

# City of St. Albans

Municipal Home Rule Pilot Program Application



**EXECUTED VERSION: September 8, 2015**

# City of St. Albans

Municipal Home Rule Pilot Program Application

September 8, 2015

## Mayor's Letter

See Attached.

(To be inserted)



# City of St. Albans

P.O. BOX 1488 • ST. ALBANS, WEST VIRGINIA 25177  
www.stalbanswv.com

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City Hall ..... 722-3391  
Police & Fire Depts. .... 727-2251  
Building Department ... 727-2962  
Parks & Recreation .... 722-4625  
Public Works ..... 722-4259

**Mayor**  
Dick Callaway  
1499 MacCorkle Avenue  
St. Albans, WV 25177

September 9, 2015

### Deliver Via Hand Delivery

Ms. Debbie Browning  
West Virginia Development Office  
West Virginia Home Rule Pilot Program  
State Capitol Complex, Building 6, Room 553  
Charleston, WV 25305-0311

Re: Application the City of St. Albans to the Municipal Home Rule Pilot Program

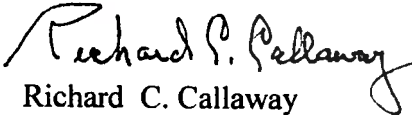
Dear Ms. Browning:

Please find enclosed herein an original and seven (7) copies of the Application of the City of St. Albans under the Municipal Home Rule Pilot Program, as executed.

Please call me if you have any questions regarding the enclosed Application. Thank you for your assistance.

My best regards.

Very truly yours,

  
Richard C. Callaway  
Mayor

# City of St. Albans

## Municipal Home Rule Pilot Program

September 8, 2015

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# CITY OF ST. ALBANS

## Municipal Home Rule Pilot Program Application

### SECTION I: APPLICANT INFORMATION

#### A. General Information

Municipality: City of St. Albans  
Certifying Official: Richard "Dick" Callaway Title: Mayor  
Contact Person: Barbara Cunningham Title: Finance Director/Clerk  
Address: 1499 MacCorkle Avenue  
City, State, Zip: St. Albans, West Virginia 25177  
Telephone Number: 304.722.3391  
Fax Number: 304.722.6555  
Email address: saclerk@suddenlinkmail.com  
2010 Census: 11,044

#### B. Municipal Classification

Class I \_\_\_\_\_ Class II  Class III \_\_\_\_\_ Class IV \_\_\_\_\_

#### C. Category of Issues to be Addressed (please attach descriptions for applicable categories)

Tax \_\_\_\_\_ Organization  Administration  Personnel \_\_\_\_\_

### 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.

*See Tabs 3 through 7.*

Specific problem(s) created by laws, policies, acts, resolutions, rules or regulations.

*See Tabs 3 through 7.*

Proposed solution(s) to the perceived problem(s), including all proposed changes to law, policies, acts, resolutions, rules or regulations. Categorize and include:

- 1) Proposed solution(s) in one of the four areas (tax/administrative/organization/personnel).
- 2) 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.

*See Tabs 3 through 7.*

### **SECTION III: AFFIDAVITS**

Hearing Mandate Verification

*See Tab 8*

Publication Mandate Verification

*See Tab 9*

Ordinance Authorizing Submission of Plan

*See Tab 10*

Fiscal Impact Worksheets/Formulas

*See Tab 11*

Feasibility Study (if taxes are proposed)

*Not Applicable*

Attorney Opinion

*See Tab 12*

State of West Virginia Fees Statement

*See Tab 13*

Agreement to Requirements Statement

*See Tab 14*

# City of St. Albans

## Municipal Home Rule Pilot Program Application

### Executive Summary

The City of St. Albans is one of the 12 largest cities in the State of West Virginia and, situated 20 minutes from Charleston, offers a convenient location, a wide range of amenities and small town charm. Located along the Kanawha River, the City has retained significant autonomy through both its offered services and retail/business base, while offering a diverse range of neighborhoods for citizens.

St. Albans, as with most municipalities, faces fiscal challenges to provide better and expanded services to residents and to support sustainable development in the City. In preparing this Application, the City has chosen to focus on streamlining certain areas of government which do not result in the imposition of additional taxes. The proposed changes, however, will have a positive impact on the City's efforts to improve and expand services and support sustainable development.

