

WEST VIRGINIA MUNICIPAL HOME RULE BOARD

SPECIAL MEETING MINUTES

WEDNESDAY, FEBRUARY 9, 2022

A virtual special meeting of the West Virginia Municipal Home Rule Board was held at 10:30 a.m. on Wednesday, February 9, 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)
James Bailey

The following members participated via telephone:

Mark Polen, Member
Brian Jones, 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 participating via telephone:

Geraldine Roberts, City Attorney, City of Elkins
Jessica Sutton, City Clerk, 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 January 19, 2022, meeting was made by Mr. Jones and seconded by Mr. Polen. The motion was approved with a 4-0 vote. (Mr. Bailey was absent during this vote.)

Chair's Report

None.

Old Business

The Board took up the City of Elkins' plan amendments regarding court fees that were tabled at the January 19, 2022 meeting. A discussion took place between Elkins' counsel and Board counsel. Anoop Bhasin, Board counsel, suggested the Board go into an Executive Session for the purpose of receiving legal consultation. A motion was made to go into Executive Session by Mr. Bailey and seconded by Mr. Polen. The motion passed with a 5-0 vote. The Board went into Executive Session at 10:43 a.m. and concluded at 10:55 a.m.

The regular meeting resumed and Chair Hardy noted that no actions were taken during the Executive Session. Mr. Polen moved that the Municipal Home Rule Board Chair and the counsel be authorized to seek the Attorney General's opinion to clarify the Home Rule Board's authority to take action on the matter pending before them. Mr. Bhasin clarified the motion more specifically as a "motion to seek an Attorney General's opinion on the issue of whether municipal court costs approved by the Home Rule Board...are permissible under the requirements set forth in the Home Rule Board statute at W. Va. Code § 8-1-5a(i)(11)". Mr. Polen agreed to this revision. The City of Elkins was asked if they understood the motion, which they responded they did understand. The motion was seconded by Mr. Bailey. The motion passed unanimously with a 5-0 vote.

New Business

Next Meeting

Chair Hardy announced the next meeting will take place on April 13, 2022 at 10:30 a.m.

Other Business

None.

Adjournment

A motion to adjourn until April 13, 2022 unless an opinion was received before that date was made by Mr. Bailey and seconded by Mr. Vriendt. The motion carried with a 5-0 vote. The meeting concluded at 11:00 a.m.