENGAGING IN ANY POWER OR PRIVILEGE OR UNDERTAKING WHICH EITHER PARTY MAY UNDERTAKE, ENJOY, OR ENGAGE IN

Specific state laws, policy rule, or regulation in question: W.Va. Code 8-23-3 and 8-11-3

Specific Problem: From time to time, the City of Bridgeport feels it is necessary to enter into intergovernmental agreements with other public agencies. These agreements are entered into for the purpose of joint and cooperative action to further the municipal purposes of the City and are reviewed and approved by Council for each party to the agreement to determine whether or not the undertaking or activity jointly engaged in or entered into is appropriate under applicable state law. Many times these agreements arise during the course of activity undertaken by one of the parties and must be completed expeditiously in order for the project to be successful lest the opportunity for joint and cooperative action be lost. Current law requires that these agreements be approved by ordinance of the City of any municipal corporation entering into the agreement and entering into such agreement which requires two readings by the governing body and upon adoption, the agreement must be presented to the Attorney General’s office which has thirty (30) days from submission, to determine whether or not the agreement is proper in form and

compatible with the laws of the state. This process can require as little as thirty (30) and as much as sixty (60) or ninety (90) days to complete. The laws also requires a determination of both entities entering into such agreement have the authority to carry out and engage in and exercise all of the powers and privileges acting alone which are required by the project. Many projects can have aspects which only one of the participating parties may engage in, although the project achieves the general purposes of the governmental unit and provides great benefit to both parties consistent with their overall purpose.

Proposed Solution: Authorize the City of Bridgeport to enter into intergovernmental agreements approved by a resolution of the governing body without submission to the Attorney General as now required for the exercise of any power, privilege, authority, or undertaking which may be engaged in or undertaken by either party to the agreement.

Fiscal Impact: Any fiscal benefit will be realized in savings associated with time conservation.

Conclusion: In conclusion, the City will enter into intergovernmental agreements with other legal, public entities without said agreements first being reviewed and ratified by the West Virginia Office of the Attorney General.

MODIFYING CERTAIN CIVIL SERVICE REQUIREMENTS FOR SPECIFIC POSITIONS WITHIN THE POLICE AND FIRE DEPARTMENTS

Specific state laws, policy rule, or regulation in question:

§8-15-22. Vacancies filled by promotions; eligibility for promotion.

§8-15-16. Rules for all examinations; probationary appointments.

§8-14-11. Rules and regulations for all examinations; probationary appointments.

Vacancies in positions in a paid fire department shall be filled, so far as practicable, by promotions from among individuals holding positions in the next lower grade in the department. Promotions shall be based upon experience and by competitive written examinations to be provided by the firemen's civil service commission; *Provided*, That no individual shall be eligible for promotion from the lower grade to the next higher grade until such individual shall have completed at least two years of continuous service in the next lower grade in the department immediately prior to said examination and has completed the registered apprenticeship and certification program under article fifteen-a, chapter eight of this code; *Provided, however*, That completion of the registered apprenticeship and certification program as a requirement for promotion shall apply only to those firefighters employed since the twelfth day of June, one thousand nine hundred eighty-seven. The commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion.

The current civil service code does not specifically mention the position of an Assistant Fire Chief nor does it lend any specific information about adding the interview component to the promotional process. Utilizing 'home rule' to provide for the position of the Assistant Chief that mirrors authority already given to the Police Department and to add the interview component for promotions from within to leadership roles, will provide great opportunity for our current staff to be promoted as well as providing the City with the best candidate to fill these critical positions within the City's fire department.

Specific Problem: The Fire Chief has no input in the selection process to hire an Assistant Chief position.

Proposed Solution: Provide by Ordinance that the City Manager may hire and may remove an Assistant Fire Chief and adopt regulations and provide for promotion interviews as well as testing for promotions within the Fire Department and Police Department and waive the requirement that all those promoted have two years in prior grade as a qualification for promotion.

Fiscal Impact: Having the ability to have an Assistant Fire Chief will provide additional senior level management and the ability to operate effectively in the absence of the Chief. The fiscal impact could result in increased efficiencies when promoting from within. Depending on the situation, this could also help reduce liability exposure to individuals who may be able to test well, but do not possess fiscal management skills.

AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, after first having been duly sworn, upon her oath, deposes and says:

1. That she is the duly appointed and acting City Clerk of the City of Bridgeport, Harrison County, West Virginia;

2. That she is familiar with the Application of the City of Bridgeport, Harrison County, West Virginia, to amend its written Home Rule Plan pursuant to the provisions of West Virginia Code §8-1-5;

3. That notice of a public hearing relating to the proposed amendment was duly published at least thirty (30) days prior to the date of the proposed hearing held on September 8, 2014, as shown by the Certificate of Publication of the Clarksburg Publishing Company attached hereto as Exhibit A;

4. That a copy of the proposed amendment to Bridgeport's written plan was available for inspection at the Bridgeport City Hall for at least thirty (30) days prior to the holding of said hearing in the form attached hereto and made a part hereof as Exhibit B.