# City of St. Albans

## Municipal Home Rule Pilot Program Application Intergovernmental Agreements by Resolution rather than Ordinance

### **I. Proposal**

Enactment of an ordinance authorizing the City of St. Albans to enter into agreements with other governmental entities, political subdivisions and public corporations ("Intergovernmental Agreements"), subject to St. Albans City Council approving the execution of such Intergovernmental Agreements by resolution.

### **II. Specific laws which prevent the municipality from carrying out its duties in the most cost efficient, effective and timely manner.**

Applicable West Virginia Code provisions are Section 8-11-3(10) and 8-11-4.

### **III. The problem created by the law.**

Section 8-11-3(10) of the West Virginia Code provides that before a municipality can enter into an Intergovernmental Agreement (a contract or other agreement with another jurisdiction), the City Council of the municipality must first, by ordinance, authorize the Agreement being executed by the municipality. Section 8-11-4 of the West Virginia Code sets forth the procedures to be followed by a municipality in adopting an ordinance, specifically that the proposed ordinance must be read by title at not less than two meetings of the governing body.

The City of St. Albans is aggressively pursuing cooperative arrangements with other governmental entities, political subdivisions and public corporations at the State, County and local level, specifically including, but not limited to, mutual aid agreements for emergency services. At times, circumstances exist that make the delay of the ordinance process an impediment to finalizing these cooperative arrangements. A resolution requires only one meeting of City Council, thus expediting the approval process.

### **IV. The proposed solution.**

The City of St. Albans proposes that it be allowed to adopt an ordinance that specifically states that City Council is authorized to approve the execution of Intergovernmental Agreements by resolution.



# City of St. Albans

## Municipal Home Rule Pilot Program Application

### Disposition of City Property without Auction

#### **I. Proposal**

Enactment of an ordinance: 1. Allowing the sale of real and personal property by the City at fair market value to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good; 2. Allowing the lease of real and personal property by the City to private lessees for less than fair market value if the private lessees will use the property in such a manner that promotes economic development or provides a service for the public good; 3. Allowing the sale of real and personal property by the City at less than fair market value, without auction, to nonprofit corporations with a 501(c)3 determination letter from the Internal Revenue Service; and 4. Allowing the lease of real and personal property by the City at less than fair market value to nonprofit corporations with a 501(c)3 determination letter from the Internal Revenue Service.

#### **II. Specific laws which prevent the municipality from carrying out its duties in the most cost efficient, effective and timely manner.**

Applicable West Virginia Code provision is Section 8-12-18.

#### **III. The problem created by the law.**

Section 8-12-18 of the West Virginia Code provides that except in limited circumstances involving sales to the United States, or a state or instrumentality thereof, municipalities may only sell their real or personal property for fair and adequate consideration at public auction with sufficient legal advertisement. Similarly, municipalities may lease real or personal property, but only for fair and adequate consideration approved by resolution of the municipality's governing body.

#### **IV. The proposed solution.**

The City of St. Albans will consider and approve an ordinance: 1. Allowing the sale of real and personal property by the City at fair market value to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good; 2. Allowing the lease of real and personal property by the City to private lessees for less than fair market value if the private lessees will use the property in such a manner that promotes economic development or provides a service for the public good; 3. Allowing the sale of real and personal property by the City at less than fair market value to nonprofit corporations with a 501(c)3

determination letter from the Internal Revenue Service without auction; and 4. Allowing the lease of real and personal property by the City at less than fair market value to nonprofit corporations with a 501(c)3 determination letter from the Internal Revenue Service. The ordinance will provide that all such transactions may be approved by resolution of the City Council, without the need for a public hearing.

# City of St. Albans

## Municipal Home Rule Pilot Program Application

### Grant Authority to City Code Enforcement Officials to Immediately Issue Citations for External Sanitation Violations and Common Nuisances

#### **I. Proposal**

The City of St. Albans shall enact an ordinance granting authority to the code enforcement officers of the City to issue "on the spot" citations for certain violations. This authority will extend to sanitation, drainage, sidewalks in disrepair, high weeds, grass, or both, graffiti, exterior garbage accumulation, open storage in residential districts, and nonresident recreational vehicles.

#### **II. Specific laws which prevent the municipality from carrying out its duties in the most cost efficient, effective and timely manner.**

Applicable West Virginia Code provisions are § 8-12-16 and 8-12-5(23).

