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Extension # 320

January 8, 2025

West Virginia Municipal Home Rule Board
c/o Ms. Courtney Shamblin
1900 Kanawha Boulevard East
Building 1, W-300
Charleston, WV 25305
MunicipalHomeRule@WV.Gov

RE: Home Rule Program Application of Town of Granville -
Initial Plan Submission

To the Honorable Members of the West Virginia Municipal Home Rule Board:

The Town of Granville, West Virginia ("Granville") desires to participate in the West Virginia Municipal Home Rule Program and has authorized submission of its Initial Plan to the West Virginia Municipal Home Rule Board (the "Board") in accordance with W. Va. Code§ 8-1-5a. The completed Plan Application Checklist, published by the Board, along with supporting materials including Granville's Initial Plan, are enclosed with this letter. Granville would request that its application be presented at the next regular meeting of the Board, or at another time and place convenient to the Board.

Should you have any questions or desire additional information in connection with this matter, please do not hesitate to contact me.

Very Truly Yours,

/s/ Ryan Simonton

Ryan P. Simonton, Esq.
KAY CASTO & CHANEY, PLLC
Counsel to Town of Granville

CHARLESTON • MARTINSBURG • MORGANTOWN

HOME RULE APPLICATION, PLAN AND AMENDMENT CHECKLIST

☒ Class II legal advertisement of Public Hearing

Dates: 10-24-24, 10-31-24

☒ Notice of Public Hearing to Municipal Home Rule Board (MHRB) and Cabinet Secretary of every State department

☒ Plan available for public inspection 30 days prior to Public Hearing

☒ Hearing

Date 11-26-24

☒ ~~Ordinance~~ authorizing plan or amendment

1st reading date 11-19-24

2nd reading date 11-26-24

Date of adoption 11-26-24

☒ Required narrative presentation of each separate proposal (see Sample Form Application)

ATTACHMENTS

☒ Affidavit of legal notice of Public Hearing

☒ Minutes of Public Hearing, including comments (if any)

☒ Certified copy of ordinance authorizing plan or amendment

☒ Fiscal statement demonstrating municipality's ability to manage costs or liabilities associated with proposals

☒ Affidavit that municipality owes no outstanding State fees

☒ Attorney opinion letter that application and plan or amendment complies with applicable State law

☒ Submit eight (8) originals and one (1) electronic copy of application plan or amendment to the MHRB

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1251 E1111 L Core Road
Morgantown, WV 26505
(304) 291-9420

PUBLIC NOTICE ADVERTISING AEEIPAVIJ

Account Number: M16120

Proof Date: 01-03-25

Ad Number: 18831

KAY CASTO & CHANEY PLLC
KATHY NESTOR
150 CLAY STREET, SUITE 100
MORGANTOWN, WV 26501

| ACCOUNT# | DESCRIPT10H | LINES | TIMES | PROOF | TOTAL CHARGES |
|----------|-------------|-------|-------|-------|---------------|
| M16120 | 18831 | 7 | 2 | 10.00 | 21.76 |

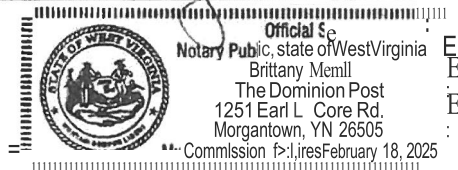
Pamala Toscano who being duly sworn according to law, **deposes** and says that she is
Classified Manager of THE DOMINION POST, a newspaper of general circulation published in
the city of Morgantown, County and State aforesaid, do hereby certify that the printed notice or
advertisement hereto shown is a copy of an official advertisement, official notice, legal notice or legal
advertisement exactly as printed or published in THE DOMINION POST in its regular editions on the
following date or dates:

Dominion Post: 10-24-24, 10-31-24

Pamala Toscano

Sworn to and subscribed before me **this** day of J_1111_u_nry.._2_0_2s

Brittany Merrill



The Dominion Post

1251 Ellerslie Road Morgantown, WV
26505
(304) 291-9420

Proof Date: 01-03-26
Ad Number: 18831

PUBLIC NOTICE AFFECTING AFFAIRS

18831 **PUBLIC HEARING NOTICE** October 24, 2024

Notice that the Town of Granville, West Virginia, will hold a public hearing on a proposed Home Rule Program Application at Granville Town Hall, 1245 Main Street, on November 26, 2024, at 7:00 p.m. Copies of the proposed application are available for inspection at Granville Town Hall, 1245 Main Street, 26534, during regular business hours.

