

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

THURSDAY, MARCH 17, 2011

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 p.m. on Thursday, March 17, 2011, at the State Capitol Complex in Charleston, West Virginia.

The following members were present:

Chris Fletcher, Member
Floyd (Kin) McKinley Sayre III, Member
Angel Moore (designee for Development Office Executive Director Keith Burdette)
Jim Morgan, Member
Emmett S. Pugh III, Member (designee for the Honorable Earl Ray Tomblin)
Herb Snyder, Member

The following member participated by conference call:

Brian Jones, Member

Others present:

Keith Boggs, City of Bridgeport
Anthony Carrico, West Virginia Fire Commission
Lisa Dooley, West Virginia Municipal League
Susan Economou, City of Charleston
Paul Ellis, City of Charleston
Bernie Fazzini, Harrison County Commission
Kim Haws, City of Bridgeport
Charles Holley, City of Huntington
Brandi Jacobs-Jones, City of Huntington
Debra Martin, Bridgeport
John Martin, Bridgeport
Scott McClure, City of Huntington
Julia Morton, West Virginia Senate
Mark Morton, West Virginia Tax Department
Mark Muchow, West Virginia Department of Revenue
John O'Connor, Steel of West Virginia, Inc.
Jason Pizatella, West Virginia Department of Revenue
Deron Runyon, City of Huntington
Dean Ramsey, City of Bridgeport
Joe Shaffer, Harrison County Office of Prosecuting Attorney's Office
Greg Skidmore, Harrison County Commission
Jimmy Smith, City of Bridgeport
Steve Thompson, West Virginia House of Delegates
Ron Watson, Harrison County Commission
Kim Wolfe, City of Huntington

The meeting was called to order by Chair Emmett Pugh. It was reported that notice of the meeting was lawfully given, a quorum was present, and the meeting was convened.

A motion was made by Kin Sayre to approve the minutes of the Friday, September 24, 2010, meeting. The motion was seconded by Chris Fletcher and unanimously approved. Members Jim Morgan and Herb Snyder abstained from voting.

Chair's Report

The chairman did not give a formal report.

Old Business

As requested by the Board on September 24, 2010, officials from the City of Huntington presented a fiscal impact summary as well as certification that their proposed amendment concerning occupation tax and consumer sales/service/use tax is constitutional. It was noted that the funds would go toward infrastructure, paving, flood control, etc. and not legacy costs or salaries.

The members had questions regarding the enforcement of the use tax, auditing requirements, constitutionality rationalization, uniformity, sales tax disallowed/B&O tax reduction component, litigation, implementation time period, ambiguous sun setting procedures for the pilot program, etc. In addition, several board members expressed grave concern about the future progress of the pilot municipal home rule program due to potential litigation and citizenry negativity over a Huntington amended home rule application.

Representatives of the West Virginia Tax Department again assured the group that they have the capacity to administer the tax reform as proposed by the City of Huntington. Estimated costs incurred by the Tax Department would be \$2.9 million. The Revenue Department would map out tax rates and jurisdiction based on zip codes.

A motion was made by Kin Sayre to approve the amended application as presented by the City of Huntington. The motion was seconded by Chris Fletcher with further discussion. It was noted by Mr. Fletcher and other members that, when the Joint Committee on Government and Finance conducts their performance review of Huntington's pilot program before July 2012, the legislative body may not be able to substantiate the effectiveness of the Huntington tax amendment due to the limited time of its deployment.

The members voted 3-2 in favor of the amendment. A roll call vote was taken: Sayre-No; Jones-Yes; Fletcher-Yes; Moore-No; Pugh-Yes. Member Jim Morgan abstained from voting and Herb Snyder left the meeting earlier.

New Business

The group received progress reports from the cities of Charleston and Wheeling. Member Chris Fletcher applauded the City of Charleston on their well structured document. A motion was made by Kin Sayre to accept the documents as filed. The motion was seconded by Chris Fletcher and unanimously approved. Member Jim Morgan abstained from voting.

Next, Kim Haws reviewed the proposed amendment to the application for the City of Bridgeport.

After the presentation, Anthony Carrico of the West Virginia Fire Commission was asked to explain the various components of an ISO rating.

There was further discussion by the membership concerning the availability and number of various volunteer fire departments in Harrison County, first due areas, fire service boundary lines set by the Fire Commission, etc.

Comments of opposition were heard by the Board from Harrison County Prosecuting Attorney Joseph Shaffer and John Martin, a Bridgeport resident.

Additionally, several petitions from citizens outside the City of Bridgeport were received by the Board opposing the proposed home rule amendment for the fire service fee.

A motion was made by Kin Sayre to approve the Bridgeport amendment. The motion was seconded by Brian Jones. The members voted 3-2 in favor of the amendment. A roll call vote was taken: Sayre-Yes; Fletcher-Yes; Jones-Yes; Moore-No; Pugh-No. Member Jim Morgan abstained from voting.

Adjournment

Members were reminded that the next regularly scheduled meeting would be held on June 16 at a location and time yet to be decided. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 1:30 p.m.

West Virginia Municipal Home Rule Board
Meeting Minutes
March 17, 2011
Page -4

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