#### **III. The problem created by the law.**

Presently, City code enforcement officials are unable to issue citations "on the spot" for external sanitation violations and common nuisances, but rather are required to send preliminary notices and provide an opportunity to respond. This requires additional manpower and the lack of immediate citation power results in decreased compliance by property owners.

W.Va. Code § 8-12-16 allows municipalities to adopt ordinances regulating the repair, closing, demolition, etc. of dwellings or buildings unfit for human habitation. Additionally, municipalities may adopt ordinances requiring the owner of any such dwelling or building to pay for the costs of repairs, alterations, improvements, demolition, etc. The municipality then may file a lien against the real property for the costs incurred by the municipality, and file a civil action for such costs and reasonable attorneys' fees.

Additionally, W.Va. Code § 8-12-5(23) vests municipalities with the authority to, by ordinance or resolution, provide for the elimination of hazards to public health and safety and abate or cause to be abated anything which a majority of the governing body finds to be a public nuisance, but does not provide authority for granting citation powers to code enforcement officials.

#### **IV. The proposed solution.**

The City will enact an ordinance providing its code enforcement officers the authority to issue "on the spot" citations for certain violations. This citation power will extend to sanitation, drainage, sidewalks in disrepair, high weeds, grass, or both, graffiti, exterior garbage accumulation, open storage in residential districts, and nonresident recreational vehicles. These citations may be issued to the owner, lessee, sublessee, tenant, occupant, or agent or manager thereof, presently having control over the property in question, and an opportunity to respond will be afforded to the cited party by contesting the citation in municipal court.

# City of St. Albans

## Municipal Home Rule Pilot Program Application Purchases through Public Entity Cooperatives

### **I. Proposal**

Enactment of an ordinance authorizing the City of St. Albans to purchase personal property through cooperative arrangements with other political subdivisions and/or governmental entities without a separate bidding process by the City.

### **II. Specific laws which prevent the municipality from carrying out its duties in the most cost efficient, effective and timely manner.**

Various provisions of the West Virginia Code contain requirements related to bidding of purchases by political subdivisions and governmental entities, however, the specific authorization for cooperative purchasing among political subdivisions and/or governmental entities does not exist.

### **III. The problem created by the law.**

The existing provisions of the West Virginia Code do not provide specific authorization for a municipality to enter into a cooperative purchasing arrangement whereby the purchase of personal property is subject to a bid process by one or more other governmental entities acting together.

The City, in combination with other political subdivisions and/or governmental entities, may wish to solicit bids for personal property to achieve greater economies of scale and, hopefully, lower prices. The law does not currently specifically authorize such cooperative bidding arrangements.

### **IV. The proposed solution.**

The City of St. Albans proposes that it be allowed to enact an ordinance that specifically provides that the City may, in conjunction with one or more other political subdivisions and/or governmental entities, cooperatively request bids for the purchase of personal property on behalf of all such entities, and that such cooperative bidding process shall satisfy any requirement under the West Virginia Code for the bidding of personal property purchases.

# City of St. Albans

## Municipal Home Rule Pilot Program Application

### Placing Public Nuisance Liens without Court Order

#### **I. Proposal**

The City shall enact an ordinance providing that, after due notice, the City may repair, alter, or demolish property, mow unkempt grass and shrubs and remove or prune unkempt trees, and collect unlawful accumulations of garbage and rubbish, and, without court approval, place a lien on the property for the amount expended by the City in taking such action.

#### **II. Specific laws which prevent the municipality from carrying out its duties in the most cost efficient, effective and timely manner.**

The applicable provisions of the West Virginia Code are Sections 8-12-5(23) and 8-12-16.


#### **III. The problem created by the law.**

Municipalities are authorized, pursuant to Section 8-12-5(23) of the West Virginia Code, to provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which, in the opinion of a majority of the governing body, is a public nuisance. Section 8-12-16 of the West Virginia Code, however, only allows municipalities to adopt ordinances regulating the repair, alteration, or the vacating and closing or removal or demolition of, dwellings or buildings unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions in any dwelling or building which would cause it to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.

As set forth in the above statutory provisions, the standard for a threat to public safety is higher than a public nuisance and/or inadequately maintained property and may not allow the City to address property maintenance which detracts from the neighborhood or constitutes an "eyesore." Additionally, West Virginia Section 8-12-16 limits the lien amounts which the City may assess for repairing or demolishing a structure to the assessed value of the property.