**TOWN OF GRANVILLE
COUNCIL MINUTES
November 26, 2024**

PLACE OF MEETING: Town Hall, 1245 Main Street, Granville WV, 26534

THE PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER: 7:00 p.m.

PUBLIC HEARING For "**AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO PARTICIPATE IN THE WEST VIRGINIA HOME RULE PROGRAM TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD**"

No one was in attendance for the public hearing and the hearing was closed at 7:02 p.m.

ROLL CALL: Mayor Patricia Lewis and Recorder Mary Beth Renner were present. Council members present were Dave Bean, Nicky Boyers, Ron Clark, and Bobbie Jo Wolfe. Patty Forbes was absent. Also present was City Attorney Matt Elshiaty and Executive Administrator Latina Mayle.

PUBLIC COMMENTS: No one in attendance wishes to speak to council.

APPROVAL OF MINUTES: Council unanimously approved the minutes of the November 12, 2024 regular meeting as well as the November 19, 2024 special meeting.

FINANCIAL STATEMENT:

Disbursements:

\$ 168,897.83 General Fund (plus payroll and payroll expenses)
\$ 33,136.28 Hotel/Motel Tax
\$ 24,291.42 ARPA
\$ 21,033.58 Opioid

Account Totals:

\$ 3,980,959.38 {General Fund}
\$ 5,240.00 (ARPA Funds)
\$ 17,900.92 (Opioid Settlement)

A motion to accept the financial statement was made by Nicky Boyers and seconded by Dave Bean. Council unanimously approved.

BILLS TO PAY: (general fund, hotel/motel, ARPA)

\$ 18,897.47 General Fund (plus payroll and payroll expenses)
\$ 11,820.00 Opioid
\$ 5,240.00 ARPA

A motion to pay the bills was made by Nicky Boyers and seconded by Ron Clark. Council unanimously approved.

OLD BUSINESS

On a motion made by Nicky Boyers and seconded by Dave Bean council approved, through the second and final reading, an ordinance pertaining to Home Rule. The ordinance reads as follows:

AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO PARTICIPATE IN THE WEST VIRGINIA HOME RULE PROGRAM TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD.

Project updates include Mayor Lewis let council know the manufacturer of the traffic poles have the poles in construction and should be delivered by mid-December. Mayor Lewis stated the hydro-vac and drilling will be starting soon. The work order has been received for the electric. Potesta is working on the permits for the mooring cells.

REPORTS

Building Permits - On a motion made by Nicky Boyers and seconded by Bobbie Jo Wolfe council approved the following building permit to be placed on permanent record:

Summit Bank -176 Courtyard St - new signage - \$13,000.00

Executive Office Administrator Latina Mayle- reported the tree lighting will be Tuesday December 3rd at 6:00.

Chief of Police Craig Corkrean - not in attendance and left no report.

Chief of Granville FD Charles Renner - in attendance reported they have run 1200 calls to date and the new truck should be in by the end of next week.

Public Works- Roy Wilson, Jr. let council know the crew has been cleaning out ditches and working at the park. Roy let council know he has the spreader on.

Park- Becky Campbell - not in attendance and left no report.

Code Mike Darnell - was not in attendance, and did not leave a report.

Council reports - no one had anything to report.

NEW BUSINESS

Susan Riddle from Mountaineer Country informed council that there are several events scheduled for 2025 that will bring in people from all over including sixteen countries for a geocaching event. Susan gave an update on Morgantown Airport with the new flights through United.

