

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

MONDAY, JUNE 1, 2015

A meeting of the West Virginia Municipal Home Rule Board was held at 10:00 a.m. on Monday, June 1, 2015, at the City Hall, Morgantown, West Virginia.

The following members were present:

Chris Fletcher, Member
Joshua Jarrell (designee for Development Office Executive Director Keith Burdette)-via
teleconference
Brian Jones, Member
Robert Kiss (designee for the Honorable Earl Ray Tomblin)
Floyd (Kin) McKinley Sayre III, Member

The following ex-officio members were present:

Craig Blair, West Virginia Senate
Gary Howell, West Virginia House of Delegates

Others present:

James Bailey, West Virginia Senate
Tom Canterbury, City of Milton (via teleconference)
Lisa Dooley, West Virginia Municipal League
Scott McClure, City of Milton (via teleconference)
Jeff Mikorski, City of Morgantown
Matt Murphy, Charleston Daily Mail
Robert Newell, City of Parkersburg
Benita Ryalls, City of Milton (via teleconference)
Karen Sisson, City of Parkersburg
Elizabeth Skinner, Town of Bath
Kevin Stead, City of Grafton
Robert Tebay, City of Parkersburg
Susan Webster, Town of Bath
Rickie Yeager, City of Parkersburg

The meeting was called to order by Chair Kiss. 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 March 2, 2015, meeting. The motion was seconded by Chris Fletcher and unanimously approved.

Chair's Report

After a brief introduction of guests, Chair Kiss presented a summary of the new home rule legislation (Senate Bill No. 323).

Members Kin Sayre and Chris Fletcher encouraged cities that did not get admitted into Phase II of the Home Rule Pilot Program to consider the removal of controversial initiatives from their application and to develop additional proposals as deemed appropriate for their city. The absence of an application deadline is advantageous for the cities.

Old Business

- Scott McClure, attorney for the **City of Milton** advised the Board members that an error concerning the implementation date for Milton's proposed sales and use tax was corrected to the satisfaction of the West Virginia State Tax Department. He also stated that there are no further outstanding issues regarding the subject tax, and it is set for implementation on July 1, 2015.
- The **City of Parkersburg** passed an ordinance to implement the one percent municipal sales and use tax and a separate ordinance to eliminate and reduce business and occupation taxes following one full cycle of collections from the West Virginia State Tax Department of the city's one percent sales tax on January 1, 2016.

The Board raised the issue as to whether the effective date of a municipal sales tax must coincide with the reduction or elimination of business and occupation taxes. Parkersburg city officials indicated to the Board that delaying reductions to its business and occupation taxes is the only way to avoid a budgetary shortfall, if revenues realized from the newly implemented sales and use tax are insufficient to offset lost business and occupation revenues.

To avoid jeopardizing the entire Pilot Program, Board Member Kin Sayre made a motion requesting Chair Kiss to obtain a legal opinion from the State Attorney General Patrick Morrissey regarding this issue. The motion was seconded by Chris Fletcher and unanimously carried. In addition, the Board encouraged Parkersburg officials to furnish

essential information to the Attorney General in order to expedite the requested advisory as soon as possible.

Furthermore, Board members supported Parkersburg's suggestion of a set aside contingency fund, if tax refunds were warranted.

Chair Kiss acknowledged that related statistical data is challenging at this time. He noted that this procedural issue will be brought to the attention of the West Virginia Legislature by the State Tax Department.

New Business

Following a brief discussion, a motion was made by Kin Sayre to use the same home rule application, guidelines, and checklist for Phase III of the Municipal Home Rule Pilot Program. The motion was seconded by Chris Fletcher and unanimously carried.

Changes will be made by June 10 to the referenced documents by staff; modified forms will be posted to the Home Rule web site, and the information will be circulated to West Virginia cities via the West Virginia Municipal League.

Adjournment

Members and guests were informed that the next meeting would be held in Charleston on Monday, September 14, 2015. With no further business, a motion was made to adjourn the meeting. The motion was seconded and the meeting was adjourned at 11:00 a.m.