#### **IV. The proposed solution.**

The City of St. Albans proposes to enact an ordinance providing the power and authority, after due notice to then owner or owners of the property which is not being properly maintained, is a public nuisance or is a threat to public safety, to enter the property and to repair, alter or demolish the property, and/or to mow unkempt grass and shrubs and prune or remove unkempt



trees, to ensure that the property does not detract from the neighborhood, present a public nuisance or provide a threat to public safety. The full cost of work performed by the City, without regard to the assessed value of the property, will constitute a lien against the property without the necessity of obtaining a court order.

# City of St. Albans

Municipal Home Rule Pilot Program Application

Hearing Mandate Verification

See Attached.





# City of St. Albans

P.O. BOX 1488 • ST. ALBANS, WEST VIRGINIA 25177  
www.stalbanswv.com

Telephone Numbers:

- Mayor's Office.....(304) 727-2971
- City Hall ..... 722-3391
- Police & Fire Depts. .... 727-2251
- Building Department ... 727-2962
- Parks & Recreation .... 722-4625
- Public Works ..... 722-4259

**Mayor**

Dick Callaway  
1499 MacCorkle Avenue  
St. Albans, WV 25177

I, the undersigned Clerk of the City of St. Albans, do hereby certify that on August 17, 2015 at 7:15 p.m. a Public Hearing was held before the regular meeting of the St. Albans City Council, the subject of said hearing being the proposed City of St. Albans Municipal Home Rule Application and Plan. Thirty days in advance of the public hearing, a notice of the public hearing was published as a Class II legal ad once each week for two successive weeks and a copy of the proposed City of St. Albans Municipal Home Rule Application Plan was made available for public inspection at that time.

The attached are true, correct and complete copies of the minutes evidencing the Public Hearing, and the signatures of citizens who spoke either in favor of, or against, the proposed City of St. Albans Municipal Home Rule Application and Plan. Also attached are true, correct and complete copies of the published notices of public hearing.

Witness the signature of the undersigned Clerk of the City of St. Albans, West Virginia, and the seal of this City, this 8th day of September, 2015.



6942805

*Beth Ann L. Hughes*

Clerk

A Public Hearing of the City Council of the City of St. Albans, West Virginia, was held in Council Chambers, 51 Sixth Avenue, Monday, August 17, 2015. Mayor Callaway called the public hearing to order at 7:15 p.m.

**PRESENT:**

Mayor Dick Callaway  
 Councilman Jerry Cogar  
 Councilman John Caudill  
 Councilman Jason Philabaun  
 Councilwoman Loretta Griffith  
 Councilman Ron Colby  
 Councilwoman Cheryl Thomas  
 Councilman Robert Keiffer  
 Councilman Desper Lemon  
 Councilman Garry Pennington  
 Councilman Christopher Withrow  
 Vice-Mayor/Councilman Kevin Pennington

Charles Riffie, City Attorney  
 Barbara Hughes, City Clerk/Treasurer  
 Lance Carney, Fire Chief  
 Mike Matthews, Police Chief  
 Veronica Westfall, City Recorder

**ABSENT:**

Councilman John Boles (Illness)  
 Scott Tweedy, Parks Director  
 Kathy Barnett, Senior Services Director  
 Orville Browning, Public Works Director  
 Charles Roberts, Building/Zoning Official

**PUBLIC HEARING TO DISCUSS THE ORDINANCE REGARDING THE HOME RULE APPLICATION:**

Mayor Callaway stated Attorney John Stump was available to answer any questions regarding the City's Home Rule application, and opened the floor for public comment. Attorney Stump gave a brief summary of the Home Rule application.

**ADJOURNMENT:**

Being no further business, Councilman K. Pennington moved to adjourn the public hearing, Councilman Lemon seconded. Mayor Callaway declared the public hearing adjourned at 7:28 p.m.

\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 CITY CLERK



# City of St. Albans

Municipal Home Rule Pilot Program Application

Publication Mandate Verification

Form of Class II Legal Ad as submitted to the Charleston Gazette is attached hereto.