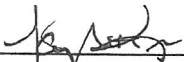
Council discussed the purchase of a truck for the street department. The truck is \$65,587.68 which includes a plow, salt dog two cubic yard electric stainless-steel hopper, 2024 Ford F250 regular cab on the lot ready for purchase. On a motion made by Ron Clark and seconded by Nicky Boyers, council voted to purchase the truck.

After a brief discussion, council decided to cancel the December 24 council meeting.

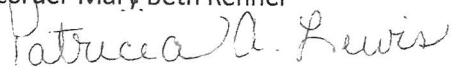
On a motion made by Nicky Boyers and seconded by Dave Bean council agreed to donate \$2,500 to Shop with a First Responder which will be held December 11 at 5:30 p.m. at Walmart.

Council meeting adjourned at 7:25 p.m. on a motion made by Nicky Boyers and seconded by Bobbie Jo Wolfe.

The next regular council meeting will be December 10, 2024 at 7:00 p.m.



Recorder Mary Beth Renner



Mayor Patricia Lewis

**AN ORDINANCE AUTHORIZING SUBMISSION OF AN APPLICATION TO
PARTICIPATE IN THE WEST VIRGINIA HOME RULE PROGRAM TO THE WEST
VIRGINIA MUNICIPAL HOME RULE BOARD**

WHEREAS, West Virginia Code section 8-1-Sa establishes the West Virginia Home Rule Program and provides that any municipality desiring to participate in the Municipal Home Rule Program shall submit a written plan to the Home Rule Board stating in detail the challenges faced by the municipality under current general law together with the proposed solutions to be implemented through the Home Rule Program; and

WHEREAS, the Town of Granville intends to apply to participate in the Municipal Home Rule Program and to pursue the initiatives stated in its Home Rule Program Application enclosed herewith; and

WHEREAS, all prerequisites to submission of the Application in accordance with W. Va. Code § 8-1-Sa have been met;

NOW, THEREFORE, the Town Council of the Town of Granville authorizes the Mayor to submit to the West Virginia Home Rule Board the enclosed Municipal Home Rule Program Application and Initial Plan, and further authorizes the Mayor to take such other actions and execute such other documents as may be necessary and helpful to accomplishment of the submission, approval, and implementation of the Application and Plan.

FIRST READING: _____

OJ-, wx, J

Mayor

SECOND READING: i i-J.Lo-; }Lj-

ADOPTED: ____ li _-J_ _lk _-:J_ 'f ____ _

f-1Cl::y r=
Recorder

FILED: ____ 1-1d- LP _-;;) t...f ____ _

**THE TOWN OF GRANVILLE, WV
WEST VIRGINIA HOME RULE PROGRAM APPLICATION
INITIAL PLAN**

The Town of Granville ("Granville") submits the below application to participate in West Virginia's Municipal Home Rule Program ("Home Rule Program") to the Municipal Home Rule Board (the "Board"). Pursuant to *W Va. Code* § 8-1-5a(c)(1), "up to four applications per year from Class IV municipalities may be approved by the board for participation in the Municipal Home Rule Program pursuant to the provisions of this section, provided the Class IV municipality is current in payment of all state fees." Granville is a Class IV municipality and seeks approval of its application and Initial Plan below to deliver the services required by federal and state law, and needed by its constituents, consistent with the Home Rule Program.

Section I: Applicant Information

| | |
|---------------------------|--|
| Type of Submission: | Initial Plan |
| Name of Municipality: | Town of Granville |
| Certifying Official: | Patricia Lewis, Mayor |
| Contact Person: | Ryan P. Simonton, Esq., Town Attorney |
| Address: | 1245 Main Street, |
| City, State, Zip: | Granville, WV 26534 |
| Telephone Number: | (304) 599-5080 |
| Fax Number: | n/a |
| E-mail address: | rsimonton@kaycasto.com |
| Municipal Classification: | Class IV |

Section II: Narrative

Granville proposes the following Initial Plan:

1. Sales and Use Tax/ Business and Occupation Tax Reduction. Granville proposes to adopt a sales and use tax as authorized for Home Rule municipalities pursuant to *W Va. Code* § 8-1-5a, along with a reduction in Business and Occupation tax rates. This initiative is expected to provide more predictable revenue to fund municipal services.

