

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

WEDNESDAY, JANUARY 17, 2018

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Wednesday, January 17, 2018, at the Department of Revenue, State Capitol Complex in Charleston, West Virginia.

The following members were present:

Dave Hardy (designee for the Honorable Jim Justice)  
Brian Jones, Member  
Wesley White (designee of the Executive Director of the West Virginia  
Development Office)  
Mark Polen, Member  
Honorable Ed Gaunch, West Virginia State Senate  
Honorable Gary Howell, West Virginia House of Delegates

The following members participated by conference call:

Chris Fletcher, Member

Others present:

Kevin Stead, City Manager, City of Grafton  
Larry Richman, City Clerk/Finance Director, City of Grafton  
Isabel Kinnison, Representative for Senator Gaunch  
Susan Economou, City of Charleston  
Katelynn Campbell, WV Community Development Hub  
Allen Prunty, Deputy Secretary and General Counsel, WV Dept. of Revenue

The meeting was called to order by Chair Hardy at 10:33 a.m. It was reported that the notice of the meeting was lawfully given, a quorum was present, and the meeting was convened. A motion to approve the minutes of the October 19, 2017 meeting was made by Brian Jones and seconded by Mark Polen. The motion was approved with a 5-0 vote.

## Chair's Report

Chair Hardy welcomed guests. A discussion was held regarding the WV State Fire Commission v. Municipal Home Rule Board litigation, and it was noted that the case remains in abeyance. There were no questions or comments on this matter.

Chair Hardy reported that legislation was introduced to give permanent status to the Home Rule program and additionally amend the Home Rule statute. HB 4158 was introduced and was double referenced to the House Committee on Political Subdivisions and then to the Government Organization Committee. The bill is supported by the WV Municipal League. Lisa Dooley and Howard Mullins have had discussions with the Governor's Office in regard to the bill. They are hoping it will be well received. The proposed legislation will resolve the Fire Commission litigation and address other concerns regarding the current Home Rule statute.

The Home Rule Board Annual Report was submitted today. Chris Fletcher suggested a more aggressive approach to obtain progress reports from Home Rule cities on a timely basis, including notice of delinquency to cities that failed to meet the deadline and additional correspondence encouraging compliance. Mr. Polen moved to approve of the plan; Mr. Jones seconded the motion; and the motion passed on a 5-0 vote.

## Old Business

None.

## New Business

- Kevin Stead, City Manager for the City of Grafton, explained their proposed plan amendments regarding No. 1 - The Brunch Bill; No. 2 – Fire Civil Service Hiring – reducing the minimum number of eligibles from certified list of fire Civil Service Board; and No. 3 – Fire Civil Service Hiring – residency requirements.
- Chair Hardy confirmed that the City of Grafton complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit their proposed amendments to the Home Rule Board.

The city's proposed amendment No. 1 (The Brunch Bill) was discussed. Grafton did not present this request until now due to no requests until last summer. They received one written and one verbal request for this bill. The parties who requested the bill are both restaurants. No negative comments or responses were received for this request. There were no efforts to adopt a brunch bill at the county level. Mr. Polen moved to approve amendment No. 1; Mr. White seconded the motion; and the motion passed on a 5-0 vote.

Proposed amendment No. 2 (Fire Civil Service Hiring – reducing the minimum number of eligibles from certified list of Fire Civil Service Board.) The Board determined that the current request is the same as Grafton’s made a year ago regarding police civil service. A brief discussion regarding the application and hiring process of civil service applicants was held. Mr. Polen inquired if this request was the same as the request made by the City of Elkins, to which Allen Prunty confirmed that it was indeed the same request. Mr. Jones moved to approve amendment No. 2; Mr. Fletcher seconded the motion; and the motion passed on a 5-0 vote.

Proposed amendment No. 3 (Fire Civil Service Hiring – residency requirements.) Grafton is requesting that this requirement be removed. There was a discussion on residency requirements and a WV Supreme Court decision. At Mr. Polen’s request, Mr. Prunty briefly researched the issue and advised that the statute does not prohibit Grafton’s request, and, in fact, similar requests had been approved by the Home Rule Board in the past. Mr. Jones had no objections to the proposed amendment and moved to approve amendment No. 3; Mr. Polen seconded the motion; and the motion passed on a 5-0 vote.

### Adjournment

Members were informed that the next meeting date is scheduled for Wednesday, April 11, 2018 at 10:30 a.m. in Charleston. With no further business, a motion was made to adjourn the meeting; the motion was seconded; and the meeting was adjourned at 11:06 a.m.