Legal Ad --- Class II

DATES PUBLISHED: JULY \_\_, 2015 AND JULY \_\_, 2015

NOTICE OF PUBLIC HEARING

CITY OF ST. ALBANS

APPLICATION UNDER HOME RULE PILOT PROGRAM

Notice is hereby given by the City of St. Albans, West Virginia, that the City Council will hold a public hearing on Monday, August 17, 2015 at 7:15 p.m. at the St. Albans City Council Chambers, 51 Sixth Avenue, St. Albans, West Virginia for the purpose of providing members of the public an opportunity to speak either in favor of, or in opposition to, the proposed City of St. Albans Application and Plan to participate in the West Virginia Home Rule Pilot Program. The comments provided by members of the public shall be considered by the City in the completion of the City's Application and Plan. A copy of the Application and Plan is on file in the office of the City Clerk of the City of St. Albans and is available for review by members of the public during regular business hours.

The first reading of the ordinance approving the City of St. Albans Application and Plan to the West Virginia Home Rule Pilot Program is scheduled to be held at the regularly scheduled meeting of the City Council at 7:30 p.m. on Monday, August 17, 2015, subject to comments from the public on the Application and Plan which may be provided at the public hearing on August 17, 2015. The public hearing on the ordinance before City Council is scheduled for 7:15 p.m. on Monday, September 8, 2015. The second reading of the ordinance is scheduled for 7:30 p.m. on Monday, September 8, 2015, at the regularly scheduled meeting of the City Council, subject to comments from the public which may be provided at the public hearing on the ordinance on September 8, 2015. Both readings of the ordinance, as well as the public hearing thereon, will take place in the St. Albans City Council Chambers, 51 Sixth Avenue, St. Albans, West Virginia.

Barbara Hughes  
City Clerk



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			REFERENCE NBR	PURCHASE ORDER #					
07/14	LEGF	GZ	7/14, 7/21	HOME RULE	0604448	1X0650			
				959600001		6.50	8.82	57.33	57.33
07/14	LEGF	DM	7/14, 7/21	HOME RULE		1X0650			
				959600002		6.50	3.19	53.24	53.24
07/21	LEGR	GZ	7/14, 7/21	HOME RULE		1X0650			
				959600003		6.50	8.82	57.33	
				LEGAL DISCOUNT 25%				14.33-	43.00
07/21	LEGR	DM	7/14, 7/21	HOME RULE		1X0650			

State of West Virginia.

## AFFIDAVIT OF PUBLICATION

**NOTICE OF PUBLIC HEARING**

Notice is hereby given by the City of St. Albans, West Virginia, that the City Council will hold a public hearing on Monday, August 3, 2015, at 7:15 p.m. at the St. Albans City Council Chambers, 51 Sixth Avenue, St. Albans, West Virginia for the purpose of providing an opportunity to seek either in favor of or in opposition to the proposed City of St. Albans Application and Plan to participate in the West Virginia Home Rule Pilot Program. The comments provided by members of the public shall be considered by the City in the completion of the City's Application and Plan. A copy of the Application and Plan is on file in the office of the City Clerk of the City of St. Albans and is available for review by members of the public during regular business hours.

The first reading of the ordinance approving the City of St. Albans Application and Plan to the West Virginia Home Rule Pilot Program is scheduled to be held at the regularly scheduled meeting of the City Council on Monday, August 17, 2015, subject to comments from the public on the Application and Plan which may be provided at the public hearing on August 17, 2015. The public hearing on the ordinance before the City Council is scheduled for 7:15 p.m. on Tuesday, September 8, 2015. The second reading of the ordinance is scheduled for 7:30 p.m. on Tuesday, September 8, 2015, at the regularly scheduled meeting of the City Council, subject to comments from the public which may be provided at the public hearing on the ordinance on September 8, 2015. Both readings of the ordinance, as well as the public hearing, will take place in the St. Albans City Council Chambers, 51 Sixth Avenue, St. Albans, West Virginia.

Barbara Hughes  
City Clerk  
(60446)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public of Kanawha County, West Virginia



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INVOICE NBR	959600001

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The Daily Mail rate is \$.13 per word, the Charleston Gazette rate is \$.14 per word, and the Metro Putnam rate is \$.13 per word.