- a. **The laws, policies, acts, resolutions, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely manner.**

West Virginia Code sections 8-13-5 authorizes municipalities to impose a business and occupation tax on gross receipts of business operating within the municipality, and West Virginia

Code sections 8-13C-1 *et seq.* allow municipalities to impose a sales, service, and use tax on business transactions, but only if the business and occupation tax is eliminated.

b. The problem created by these laws, policies, acts, resolutions, rules, or regulations.

West Virginia state law currently provides very little flexibility with respect to taxation and revenue sources available to municipal governments. In fact, municipalities have limited authority to assess taxes and fees and those that are authorized are typically at fixed rates with no automatic or indexed increases to account for increases cost of delivery of essential municipal services. The primary source of revenue for the Town of Granville is the Business and Occupation (B&O) tax as permitted by West Virginia Code §8-13-5. The State Legislature adopted the rates, classifications, and exemptions governing the application and collection of B&O taxes decades ago and these rates have not been updated to reflect the current economic development and revenue obligations facing municipal governments.

The Town of Granville provides essential public services including police, fire, sanitary sewer, streets, and stormwater management, along with services that promote a high quality of life for residents, businesses, and visitors such as parks and recreation, and general administration of the government needed to support these essential services. Granville faces an increasing demand for services due to a growing population, while also facing greater costs to provide the services due to the need to maintain and update aging infrastructure and equipment and add to existing infrastructure. Granville has historically relied on new car sales to fund a large portion of its revenue due to a unique location housing several automotive dealerships, and its municipal budget will be reduced by the phaseout of these tax receipts in a scope substantially greater than in most other municipalities. Using Business and Occupation Tax as the main revenue source can also deter businesses from locating in the Town. A sales tax funding mechanism is often more attractive to business location in municipalities and allows easier administration of revenue receipts by businesses and municipalities. Granville would prefer to create an environment more attractive to new and existing businesses by raising necessary revenues through a combination of sales tax and a reduced business and occupation tax.

In Fiscal Year 2022-23, Granville has budgeted \$3.3 million in total B&O Tax revenue. Due to increased population and, especially, visitors to the area, this revenue source is not alone sufficient to support the same municipal services that residents, businesses, and visitors expect from the Town. Use of a sales tax would allow revenue to be raised from those visitors or travelers who are not residents or businesses in the Town but contribute to the increased need for services and enjoy the benefits of a Town with high quality police protection, responsive fire service, regular and efficient solid waste hauling, and the quality infrastructure that allows the community to thrive.

West Virginia Code section 8-13C-4 allows municipalities to impose a municipal sales and service and use tax on sales subject to the State's consumer sales and use tax, but only when the municipality's police and fire pensions are severely underfunded - in which case revenue is dedicated only to supporting those obligations - or when the municipality entirely eliminates the

business and occupation tax authorized by W. Va. Code 8-13-5. These special circumstances do not apply to Granville, and, while Granville seeks to reduce the business and occupation tax rates imposed on local businesses, it is not able to entirely eliminate those taxes while continuing to provide essential services and funding necessary public infrastructure. With the addition of a sales tax to a reduced business and occupation tax, Granville can support these services at stable tax rates and include the benefit of all participants in commercial transactions contributing to the funding of public services.

c. The proposed solution to the problem, including all proposed changes to law, policies, acts, resolutions, rules, or regulations.

The Town of Granville proposes to enact, by ordinance, a municipal consumer sales, service, and use tax of up to one percent (1%) within the municipal limits, with a corresponding reduction of Business and Occupation tax rates as described in the tables below describing the fiscal impact of the proposed initiative on the Town.

d. Projected financial impact.

