

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

MONDAY, NOVEMBER 14, 2016

A meeting of the West Virginia Municipal Home Rule Board was held at 10:00 a.m. on Monday, November 14, 2016, at the State Capitol Complex, Building 6, Conference Room 6a in Charleston, West Virginia.

The following members were present:

Joshua Jarrell (designee for WV Development Office Executive Director Keith Burdette)
Chris Stadelman (designee for the Honorable Earl Ray Tomblin)

The following members participated by conference call:

Chris Fletcher, Member
Brian Jones, Member
Floyd (Kin) McKinley Sayre III, Member

The following ex-officio members were absent:

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

Others present:

James Bailey, West Virginia Legislature (conference call)
Brett Benes, City of Charleston
Susan Economou, City of Charleston
Paul Ellis, City of Charleston
Peter Markham, Office of Governor Tomblin
Hoy Murphy, West Virginia Division of Natural Resources

The meeting was called to order by Chair Stadelman. 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 Joshua Jarrell to approve the minutes of the October 3, 2016, meeting. The motion was seconded by Chris Fletcher and was unanimously approved.

Chair's Report

Chair Stadelman welcomed guests. In addition, he reiterated that progress reports are due by Thursday, December 1 from participating home rule pilot cities. It was noted that these reports will be posted to the Home Rule web site, as they are received, for review by the membership. The summary report to the West Virginia Legislature is due January 1, 2017.

Old Business

No old business was discussed.

New Business

Member Joshua Jarrell informed the group of pending litigation – State of West Virginia ex rel. State Fire Commission v. Municipal Home Rule Board, No. 16-0980.

Pursuant to the provisions of the West Virginia Open Governmental Proceedings Act which allows governmental agencies to meet in Executive Session, a motion was made by Kin Sayre that the Board move into Executive Session. The motion was seconded by Joshua Jarrell and unanimously carried.

At the conclusion of the Executive Session, which lasted approximately 35 minutes, a motion was made to move into General Session. The motion was seconded and unanimously carried.

A motion was made by Chris Fletcher authorizing Joshua Jarrell and Peter Markham of the Governor's Office to procure outside counsel, as necessary, and in the interim file responses with the Supreme Court of Appeals of West Virginia as may be necessary and appropriate. The motion was seconded by Kin Sayre and unanimously carried.

Paul Ellis of the City of Charleston reported that he recently held discussions with Fire Marshal Kenneth Tyree, members of the Fire Commission, Deputy Attorney General Stephen Connolly, and legal counsel for the City of Bridgeport concerning the aforementioned litigation/issues. As a result, a meeting is to be scheduled the week of November 14 with Fire Marshal Kenneth Tyree and officials from the City of Bridgeport.

Further, Mr. Ellis indicated that he had not yet reached out to the cities of Clarksburg and Ranson. He is hopeful that the issue(s) can be resolved and does not proceed to litigation.

It was recommended by Chris Fletcher that the West Virginia Municipal League be advised of the issue(s). City of Charleston Attorney Paul Ellis agreed and related his recent communication with the Municipal League.

Adjournment

Members were reminded of the next regularly scheduled meeting on December 5, 2016, in Charleston. With no further business, a motion was made by Joshua Jarrell to adjourn the meeting. The motion was seconded by Chris Stadelman and the meeting was adjourned at 11:00 a.m.