ISSUE DATE	AD TYPE	PUB	DESCRIPTION		AD NUMBER	AD SIZE		RATE	GROSS AMOUNT	NET AMOUNT
			REFERENCE NBR	PURCHASE ORDER #		TOTAL RUN				
			959600004			6.50		8.19	53.24	
			LEGAL DISCOUNT 25%						13.31-	39.93
TOTAL INVOICE AMOUNT										193.50

State of West Virginia, **AFFIDAVIT OF PUBLICATION**

I, Debra Stypwater of  
THE CHARLESTON GAZETTE,  
THE DAILY MAIL,

do solemnly swear that the legal notice of:  
7/14, 7/21 HOME RULE HEA

was duly published in said newspaper(s) at the stated price for the respective newspaper(s) and during the dates listed below:

07/14/15-07/21/15

Subscribed and sworn to before me this 23rd day of July, 2015

Notary Public of Kanawha County, West Virginia

# City of St. Albans

## Municipal Home Rule Pilot Program Application Ordinance Authorizing Submission of Application and Plan

See Attached.

AN ORDINANCE AUTHORIZING THE GOVERNING BODY OF THE CITY OF ST. ALBANS TO SUBMIT ITS MUNICIPAL HOME RULE PILOT PROGRAM APPLICATION AND PLAN TO THE MUNICIPAL HOME RULE BOARD PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE § 8-1-5a, GENERALLY, AND § 8-1-5a(f), PARTICULARLY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. ALBANS:

Section 1. The Mayor, as the certifying official, is hereby directed to make submission to the Municipal Home Rule Board of the City of St. Albans Application and Plan to the Municipal Home Rule Pilot Program (the "Home Rule Application"), pursuant to the rules and regulations found in West Virginia Code § 8-1-5a, generally, and § 8-1-5a(f), particularly (collectively, the "Act"). A copy of the Application to the West Virginia Home Rule Pilot Program is available for review at the Office of the Clerk of the City of St. Albans and is intended to be read as a part hereof.

Section 2. The City Council duly adopted a resolution on July 6, 2015 scheduling a public hearing on the Home Rule Application for August 17, 2015.

Section 3. The Administration published notice of the public hearing on the Home Rule Application as required by the Act.

Section 4. The public hearing on the Home Rule Application was held on August 17, 2015, at which members of the public were provided the opportunity to speak for and against the Home Rule Application.

Section 5. This Ordinance was presented to, and passed on first reading by, City Council after the public hearing on August 17, 2015.

Section 6. The Administration published the Notice of Proposed Enactment of the Proposed Ordinance as a Class II Legal Ad on July 14, 2015 and July 21, 2015 in the Charleston Gazette, as required by law.



Section 7. A copy of the written plan and application and full text of the ordinance has been available to the public and may be inspected by the public at the office of the City Clerk, 499 MacCorkle Avenue, St. Albans, West Virginia.

Section 8. On September 8, 2015 at 7:15 p.m. in the St. Albans City Council Chambers, 51 Sixth Avenue, St. Albans, West Virginia, the Council of the City of St. Albans conducted a public hearing, during which interested parties had the opportunity to appear and their comments be heard and considered.

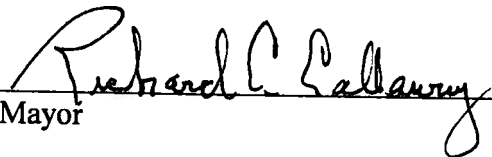
Section 9. Immediately following said public hearing on September 8, 2015, the Governing Body shall conduct the second reading of this ordinance which shall be considered for final roll call vote.

Section 10. This ordinance shall be effective from and after the date of its passage.

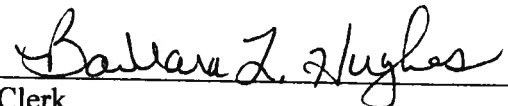
1<sup>st</sup> Reading August 17, 2015

2<sup>nd</sup> Reading September 8, 2015

CITY OF ST. ALBANS

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk

# City of St. Albans

## Municipal Home Rule Pilot Program Application

### Fiscal Impact Worksheets/Formulas

While the City believes that the proposals outlined in its Application and Plan will facilitate development in the City and provide the opportunity for increased efficiencies in City government, the economic impact of such proposals is extremely difficult to quantify. In aggregate, the City is of the opinion that the implementation of the proposals in the Application and Plan will result in a positive economic impact for the City, through cost savings, recouping of expenditures and increased development.