5. That a public hearing with respect to the proposed amendment was held at 7:00 p.m. in the Council Chambers of the City of Bridgeport on September 8, 2014, as reflected by the minutes attached hereto as Exhibit C;

6. That no one appeared at said public hearing or commented with respect to the proposed amendment;

7. That subsequent to said public hearing an Ordinance authorizing the filing of the Application was duly adopted by the governing body of the City of Bridgeport at a meeting held on September 8, 2014, and on second reading at a meeting held on September 22, 2014, a copy of which Ordinance is attached hereto as Exhibit D;

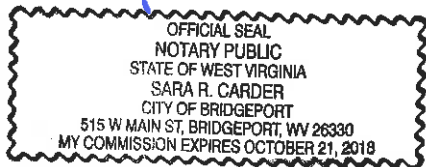
8. That comments made at the public hearing if any, are reflected in the minutes thereof attached hereto as Exhibit E.

Further affiant saith not.

Andrea Kerr

Andrea Kerr, City Clerk
City of Bridgeport

Taken, subscribed and sworn to before me this 26th day of September, 2014, by Andrea Kerr, City Clerk of the City of Bridgeport.



Sara R. Carder

Notary Public in and for Harrison County,
West Virginia

My commission expires:

October 21, 2018

**NOTICE OF
PUBLIC HEARING
CITY OF BRIDGEPORT
HARRISON COUNTY,
WEST VIRGINIA
HOME RULE
PLAN AMENDMENTS**

Notice is hereby given that the City of Bridgeport, Harrison County, West Virginia, will hold a public hearing on Monday, September 8, 2014, at 7:00 p.m. in Council Chambers in City Hall, at 515 W. Main Street, Bridgeport, West Virginia, 26330. The purpose of the public hearing will be to discuss and hear public comments with respect to the City of Bridgeport's proposed amendments to its written Home Rule Plan and Application for Amendment to such plan. This information will be considered by the governing body of the City of Bridgeport, its Application to be filed with the West Virginia Home Rule Board for the amendments set forth in the Application. The City of Bridgeport's proposed Home Rule Plan Application for Amendments is available for public inspection in the office of the City Manager, at Bridgeport City Hall, 515 W. Main Street, Bridgeport, West Virginia, beginning August 9, 2014, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Said proposed Home Rule Amendments and Application can also be found on Bridgeport's website at bridgeportwv.com.

All interested citizens are invited to attend the public hearing scheduled on Monday, September 8, 2014, at 7:00 p.m. to present oral or written comments with respect to the proposed amendments to the Home Rule Plan. Until that time written comments may also be presented and addressed to A. Kim Haws, City Manager, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia, 26330. After the public hearing, the governing body of the City of Bridgeport will consider on two readings an Ordinance authorizing the Application for Amendments. It is anticipated that the first reading of this Ordinance will be after the public hearing on Monday September 8, 2014, and that the second reading will be at the regular meeting of council on Monday, September 22, 2014. Both readings will take place in Council Chambers at City Hall, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia, 26330, which meetings are open to the public.

Mario D. Blount, Mayor

EXHIBIT A



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www.bridgeportwv.com

Mario Blount, Mayor
Kim Haws, City Manager
Robert L. Greer, Recorder

MUNICIPAL HOME RULE PILOT PROGRAM

PHASE II

2014 Amendment

APPLICATION



City Council:

Darrell Bowen
Diana Cole Marra
Melissa S. Matheny
John S. Wilson, Sr.
Dustin Vincent

EXHIBIT B

AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD FOR AMENDMENT TO THE CITY'S HOME RULE PLAN; TO AUTHORIZE MODIFICATION TO THE PROCESS FOR SECURING PROFESSIONAL SERVICES; TO AUTHORIZE MODIFICATION OF THE PROCESS FOR HIRING ASSISTANT FIRE CHIEF AND PROMOTING WITHIN THE FIRE AND POLICE DEPARTMENTS; TO AUTHORIZE INTERGOVERNMENTAL AGREEMENTS BY RESOLUTION; TO ELIMINATE APPROVAL BY ATTORNEY GENERAL AND REQUIREMENT THAT EACH PUBLIC AGENCY HAVE AUTHORITY TO COMPLETE AND OPERATE A JOINT AND COOPERATIVE UNDERTAKING

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Adopted this _____ day of _____, 2014, upon second and final reading.

