

# WEST VIRGINIA MUNICIPAL HOME RULE BOARD

## MEETING MINUTES

MONDAY, OCTOBER 6, 2014

A meeting of the West Virginia Municipal Home Rule Board was held at 9:00 a.m. on Monday, October 6, 2014, at the Charles Pointe Conference Center in Bridgeport, West Virginia.

The following members were present:

Chris Fletcher, Member  
Joshua Jarrell (designee for Development Office Executive Director Keith Burdette)  
Brian Jones, Member  
Floyd (Kin) McKinley Sayre III, Member  
Patsy Trecost II (designee for the Honorable Earl Ray Tomblin)

The following members were absent:

Jim Morgan, Member  
Herb Snyder, Member

Others present:

Belotte, Anthony N., City of Clarksburg  
Blosser, Travis, City of Shinnston  
Brynside, Ron, City of Dunbar  
Canterbury, Tom, City of Milton  
Conard, Charles, City of Milton-Council Member  
Cunningham, Bill, City of Dunbar,  
Davidson, Kenny, City of Buckhannon  
Davis, Jim, Bridgeport Newspaper  
Ealy, Tom, City of Princeton  
Economou, Susan, City of Charleston  
Ellis, Paul, City of Charleston  
Flowers, Ashley, City of Parkersburg  
Haws, A. Kim, City of Bridgeport  
Honaker, Susan, City of Lewisburg  
Howe, Martin, City of Clarksburg  
McGilvray, Al, WRNR Radio-Martinsburg  
Means, Valerie, City of Weirton  
Murphy, Matt, Charleston Daily Mail  
Newell, Robert, City of Parkersburg  
Puccio, Larry, Larry Puccio LLC  
Ramsey, Dean, City of Bridgeport  
Rapp, Randall, City of Vienna  
Rockhold, John, City of Parkersburg

Rogers, Jay, City of Fairmont  
Sienkiewicz, Bonita, City of Lewisburg  
Skinner, Elizabeth, Town of Bath-Council Member  
Smith, Jimmy, City of Bridgeport  
Smith, Phyllis, City of Milton  
Thornton, Paul, City of Vienna  
Titus, Kathryn, Clarksburg Convention and Visitors Bureau  
Webb, Tracy, State of West Virginia-Attorney General's Office  
Webster, Susan, Town of Bath  
Worley, Ann, West Virginia Municipal League  
Yeager, Ricky, City of Parkersburg

The meeting was called to order by Chair Trecost. 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 Monday, September 8, 2014, meeting. The motion was seconded by Joshua Jarrell and unanimously approved.

#### Chair's Report

Chair Trecost welcomed guests, but did not have an official report.

#### Old Business

No old business was discussed.

#### New Business

A motion was made to formally receive correspondence related to the applications from the City of Bath, the City of Moundsville, and the City of Bluefield. The motion was seconded and unanimously approved.

Chair Trecost mentioned that procedures were developed for use by the incoming/existing Home Rule cities to adopt amendments and/or ordinances; they will be posted to the Home Rule website.

Based on the scoring mechanism developed and utilized by the Home Rule Board membership, Joshua Jarrell made a motion to receive the following 16 cities into the Phase II Home Rule Pilot Program: Bluefield, Buckhannon, Charles Town, Clarksburg, Dunbar, Fairmont, Martinsburg, Milton, Morgantown, Nitro, Parkersburg, Ranson, Shinnston, South Charleston, Vienna, and Weirton. The motion was seconded by Board Member Kin Sayre. A roll call was taken. As an elected official from the City of Clarksburg, Chair Patsy Trecost recused himself from the vote. The motion was unanimously approved. Rejected cities included: Bath, Lewisburg, Moundsville, Oak Hill, Princeton, and Spencer.

The Home Rule Plan Amendment from the Town of Bridgeport was presented by Kim Hawes and other city officials. The first initiative concerned modification to the process for securing professional services improving the city's fiscal management, authorize intergovernmental agreements by resolution eliminating the requirement for approval by the Attorney General speeding up the process as long as both parties carry out the agreements, and to allow the city to hire an assistant Fire Chief and promote within the Bridgeport Fire and Police Departments.

Tracy Webb, Deputy Attorney General, shared her reasons for opposing the elimination of the Attorney General's approval on intergovernmental agreement(s) submitted by Bridgeport and felt there was value in involving the Attorney General in the review process ensuring the agreements meet the requirements of the law and protect the state's funds. She assured the city that they do not want to delay the process, but to comply with the 30 day and sooner approval mandate.

Board Member Brian Jones explained the importance of the "two year time in grade" policy as regards promotions. Further, he expressed concern that the civil service code might be compromised without careful consideration of its rational and urged rejection of Bridgeport's proposal to promote within and hire an assistant Fire Chief.

After a brief discussion of the issues, Board Member Kin Sayre made a motion that the initiative concerning modification to the process for securing professional services be approved to move forward to the public hearing/ordinance process. Member Chris Fletcher seconded the motion and it was unanimously approved.

Kin Sayre made a motion that the intergovernmental agreements by resolution eliminating the requirement for approval by the Attorney General be approved to move forward to the public hearing/ordinance process, as well as the plan to modify certain civil service regulations. The motion was seconded by Joshua Jarrell. The motion was carried by a vote of 3-2. Members Brian Jones and Patsy Trecost voted "no."

City Attorney Paul Ellis presented an amendment to the City of Charleston's approved home rule plan to enact a consumer sales and use tax. The City proposes to amend its current sales and use tax ordinance to increase the tax rate to one percent dedicating revenue from the additional one-half percent to assist in funding its underfunded police and fire pension plan liabilities. After a few questions from the Board, Mr. Ellis noted that as a matter of law, they are enacting them (B&O and sales and use tax) together and they believe they have done everything necessary to bump the tax up.

No comments were received from the public concerning the City of Charleston's amended ordinance. Consequently, Kin Sayre moved to approve the amendment to the ordinance allowing the City of Charleston to increase its sales tax rate from one half percent to one percent and allow it to go forward. The motion was seconded by Joshua Jarrell and was unanimously approved.

Lastly, Chair Patsy Trecost stated he would send a letter to the President of the West Virginia Senate and to the Speaker of the West Virginia House of Delegates

respectfully requesting consideration of the West Virginia Legislature to expand the number of home rule pilot cities from 20 to 26.

#### Adjournment

Members tentatively decided to hold their next meeting on November 20 in Fairmont at a location to be decided. Furthermore, the Board resolved to adopt a schedule of quarterly meetings in 2015. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 11:30 a.m.