# City of St. Albans

## Municipal Home Rule Pilot Program Application

### Attorney Opinion

Please see attached Opinion of Special Counsel to the City



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Charleston, WV 25326-1588  
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September 8, 2015

West Virginia Municipal Home Rule Board  
West Virginia Home Rule Pilot Program  
Charleston, West Virginia

Re: Opinion Regarding the City of St. Albans Home Rule Plan

Ladies and Gentlemen:

We have reviewed the City of St. Albans's Municipal Home Rule Pilot Program proposed written application and plan (the "Plan"), which is being submitted to the Municipal Home Rule Board (the "Board") in order to permit the City of St. Albans (the "City") to participate in the Municipal Home Rule Pilot Program established under West Virginia Code § 8-1-5a.

Based upon our examination of the Plan and understanding of the intent of the proposals included in the Plan, it is our opinion that the contents of the Plan, as proposed, complies with the required statutory requirements under W. Va. Code § 8-1-5a. Specifically, any ordinance, act, resolution, rule or regulation that the City will enact pursuant to the provisions of the Plan will not be contrary to:

1. Environmental law;
2. Bidding on government construction and other contracts;
3. The Freedom of Information Act;
4. The Open Governmental Proceedings Act;
5. Wages for construction of public improvements;
6. The provisions of W. Va. Code § 8-1-5a; and
7. The proposed City of St. Albans written Plan.

Finally, as evidenced by the documentation enclosed with the Plan, the City made available a copy of the Plan for public viewing and published thirty days' notice of a public hearing on the Plan, conducted such public hearing, and enacted an ordinance authorizing the City to submit the Plan. Further, as evidenced by the documentation enclosed with the Plan, the City is current in payment of all state fees.

West Virginia Municipal Home Rule Board  
September 8, 2015  
Page 2

Based upon the foregoing, we opine that the City's Plan for participation in the West Virginia Municipal Home Rule Pilot Program does not violate the provisions of West Virginia Code § 8-1-5a. This opinion is solely for the benefit of the Municipal Home Rule Board and the City of St. Albans in connection with the Plan.

Sincerely,



Steptoe & Johnson PLLC

# City of St. Albans

Municipal Home Rule Pilot Program Application

State of West Virginia Fees Statement

Please see attached.



# City of St. Albans

P.O. BOX 1488 • ST. ALBANS, WEST VIRGINIA 25177  
www.stalbanswv.com

Telephone Numbers:

Mayor's Office.....(304) 727-2971  
City Hall ..... 722-3391  
Police & Fire Depts .... 727-2251  
Building Department ... 727-2962  
Parks & Recreation ..... 722-4625  
Public Works ..... 722-4259

**Mayor**  
Dick Callaway  
1499 MacCorkle Avenue  
St. Albans, WV 25177

August 17, 2015

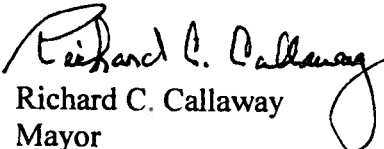
West Virginia Development Office  
West Virginia Home Rule Pilot Program  
ATTN: Debbie Browning  
State Capitol Complex, Building 6, Room 553  
Charleston, WV 25305-0311

Re: Statement as to Fees of the State of West Virginia

Ladies and Gentlemen:

The purpose of this letter is to confirm that, to the best of my knowledge, after due inquiry, the City of St. Albans is current on all fees payable by the City to the State of West Virginia. This statement is being provided comply with the application requirements of the West Virginia Municipal Home Rule Pilot Program.

Sincerely,

  
Richard C. Callaway  
Mayor

# City of St. Albans

Municipal Home Rule Pilot Program Application

Agreement to Requirements Statement

Please see attached.





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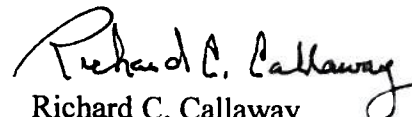
West Virginia Municipal Home Rule Board  
West Virginia Home Rule Pilot Program  
ATTN: Debbie Browning  
State Capitol Complex, Building 6, Room 553  
Charleston, WV 25305-0311

Re: Agreement to Provisions of Act

Ladies and Gentlemen:

I have reviewed the requirements set forth in W. Va. Code § 8-1-5a and hereby certify that the City of St. Albans agrees to comply with the requirements of that subsection so that it may participate in the Home Rule Pilot Program.

Sincerely,

  
Richard C. Callaway  
Mayor