Projected revenue from imposition of a one percent sales tax is as follows:

| Category | Total Revenue | 1% Sales Tax Revenue |
|---|----------------------|-----------------------------|
| Retail Sales | \$591,189,850.70 | |
| - Motor Vehicles | (\$127,759,544.09) | |
| - Motor Fuel | Unknown | |
| - Prescription Drugs | Unknown | |
| - Food | Unknown | |
| Subtotal | \$463,430,306.61 | \$4,634,303.07 |
| - 5% Administrative Fee (State Tax Department) | | (\$231,715.50) |
| - Annual Home Rule Fee | | (\$2,000.00) |
| Pro_jected Annual Revenue | | \$4,400,587.91 |

Proposed reduction in Business and Occupation tax revenue:

| 2023 Granville B&O Tax by Report Category | | | | | | |
|---|--------|-------------------|-----------------|---------------|--------------------------------------|---------------------------|
| | Rate | Revenue | Tax | Proposed Rate | Proposed Revenue (with Reduction) | Proposed Tax Reduction |
| Amusements | 0.0050 | \$ 1,415,216.52 | \$ 7,076.08 | 0.0000 | \$ - | \$ 7,076.08 |
| Contracting | 0.0201 | \$ 1,331,503.05 | \$ 26,762.38 | 0.0200 | \$ 26,762.38 | \$ - |
| Financial Institutions | 0.0100 | \$ 6,968,074.00 | \$ 69,678.74 | 0.0050 | \$ 34,840.37 | \$ 34,840.37 |
| Manufacturer | 0.0300 | \$ 47,431.80 | \$ 102.31 | 0.0020 | \$ 102.31 | \$ - |
| Rentals to Business | 0.0100 | \$ 12,834,106.49 | \$ 128,352.75 | 0.0100 | \$ 128,352.75 | \$ - |
| Rentals to Residents | 0.0103 | \$ 13,166,745.85 | \$ 135,389.44 | 0.0100 | \$ 135,389.44 | \$ - |
| Restaurants | 0.0100 | \$ 53,284,160.17 | \$ 364,649.73 | 0.0100 | \$ 364,649.73 | \$ - |
| Retailers | 0.0050 | \$ 591,189,850.70 | \$ 2,958,179.89 | 0.0040 | \$ 2,364,759.40 | \$ 593,420.49 |
| Royalties | 0.0096 | \$ 5,623.74 | \$ 54.24 | 0.0100 | \$ 54.24 | \$ - |
| Service Business | 0.0102 | \$ 41,997,690.41 | \$ 426,764.91 | 0.0100 | \$ 426,764.91 | \$ - |
| Wholesalers | 0.0015 | \$ 26,866,462.67 | \$ 40,290.76 | 0.0015 | \$ 40,290.76 | \$ - |
| Total | 0.0056 | \$ 751,947,567.80 | \$ 4,174,345.10 | 0.0885 | \$ 3,539,010.51 | \$ 635,336.94 |

Key: Reduced IMBIAI 7

The proposed tax reductions will result in a tax cut of approximately \$635,336.59 per year for the businesses located in Granville. After considering the expected impact of a 1% sales tax along with the business and occupation tax reduction, Granville projects that this initiative would result in a total increase in net revenue of \$3,765,250.97.

2. Disposition of Property and Equipment without Public Auction. The Town of Granville proposes an initiative similar to those successfully implemented by other municipalities participating in the Horne Rule Program - including Fairmont, St. Albans, and Morgantown - to allow the Town to directly dispose of real estate and personal property without auction in appropriate circumstances and to consider the value of public services to be provided or economic development expected when determining a fair value for the lease or sale of property.

- a. **The laws, policies, acts, resolutions, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely manner.**

West Virginia Code section 8-12-18 authorizes a municipality or its building commission "to sell any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration, the property to be sold at public auction at a place designated by the governing body, or by using an Internet-based public auction service, but before making any sale, notice of the time, terms, and place of sale, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement[.]" This requirement does not apply to property valued at less than \$1,000.00, and it does not apply to transfers among the state and political subdivisions, which are governed by W. Va. Code 1-5-1 et seq.

