

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

MEETING MINUTES

WEDNESDAY, JANUARY 19, 2022

A meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Wednesday, January 19, 2022, 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)

The following members participated via telephone:

Mark Polen, Member
Brian Jones, Member
James Bailey, Member
Dan Vriendt, Member

The following members were absent:

Honorable Mark Maynard, West Virginia Senate
Honorable Brandon Steele, West Virginia House of Delegates

Others present:

Allen Prunty, Deputy Secretary and General Counsel, WV Dept. of Revenue
Anoop Bhasin, Deputy General Counsel, WV Dept. of Revenue

Others present via telephone:

Travis Blosser, WV Municipal League
Jessica Sutton, City Clerk, City of Elkins
Geraldine Roberts, City Attorney, City of Elkins
Steve Himes, Fire Chief, City of Elkins
Jerry Marco, Mayor, City of Elkins

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 November 10, 2021, meeting was made by Brian Jones and seconded by James Bailey. The motion was approved with a 5-0 vote.

Chair's Report

None.

Old Business

None.

New Business

City of Elkins:

- Jessica Sutton, City Clerk, Geraldine Roberts, City Attorney and Steve Himes, Fire Chief, presented the proposed plan amendment for the City of Elkins.
- Chair Hardy confirmed that the City of Elkins complied with all legal requirements as provided in WV Code § 8-1-5a in order to submit their proposed plan amendment to the Home Rule Board.
- The first item on the proposed plan amendment was the disposition of real estate without public auction. Ms. Roberts informed the Board that they wished to withdraw this initiative at this time.
- The second item on the proposed plan amendment was regarding municipal court technology and maintenance fee. Mr. Bailey raised some questions and concerns regarding the effect of W. Va Code §8-1-5a(i)(11), and a lengthy discussion was held. Chair Hardy opted to move forward with the agenda to give time for Board counsel to research Mr. Bailey's concerns.
- Third on the proposed plan amendment was the assignment of court costs for municipal court proceedings. Mr. Bailey had the same questions and concerns with this initiative as well as the previous one. Chair Hardy elected to postpone this initiative as well until Board counsel was able to complete their research of Mr. Bailey's issue.
- The final item on the proposed plan amendment was the raising of the maximum age to apply for entry-level civil service fire positions. Mr. Jones gave a brief statement and a motion to approve the request was made by Mr. Bailey, with a second by Mr. Jones. The motion passed with a 5-0 vote.
- Chair Hardy asked for a brief 30 minute recess so that Board counsel could properly research Mr. Bailey's issues with court fee proposals on the City's proposed plan amendment. The Board recessed at 11:02 a.m.

- The Board reconvened at 11:30 a.m. Board counsel discussed the issues brought forward by Mr. Bailey and concluded that more time would be necessary to further research the issues. At this time, Chair Hardy asked for a motion to table the two initiatives for three weeks. A motion was made by Mr. Bailey with a second by Mr. Jones. The motion passed with a 4-0 vote. (Mr. Polen was no longer on the call.) Chair Hardy announced that a special meeting will be held on February 9, 2022, at 10:30 a.m. to discuss the two proposals on the City of Elkins' proposed plan amendment that were tabled.

Home Rule Board Financial Report:

Board counsel, Anoop Bhasin, informed the Board that the account balance of the WV Municipal Home Rule Board Operations Fund has now reached \$256,558.38. Pursuant to W. Va. Code §8-1-5a(c)(7), once the unencumbered balance of the fund is \$200,000 or more, annual assessments shall be suspended until the Board determines that the unencumbered balance in the fund is insufficient to meet operational expenses. Mr. Bhasin informed the Board that pursuant to this same code section, a notification to all participating municipalities shall be sent regarding the suspension of the annual assessment prior to the end of the fiscal year. Chair Hardy asked Travis Blosser of the WV Municipal League if they would be willing to assist the Board to help in getting notices out to the municipalities. Mr. Blosser informed Chair Hardy they would be willing to help.

Other Business

None.

Adjournment

A motion to adjourn was made by Mr. Bailey and seconded by Mr. Jones. The motion carried with a 4-0 vote. The meeting adjourned at 11:41 p.m.