Mayor

Recorder

Municipal Home Rule Pilot Program Phase II
APPLICATION TO AMEND AND SUPPLEMENT

SECTION I: APPLICANT INFORMATION	
A. General Information	
Name of Municipality: City of Bridgeport	
Certifying Official: A. Kim Haws	Title: City Manager
Contact Person: A. Kim Haws	Title: City Manager
Address: 515 West Main Street, P.O. Box 1310	
City, State, Zip: Bridgeport, WV 26330-6310	
Telephone Number: 304-842-8225	Fax Number:
E-Mail Address: kim.haws@bridgeportwv.com	
2010 Census Population: 8,149	
B. Municipal Classification	
<input type="checkbox"/> Class I <input type="checkbox"/> Class II <input checked="" type="checkbox"/> Class III <input type="checkbox"/> Class IV	
C. Category of Issues to be Addressed (please attach descriptions for applicable categories)	
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SECTION II: NARRATIVE (written plan, including the following)
Specific state laws, policies, acts, resolutions, rules or regulations that are preventing the municipality to carry out duties in the most cost effective, efficient, and timely manner.
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Section II SEE ATTACHED

SECTION III: AFFIDAVITS
Hearing Mandate Verification
Publication Mandate Verification
Ordinance Authorizing Submission of Plan
Fiscal Impact Worksheets/Formulas (if revenue related)
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Attorney Opinion (application complies with statutory requirements)
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INTRODUCTION AND BACKGROUND

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SECTION II: NARRATIVE

ADJUST THE 5-G PROCUREMENT PROCESS FOR SECURING PROFESSIONAL SERVICES

Specific state laws, policy rule, or regulation in question: 5G-1-3

Specific Problem: The City of Bridgeport has experienced a significant amount of construction over the last decade which has necessitated acquiring professional services using the established 5-G selection process. The process for procuring architectural and engineering services for projects in excess of \$250,000 requires the municipality to encourage firms to “submit an expression of interest, which shall include a statement of qualifications and performance data, and may include anticipated concepts and proposed methods of approach to the project.” The City then evaluates the statements of qualifications and performance data, along with any other information submitted by the respondents to the RFP/RFQ and selects the top three architects/engineers. Many, if not most of the time, all three are equally qualified to perform the work.

The review committee develops a ranking system that takes into account the qualifications and approaches to the project by each of the three top architects/engineers and then begins negotiations with the “top” architect/engineer. Should the City not be able to arrive at a fair and reasonable contract for services, the City then may negotiate price with the “second” architect/engineer in order of ranking and, if negotiations fail, the agency may then negotiate with the “third” architect/engineer. For construction of any water or wastewater projects, the negotiated costs “may not exceed the amount calculated pursuant to the compensation curves for consulting engineering services based upon project construction costs published by the American Society of Civil Engineers manual of practice...”

The City of Bridgeport believes that there are numerous instances where substantial savings in the cost of professional services associated with construction projects could have been realized had the City been able to include a cost of services as part of the criteria in the selection process. Eliminating the ability to use estimated costs in the selection criteria in the selection process takes much of the competitive nature out of the process and thus weakens the City’s ability to negotiate the “lowest” cost for said services.

Without the City’s ability to use price or cost as one of the criterion in selecting the lowest, responsible architect/engineer for professional services, the City is placed at a great disadvantage. As in all other selection procedures that the City initiates, the most fair and reasonable way in which it can distinguish what architect/engineer will best serve its interests is for contractors to be required to “sharpen their pencils” in arriving at the lowest, reasonable cost in providing said services to the municipality. In a system that is based on the free market in selecting business associates, not allowing cost to be considered in the process is extremely counter-productive and eliminates one of the primary measures of competition from the selection process.

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The architects/engineers will then submit their proposed contract, including estimated costs to the City. The City will in turn use that information, together with the qualifications, in order to select the lowest, qualified architect/engineer from the three qualified respondents. Should the City not be satisfied with the results of the estimated cost submitted by the three top architects/engineers, it may initiate the advertising process again or may revert to the original list that ranked the next three architects/engineers in the selection process.

Fiscal Impact: The fiscal impact in this process will be that the City will be able to secure, through competitive selection, the lowest, responsible architect/engineer.