- b. The problem created by these laws, policies, acts, resolutions, rules, or regulations.**

While municipalities are permitted to consider their own need for their property, the benefit to the municipality in transferring and no longer maintaining the property, and the other public benefits to disposing of property when transacting with public bodies, they are limited to an auction process for all other transfers. Sales at auction must be made only for fair value, without any specific option to consider the other benefits to the municipality of transferring the property. The mandatory auction process also leaves municipalities with the potential that they will be unable to transfer property that is no longer needed, if no bidders participate.

- c. The proposed solution to the problem, including all proposed changes to law, policies, acts, resolutions, rules, or regulations.**

Granville will adopt an ordinance authorizing disposition of real and personal property by the Town or its building commission under the following conditions: (1) Property may be sold to private purchasers without auction at a fair market value if the Town determines that the sale promotes economic development or provides a service for the public good; (2) Real property may be leased to private lessees for less than fair market value if the Town determines that the lease promotes economic development or provides a service for the public good; (3) Property may be sold to nonprofit corporations that are qualified 501(c)(3) organizations as determined by the United States Internal Revenue Service for a fair value without alone considering the commercial or market value of the property but also considering the need of the Town for the property, the benefit to the Town of disposing of the property, and the public benefit served by disposing of the property; and (4) Property that the Town has attempted to sell at public auction in accordance with the procedures established by W. Va. Code 8-12-18(b) but for which no bids were received may be disposed of by direct transfer to any recipient without alone considering the commercial or market value of the property but also considering the need of the Town for the property, the benefit to the Town of disposing of the property, and the public benefit served by disposing of the property. **THE TOWN AMENDED THEIR PROPOSAL TO REFLECT A \$25,000 CAP ON THIS PROPOSAL.**

3. On-the-Spot Citations. The Town of Granville proposes an initiative similar to those successfully implemented by other municipalities participating in the Home Rule Program – and first proposed by Charleston in Phase I of the Program – to allow the Town to issue citations on the spot for life safety code, health and sanitation, and public nuisance violations.

- a. The laws, policies, acts, resolutions, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely manner.**

West Virginia Code section 8-12-16 provides municipalities the option to address dilapidated buildings and structures through a building enforcement agency, including a process to enter and demolish dilapidate and unsafe properties when necessary, and the West Virginia State Building Code, adopted in Granville by reference, authorizes notices of violation to property owners who fail to maintain their properties in accordance with minimum life and

safety standards. However, neither authority provides municipalities the power to immediately cite those who violate the law.

b. The problem created by these laws, policies, acts, resolutions, rules, or regulations.

While the health and safety laws provide effective options for municipalities to ultimately remedy dilapidated or blighted property issues, at the municipality's cost, neither specifically authorizes enforcement of the law by citation as other laws are enforced. This can create delays in enforcement to address dangerous and nuisance property conditions.

c. The proposed solution to the problem, including all proposed changes to law, policies, acts, resolutions, rules, or regulations.

Granville will adopt an ordinance authorizing immediate citation for violations of its Building Code, Nuisance, and Health and Sanitation laws by law enforcement officers and building code enforcement officials, so that violations can be addressed as they are discovered and without delay.

4. Liens for Dilapidated and Nuisance Properties. The Town of Granville proposes an initiative similar to those successfully implemented by other municipalities participating in the Horne Rule Program to allow the Town to file liens against properties for which it has incurred expenses in abating issues caused by disrepair or nuisance issues.

a. The laws, policies, acts, resolutions, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely manner.

West Virginia Code section 8-12-5(23) authorizes municipalities to provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance, but the provisions do not specify that the City may file a lien against the property where abatement occurred to secure repayment of the public funds expended to abate the problem.

b. The problem created by these laws, policies, acts, resolutions, rules, or regulations.

While the health and safety laws provide effective options for municipalities to ultimately remedy dilapidated or blighted property issues, at the municipality's cost, they do not specifically authorize securing the recovery of expended public funds by placing a lien against the property where abatement was made.

c. The proposed solution to the problem, including all proposed changes to law, policies, acts, resolutions, rules, or regulations.

Granville will adopt an ordinance authorizing the filing of a lien against any property where public funds were expended to abate a Nuisance or violation of its Health and Sanitation laws, so that public funds expended to remedy these public health issues can more readily be recovered.

