

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

THURSDAY, OCTOBER 10, 2019

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Thursday, October 10, 2019, 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

The following members participated by conference call:

Chris Fletcher, Member  
Wesley White (designee of the Executive Director of the West Virginia  
Development Office)

The following members were absent:

Mark Polen, Member  
Honorable Gary Howell, West Virginia House of Delegates

Others present:

Ron Flora, City of Hurricane  
Scott Edwards, Mayor, City of Hurricane  
Rachel Gray, City of Hurricane  
Ben Newhouse, City of Hurricane  
Kim Whiteman, City of New Martinsville  
Beverly Gibb, City of New Martinsville  
Allen Prunty, Deputy Secretary and General Counsel, WV Dept. of Revenue  
Leslie Dillon, Deputy General Counsel, WV Dept. of Revenue  
Susan Economou, WV Municipal League

The meeting was called to order by Chair Hardy at 10:30 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 August 14, 2019 meeting was made by Brian Jones and seconded by Chris Fletcher. The motion was approved with a 4-0 vote.

## Chair's Report

Chair Hardy welcomed guests. He recognized Allen Prunty to give an update on the Jeffries v. WV Municipal Home Rule Board, et al. Mr. Prunty informed the Board that a hearing in front of Judge Bloom was held on September 26, 2019, and that the Board and the Department of Revenue were represented by Kathy Schultz of the Attorney General's office. Deadlines were set for further filings and briefings will be due in November. Mr. Prunty is hoping the judge will rule within thirty (30) days.

## Old Business

None.

## New Business

### City of Hurricane

- Mayor Scott Edwards and Ron Flora presented for the city.
- Chair Hardy confirmed that the City of Hurricane complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit their proposed plan application to the Home Rule Board.

Hurricane's application was presented by Mayor Edwards and discussed. The first item on their application was the adoption of a 1% sales tax. The topic was discussed, and Mr. Jones moved to approve the amendment; Mr. Fletcher seconded the motion; and the motion passed with a 4-0 vote.

The second item on the plan application was the Sale of Municipal Property Without Auction. A brief discussion was held, and a motion to approve was made by Mr. Jones, with a second by Mr. Fletcher. The motion passed with a 4-0 vote.

The third item in Hurricane's plan was Intergovernmental Agreements by Resolution. A discussion was held, and a motion to approve was made by Mr. Jones, with a second by Mr. Fletcher. The motion passed on a 4-0 vote.

On-the-spot Citations was the fourth item on Hurricane's plan application. A brief discussion was held, and a motion to approve was made by Mr. Jones, with a second by Mr. Fletcher. The motion passed with a 4-0 vote.

The fifth and final issue on Hurricane's application was Adequate Funding for Advertising the City. Mayor Edwards spoke about the lack of funding with regards to this issue. A brief discussion was held, and a motion to approve was made by Mr. Jones, and a second by Mr. Fletcher. The motion passed with a 4-0 vote.

A motion to approve the application as a whole was made by Mr. Fletcher, with a second by Mr. Jones. The motion passed unanimously with a 4-0 vote.

#### City of New Martinsville

- Kim Whiteman, along with Beverly Gibb, presented the city's plan application.
- Chair Hardy confirmed that the City of New Martinsville complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit its application to the Home Rule Board.

New Martinsville's application was presented by Beverly Gibb and Kim Whiteman. The first item on their application was the 1% sales tax. A brief discussion was held and a motion to approve was made by Mr. Jones with a second by Mr. White. The motion was approved with a 4-0 vote.

The second item on the application was On the Spot Citations. A brief discussion took place and a motion to approve was made by Mr. Jones and seconded by Mr. Fletcher. The motion passed with a 4-0 vote.

Maintenance of Foreclosed Properties was fourth on the application. A lengthy discussion was held regarding several possible issues. Following the discussion, the representatives of New Martinsville withdrew the proposal regarding the maintenance of foreclosed properties from the plan application.

The fifth item on the application was Satisfaction of Demolition Liens. A discussion was held and following the discussion, the representatives of New Martinsville withdrew the proposal regarding this item from the plan application.

The sixth item on the application was the Right to Purchase Tax Delinquent Property Before Sheriff's Auction. A brief discussion was held, and Mr. Dillon spoke regarding some issues with this proposal. New Martinsville withdrew this proposal from their plan application as well.

The seventh item on the proposed application was Transfer of Lease for Property. A lengthy discussion was held and a motion to approve was made by Mr. Jones, with a second by Mr. Fletcher. The motion passed unanimously with a 4-0 vote.

Eighth on the proposed application was Non-Civil Service Police. A discussion was held regarding various issues and a motion to approve was made by Mr. Jones with a second by Mr. Fletcher. The motion passed with a 4-0 vote.

The ninth item on the proposed application was Raising Maximum Age for Joining civil Service Police Departments. A brief discussion was held and a motion to approve was made by Mr. Jones, with a second by Mr. Fletcher. The motion was approved with a 4-0 vote.

The final item on the proposed application was Party Membership Requirements for Appointed Election Officials and Civil Service Building Commission. A brief discussion was held and a motion to approve was made by Mr. Jones, with a second by Mr. Fletcher. The motion carried with a 4-0 vote.

A motion to approve the application in its entirety was moved by Mr. Fletcher and seconded by Mr. Jones. The motion carried on a unanimous vote of 4-0.

#### Next Meeting

Chair Hardy announced that the meetings of the Municipal Home Rule Board for 2020 will be held on the following dates:

January 15, 2020, at 10:30 am at the Department of Revenue office

April 8, 2020 – location T/B/D

July 8, 2020 – location T/B/D

October 21, 2020 – location T/B/D

#### Other Business

Chris Fletcher reminded the Board members that the Home Rule municipalities are to get their reports in to us by December 1, 2019 and that our report to the Government Organization Committee is due on January 1, 2020. He suggested that the Chair take the position to not consider any plans by municipalities who do not send in their summary reports.

#### Adjournment

A motion to adjourn the meeting was made by Mr. Jones and seconded by Mr. Fletcher. The meeting concluded at 11:42 a.m.