ENTER INTO INTERGOVERNMENTAL AGREEMENTS APPROVED BY RESOLUTION OF GOVERNING BODY WITHOUT APPROVAL BY ATTORNEY GENERAL AND AUTHORIZE EXERCISE OR ENGAGING IN ANY POWER OR PRIVILEGE OR UNDERTAKING WHICH EITHER PARTY MAY UNDERTAKE, ENJOY, OR ENGAGE IN

Specific state laws, policy rule, or regulation in question: *W.Va. Code 8-23-3 and 8-11-3*

Specific Problem: From time to time, the City of Bridgeport feels it is necessary to enter into intergovernmental agreements with other public agencies. These agreements are entered into for the purpose of joint and cooperative action to further the municipal purposes of the City and are reviewed and approved by Council for each party to the agreement to determine whether or not the undertaking or activity jointly engaged in or entered into is appropriate under applicable state law. Many times these agreements arise during the course of activity undertaken by one of the parties and must be completed expeditiously in order for the project to be successful lest the opportunity for joint and cooperative action be lost. Current law requires that these agreements be approved by ordinance of the City of any municipal corporation entering into the agreement and entering into such agreement which requires two readings by the governing body and upon adoption, the agreement must be presented to the Attorney General’s office which has thirty (30) days from submission, to determine whether or not the agreement is proper in form and

compatible with the laws of the state. This process can require as little as thirty (30) and as much as sixty (60) or ninety (90) days to complete. The laws also requires a determination of both entities entering into such agreement have the authority to carry out and engage in and exercise all of the powers and privileges acting alone which are required by the project. Many projects can have aspects which only one of the participating parties may engage in, although the project achieves the general purposes of the governmental unit and provides great benefit to both parties consistent with their overall purpose.

Proposed Solution: Authorize the City of Bridgeport to enter into intergovernmental agreements approved by a resolution of the governing body without submission to the Attorney General as now required for the exercise of any power, privilege, authority, or undertaking which may be engaged in or undertaken by either party to the agreement.

Fiscal Impact: Any fiscal benefit will be realized in savings associated with time conservation.

Conclusion: In conclusion, the City will enter into intergovernmental agreements with other legal, public entities without said agreements first being reviewed and ratified by the West Virginia Office of the Attorney General.

MODIFYING CERTAIN CIVIL SERVICE REQUIREMENTS FOR SPECIFIC POSITIONS WITHIN THE POLICE AND FIRE DEPARTMENTS

Specific state laws, policy rule, or regulation in question:

§8-15-22. Vacancies filled by promotions; eligibility for promotion.

§8-15-16. Rules for all examinations; probationary appointments.

§8-14-11. Rules and regulations for all examinations; probationary appointments.

Vacancies in positions in a paid fire department shall be filled, so far as practicable, by promotions from among individuals holding positions in the next lower grade in the department. Promotions shall be based upon experience and by competitive written examinations to be provided by the firemen's civil service commission; *Provided*, That no individual shall be eligible for promotion from the lower grade to the next higher grade until such individual shall have completed at least two years of continuous service in the next lower grade in the department immediately prior to said examination and has completed the registered apprenticeship and certification program under article fifteen-a, chapter eight of this code; *Provided, however*, That completion of the registered apprenticeship and certification program as a requirement for promotion shall apply only to those firefighters employed since the twelfth day of June, one thousand nine hundred eighty-seven. The commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion.

The current civil service code does not specifically mention the position of an Assistant Fire Chief nor does it lend any specific information about adding the interview component to the promotional process. Utilizing 'home rule' to provide for the position of the Assistant Chief that mirrors authority already given to the Police Department and to add the interview component for promotions from within to leadership roles, will provide great opportunity for our current staff to be promoted as well as providing the City with the best candidate to fill these critical positions within the City's fire department.

Specific Problem: The Fire Chief has no input in the selection process to hire an Assistant Chief position.

Proposed Solution: Provide by Ordinance that the City Manager may hire and may remove an Assistant Fire Chief and adopt regulations and provide for promotion interviews as well as testing for promotions within the Fire Department and Police Department and waive the requirement that all those promoted have two years in prior grade as a qualification for promotion.

Fiscal Impact: Having the ability to have an Assistant Fire Chief will provide additional senior level management and the ability to operate effectively in the absence of the Chief. The fiscal impact could result in increased efficiencies when promoting from within. Depending on the situation, this could also help reduce liability exposure to individuals who may be able to test well, but do not possess fiscal management skills.

**AN ORDINANCE PROVIDING FOR THE PROCUREMENT OF
ARCHITECT-ENGINEER SERVICES**

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

The City of Bridgeport, Harrison County, West Virginia, shall procure architect-engineering services in accordance with the provisions of Chapter 5G of the West Virginia Code, provided, however, that after selecting at least three of the most qualified architects-engineers pursuant to West Virginia Code §5G-1-3, the three architects-engineers selected as most qualified shall meet with the Selection Committee appointed by the City at which meeting representatives of the architects-engineers selected and the Committee shall finalize the scope of services to be incorporated in the architectural/engineering contract and shall further finalize all details of the contract, including the fees and costs of all services to be provided pursuant to such contract, after which meeting based upon all of the information provided, the Committee shall select and recommend to the governing body the architect-engineer which best meets the needs of the City and serves the best interest of the project.

Adopted by the Council of the City of Bridgeport, this _____ day of _____, 20_____.

Mayor

Recorder

**AN ORDINANCE AUTHORIZING THE CITY OF BRIDGEPORT TO
ENTER INTO AN INTERGOVERNMENTAL AGREEMENT SUBJECT TO
APPROVAL BY RESOLUTION OF THE GOVERNING BODY AND
WITHOUT REQUIRING SUBMISSION AND APPROVAL BY THE
ATTORNEY GENERAL OF THE STATE OF WEST VIRGINIA AND
AUTHORIZING SUCH AGREEMENTS TO PROVIDE FOR THE
EXERCISE OF ANY POWER, PRIVILEGE, AUTHORITY, OR
UNDERTAKING WHICH MAY BE UNDERTAKEN BY EITHER PARTY
TO SUCH AGREEMENT**

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

The City, upon approval by resolution of the governing body, may from time to time enter into intergovernmental agreements as provided by Article 23 of Chapter 8 of the West Virginia Code for the exercise of any power or powers, privilege or privileges, authority or undertaking, exercise or capable of exercise or which may be engaged in and any public works which may be undertaken by the City of Bridgeport jointly with any other public agency, provided that either the City of Bridgeport or such other public agency, could likewise act alone, and provided further that such agreement need not be submitted to the Attorney General of the State of West Virginia for review to determine whether the agreement is in proper form and compatible with the laws of the State of West Virginia.

Adopted by the Council of the City of Bridgeport on this _____ day of _____, 20_____.

Mayor

Recorder

**AN ORDINANCE AMENDING, ENACTING, AND REENACTING
ARTICLE 141 AND ARTICLE 139 OF THE OFFICIAL CODE OF THE
CITY OF BRIDGEPORT BY ADDING THERETO A NEW SECTION
DESIGNATED SECTION 141.02 (a) PROVIDING FOR FIRE CHIEF,
ASSISTANT FIRE CHIEF, AND PROVIDING FOR INTERVIEWS FOR
PROMOTIONS TO FILL VACANCIES WITHIN THE POLICE
DEPARTMENT AND THE PAID FIRE DEPARTMENT**

141.02

(a) The City Manager may hire and may discharge a Fire Chief and Assistant Fire Chief.

(b) Vacancies and positions in the Fire Department shall be filled insofar as practicable by promotions among individuals holding positions in the next lower grade, provided, however, that the City Manager shall provide for interviews to determine, among other things, the leadership and management qualities of all individuals seeking promotion to vacancies within the Fire Department and shall provide a rating system which shall be incorporated into the testing provisions provided by the Civil Service Commission in determining the ranking of those individuals seeking promotion may be considered along with the testing scores to add thereto no more than fifty percent (50%) of the total score of each individual. When determined to be in the best interest of the Department, the time-in-grade requirement for promotion may be waived.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF BRIDGEPORT THAT ARTICLE 139 OF THE OFFICIAL CODE OF THE CITY OF BRIDGEPORT BE AND THE SAME IS AMENDED TO ADD THERETO A NEW SECTION DESIGNATED SECTION 139.01 AS FOLLOWS:

139.01

All positions in the Police Department of the City of Bridgeport shall be filled as provided in Article 22 of Chapter 8 of West Virginia Code, provided, however, that all vacancies in positions in the Police Department shall be filled insofar as practicable by promotions among individuals holding positions in the next lower grade, provided, however, that the City Manager shall provide for interviews to determine, among other things, the leadership and management qualities of all individuals seeking promotion to vacancies within the Police Department and shall provide a rating system which shall be incorporated into the testing provisions provided by the Civil Service Commission in determining the ranking of those individuals seeking promotion may be considered along with the testing scores to add thereto no more than fifty percent (50%) of the total score of each individual. When determined to be in the best interest of the Department, the time-in-grade requirement for promotion may be waived.

Adopted by the Council of the City of Bridgeport, Harrison County, West Virginia, this _____ day of _____, 2014.

Mayor

Recorder

September 8, 2014

BRIDGEPORT CITY COUNCIL MINUTES

City of Bridgeport
County of Harrison
State of West Virginia

WORK SESSION EXECUTIVE SESSION:

At 6:26 p.m. Councilor Diana Cole Marra made a motion to enter into executive session to discuss matters involving advanced construction planning which if made public might adversely affect the interest of the city and to discuss matters not included on this agenda to determine if future official action is necessary; motion was seconded by Recorder Robert L. Greer and unanimously approved.

At 6:56 p.m. Councilor John S. Wilson, Sr. made a motion to reconvene into regular session; motion was seconded by Recorder Robert L. Greer and unanimously approved.

No action was taken while in executive session.

REGULAR SESSION:

At 7:00 p.m. Bridgeport City Council met in regular session in Council Chambers of Bridgeport City Hall at 515 West Main Street.

COUNCIL MEMBERS PRESENT:

Mayor Mario D. Blount, Recorder Robert L. Greer, Councilors John S. Wilson, Sr., Diana Cole Marra, and Dustin Vincent

COUNCIL MEMBER(S) ABSENT:

Councilor Darrell Bowen-excused; Councilor Melissa S. Matheny-unexcused

CITY STAFF PRESENT:

City Manager Kim Haws, Assistant Manager Jimmy Smith, City Clerk Andrea Kerr, Police Chief John Walker, City Attorney Norm Farley, Emergency Services Coordinator Laura Pysz

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Recorder Robert L. Greer, followed by the Pledge of Allegiance.

PUBLIC HEARING-HOME RULE APPLICATION

Mr. Haws stated that city council was approached with additional application amendments to our current Home Rule Application. Those items that were agreed on were put in ordinance form, put on display out front at City Hall for public scrutiny. That has been up for 30 days. The next step is for council to approve the application to be made in front of the Home Rule Board.

No residents wish to speak on the Home Rule Application

APPROVAL OF MINUTES:

Minutes of the August 25, 2014 regular council meeting were approved on a motion by Councilor Diana Cole Marra; seconded by Recorder Robert L. Greer and unanimously approved.

REPORT BY MAYOR:

- The Mayor read his resignation letter, effective immediately.

EXHIBIT C

BRIDGEPORT CITY COUNCIL MINUTES

September 8, 2014

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REPORT BY CITY MANAGER:

- Captain Randy Scott will be retiring. His reception is 9/9/14 at 1:30PM at the Fire Department.
- The slip repair at the Rec Complex is complete and hopefully successful. Some final touches need to be done.
- This Saturday, September 13th is the 2nd Annual Family Safety & Preparedness EXPO from 10am-4pm at Bridgeport High School.
- The Mobile Command Vehicle will be at the city on Wednesday and will be available for the public to view on Saturday at the EXPO.
- On Sunday, October 5th from 1pm-3pm there will be a celebration planned at the Library to celebrate paying off the original bonds at the Library.

AWARDS AND PRESENTATIONS:

None

PUBLIC COMMENT:

- Kim Floyd-116 Countryside Drive, Clarksburg-She is related to Mario Blount and he has never done anything to embarrass her or her family. No one will ever be a better ambassador for Bridgeport than Mario Blount. Thanked Mario for all of his hard work for the city.
- Jamie Corton-PO Box 1000, Bridgeport-Thanked the Mayor for his support over the years. He wanted to comment on a great event that took place at the Rec Complex since it opened. The greatest number of people were there that have ever been at the Rec Complex.
- Jon Griffith-120 Frum Rd.-Thanked the city for the use of City Police and all city personnel. This event will be greater next year.
- Councilor John Wilson, Sr. said that this was a fantastic event. This event showed the growth potential at the Rec Complex.
- Councilor Dustin Vincent said that this was the most crowded he's ever seen the Rec Complex. Job well done to everyone.
- Amy Funk-302 Willis Avenue-Without the City's help, they wouldn't have been able to do it.

UNFINISHED BUSINESS:

- Discussion among Council regarding vacant Mayor position.
 - Councilor Diana Cole Marra asked to have a special meeting next Tuesday, September 16th at 5pm to back fill all those positions.

NEW BUSINESS:

1. First Reading of an ordinance authorizing submission of an application to the West Virginia Municipal Home Rule Board for amendment to the City's Home Rule plan.
 - a. Acting Mayor Robert L. Greer asked if any council member had any issues with the ordinance. He said that this is just the first reading and the ordinance will come before council again at the next meeting. Councilor Melissa S. Matheny had some concerns with the application that she will be able to address at the next meeting.
 - b. Councilor Marra wanted to add into the verbiage, in the first paragraph, the process for hiring assistant fire chief and promoting within the fire department to also include promoting within the police department to make it consistent with the ordinance that

BRIDGEPORT CITY COUNCIL MINUTES

September 8, 2014

Page Three

- we've already discussed. An amendment after the word Fire Department and before the semi-colon to add "and the Police Department".
- c. Acting Mayor Greer said that both ordinances need to include parallel language.
 - d. City Manager Haws said that he wanted to clarify that it needs to also be changed under "Be it ordained..." (8th line).
 - e. Councilor Wilson said this is the first step of five that we have to go through with the home rule process. There will be plenty of opportunity for comment and correction as we go through this.
 - f. Acting Mayor Greer said that it should read like this, "An ordinance authorizing submission of an application to the West Virginia Municipal Home Rule Board for amendment to the City's Home Rule plan. To authorize modification to the process for securing professional services; to authorize modification in the process for hiring Assistant Fire Chief and promoting to fill vacancies within the Police Department and the paid Fire Department; to authorize intergovernmental agreements by resolution; to eliminate approval by Attorney General and requirement that each public agency have authority to complete and operate a joint and cooperative undertaking." The same language about filling vacancies within the police department and paid fire department is now inserted in the 8th line of the "Be it Ordained" after the word promoting, "Assistant Fire Chief and promoting to fill vacancies within the police department and the paid fire department;"
 - g. Councilor Diana Cole Marra made a motion to approve the amended ordinance on first reading; motion was seconded by Councilor John S. Wilson, Sr. and unanimously approved.
 - h. Councilor Diana Cole Marra made a motion to enact the ordinance authorizing the full Home Rule Board amendments to the City's Home Rule plan on first reading; motion was seconded by Councilor Dustin Vincent and unanimously approved.
 - i. Mr. Mike Fresa would like further explanation on the intergovernmental agreement portion of the application. Acting Mayor Greer said that council has experienced difficulty when we enter into a MOU with another government agency. The City's most recent was with the BOE. The documents have to be approved by our Council and our Legal Counsel and they have to be approved by the BOE and their Legal Counsel. After the two agencies and two counsels approve, it has to go to the Attorney General to be approved from their office for at least 30 days. It is an extremely long process. It's an opportunity for the city to try a different way.
2. Consider and approve the reappointment of Alison Deem to the Library Board for a term of five (5) years.
 - a. Councilor Dustin Vincent made a motion to approve the reappointment of Alison Deem to a term of five (5) years; motion was seconded by Councilor Diana Cole Marra and unanimously approved.
 3. Consider and approve a Memorandum of Understanding between the City of Bridgeport and CityNet.
 - a. This is the document that arose from the last meeting.
 - b. Councilor John S. Wilson, Sr. made a motion to approve the Memorandum of Understanding; motion was seconded by Councilor Diana Cole Marra and unanimously approved.

BRIDGEPORT CITY COUNCIL MINUTES

September 8, 2014

Page Four

4. Budget Revisions and/or Authorizations.
 - a. None

ADDITIONAL COMMENTS:

- Councilor Wilson echoed a comment by Amy Funk. The volunteerism within the City is special and something that the City should be and is appreciated.
- Acting Mayor Greer, on the record, speaks for everyone when he says that with great heartfelt gratitude, want to thank Mario Blount for his service to the City as both Recorder and Mayor. We have watched the news coverage of his personal problems and not a single portion of that addressed his role and responsibility as the steward of this City. He served this City and we thank him for that service.

ADJOURNMENT:

Meeting adjourned at 7:44 p.m. on a motion by Councilor Dustin Vincent, seconded by Councilor Diana Cole Marra and unanimously approved.

PREPARED BY:



Andrea Kerr, City Clerk

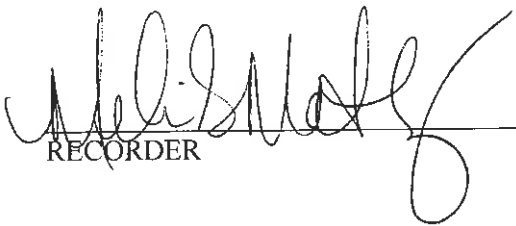
APPROVED:

9/22/14

Date



MAYOR



RECORDER

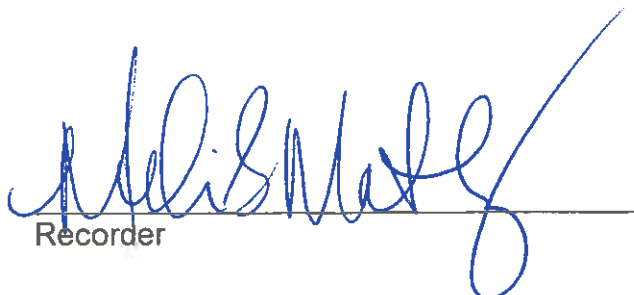
AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD FOR AMENDMENT TO THE CITY'S HOME RULE PLAN; TO AUTHORIZE MODIFICATION TO THE PROCESS FOR SECURING PROFESSIONAL SERVICES; TO AUTHORIZE MODIFICATION OF THE PROCESS FOR HIRING ASSISTANT FIRE CHIEF AND PROMOTING TO FILL VACANCIES WITHIN THE POLICE DEPARTMENT AND THE PAID FIRE DEPARTMENT; TO AUTHORIZE INTERGOVERNMENTAL AGREEMENTS BY RESOLUTION; TO ELIMINATE APPROVAL BY ATTORNEY GENERAL AND REQUIREMENT THAT EACH PUBLIC AGENCY HAVE AUTHORITY TO COMPLETE AND OPERATE A JOINT AND COOPERATIVE UNDERTAKING

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 modification to the process for securing professional services; to authorize modification of the process for hiring Assistant Fire Chief and promoting to fill vacancies within the Police Department and the paid Fire Department; to Authorize intergovernmental agreements by resolution; to eliminate approval by Attorney General and to eliminate requirement that each public agency acting alone have authority, power or privilege to engage, construct, complete, and operate the joint and cooperative undertaking.

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, hearings, notices, certificates, and affidavits as are necessary or convenient to the filing of such Application.

Adopted this 22nd day of September, 2014, upon second and final

reading.


Recorder


Mayor

EXHIBIT D

PUBLISHER'S CERTIFICATE

I, Loretta Curcathouse,
Advertising 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 OF PUBLIC HEARING

was published in THE EXPONENT-TELEGRAM 2
time(s) commencing on 08/09/2014 and ending on
08/16/2014 at the request of

WEST & JONES.

Given under my hand this 08/20/14.

The publisher's fee for said publication is: \$88.00.

Loretta Curcathouse
Advertising Manager of The Exponent-Telegram

Subscribed to and sworn to before me this 08/20/14

Sarah E. Hurst
Notary Public in and for Harrison County, WV

My commission expires on

The 29th day of August 2017



NOTICE OF PUBLIC HEARING CITY OF BRIDGEPORT HARRISON COUNTY, WEST VIRGINIA HOME RULE PLAN AMENDMENTS

Notice is hereby given that the City of Bridgeport, Harrison County, West Virginia, will hold a public hearing on **Monday, September 8, 2014, at 7:00 p.m.** in Council Chambers in City Hall, at 515 W. Main Street, Bridgeport, West Virginia, 26330. The purpose of the public hearing will be to discuss and hear public comments with respect to the City of Bridgeport's proposed amendments to its written Home Rule Plan and Application for Amendment to such plan. This information will be considered by the governing body of the City of Bridgeport, its Application to be filed with the West Virginia Home Rule Board for the amendments set forth in the Application. The City of Bridgeport's proposed Home Rule Plan Application for Amendments is available for public inspection in the office of the City Manager, at Bridgeport City Hall, 515 W. Main Street, Bridgeport, West Virginia, beginning August 9, 2014, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Said proposed Home Rule Amendments and Ap-

plication can also be found on Bridgeport's website at bridgeportwv.com. All interested citizens are invited to attend the public hearing scheduled on Monday, September 8, 2014, at 7:00 p.m. to present oral or written comments with respect to the proposed amendments to the Home Rule Plan. Until that time written comments may also be presented and addressed to A. Kim Haws, City Manager, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia, 26330. After the public hearing, the governing body of the City of Bridgeport will consider on two readings an Ordinance authorizing the Application for Amendments. It is anticipated that the first reading of this Ordinance will be after the public hearing on Monday September 8, 2014, and that the second reading will be at the regular meeting of council on Monday, September 22, 2014. Both readings will take place in Council Chambers at City Hall, City of Bridgeport, 515 W. Main Street, Bridgeport, West Virginia, 26330, which meetings are open to the public.

Mario D. Blount, Mayor

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
MATTHEW W. ALEXANDER

September 26, 2014

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

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

RE: Application of the City of Bridgeport, West Virginia,
for Amendment to its Home Rule Plan Approved
September 2014

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 authorized to be filed on September 22, 2014, (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 September 8, 2014, and on second reading on September 22, 2014, subsequent to the aforementioned public hearing.

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.

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.

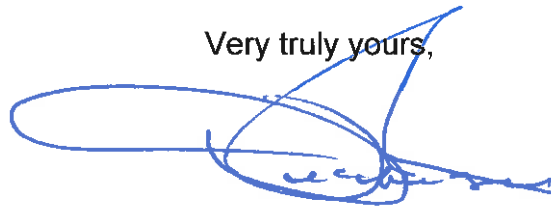
3. Based upon the Affidavit of Andrea Kerr, City Clerk of the City of Bridgeport, and the Affidavit of the Clarksburg Publishing Company, we are of the opinion that the City has complied with the provisions of West Virginia Code 8-1-5a.

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,



Dean C. Ramsey

Dec no 3014

DCR:nsm