5. Collection on Liens for Demolition and Remediation. The Town of Granville proposes an initiative similar to those successfully implemented by other municipalities participating in the Home Rule Program, similar to initiatives of the City of Parkersburg, to allow the Town to more easily collect funds due under liens for demolition.

- a. **The laws, policies, acts, resolutions, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely manner.**

West Virginia State Code §11A-3-14 and §11A-3-52 (Sale of Tax liens) and §11A-3-5 and §11A-3-19. These laws provide a mechanism to sell property for delinquent taxes but do not preserve demolition liens securing public funds, causing potential loss of taxpayer funds that could otherwise be recovered as property is returned to productive use.

- b. **The problem created by these laws, policies, acts, resolutions, rules, or regulations.**

Presently, the Town is limited by W.Va. Code §11A-3-14 and other laws related to the purchase of property by tax sale. W.Va. Code §11A-3-14(a) provides that if the highest bidder present at the sale bids and pays at least the amount of taxes, interest and charges for which the tax lien on any real estate is offered for sale, the sheriff shall issue to him or her a certificate of sale for the purchase money...except the sheriff shall require payment of any subsequent taxes due at the time of the sale before a Certificate of Sale is issued. The Sheriff is required to issue a Certificate of Sale to the highest bidder who pays at least the amount of taxes, interest and charges for which the tax lien on the real estate is offered for sale. This effectively eliminates the demolition lien on the property because the purchaser is not required to satisfy the demolition lien. As such, the purchaser benefits and is unjustly enriched from the use of public funds that were used to demolish and clean up the dilapidated property.

Current State Law requires that a purchaser of real property at the tax sale must meet certain criteria before the purchaser can secure the deed to the property. The time period is specified in W.Va. Code §11A-3-5 and §11A-3-19. W.Va. Code §11A-3-5 states that the tax lien on each unredeemed tract or lot, or each unredeemed part thereof or undivided interest therein shall be sold by the Sheriff on any working day after the fourteenth day of October and before the twenty-third day of November. W.Va. Code §11A-3-19 states that at any time after October 31 of the year following the Sheriff's Sale, and on or before December 31 of the same year, the purchaser at a Sheriff's Tax Sale can secure a deed after the 1st of March of the following year pursuant to W.Va. Code §11A-3-27. Put together, the waiting period for a purchaser to secure a deed is about 18 months. During this 18-month period, the record owner also has a right to redeem the property. Any property on which there is no sufficient bid for

taxes, interest and charges due, are certified to the auditor pursuant to W.Va. Code §11-3-8 and are subject to sale by the Deputy Commissioner of Delinquent and Non-entered Lands under W.Va. Code §11A-3-42.

c. The proposed solution to the problem, including all proposed changes to law, policies, acts, resolutions, rules, or regulations.

The statute provides that the Sheriff can refuse to issue a Certificate of Sale if there are subsequent year's taxes due at the time of the sale. In accordance with W.Va. Code §11A-3-14, the Town proposes that its demolition liens be collected at the tax sale auction together with the delinquent property taxes. The Sheriff shall require payment of any demolition lien due at the time of the sale and before the Certificate of Sale is issued. As such, the highest bidder present at the sale must bid and pay the amount of taxes, interest and charges for which the tax lien on any real estate is offer for sale and in addition pay the Town's demolition lien before the Sheriff can issue a Certificate of Sale of the purchase money

W. Va. Code §11A-3-27 (Sheriff's Sale) and W.Va. Code §11A-3-52 (Deputy Commissioner of Delinquent and Non-entered Lands) respectively state what purchasers must do before securing a deed, for either the Sheriff's Sale or the Deputy Commissioner's sale for property "Sold to the State". For example, according to W.Va. Code §11A-3-52 (a) within forty five days following the approval of the sale by the Deputy Commissioner, the purchaser, his heirs or assigns, shall meet certain requirements including the deposit, or offer to deposit, with the Deputy Commissioner a sum sufficient to cover the costs of preparing and serving notices. The Town proposes that it be permitted to include a provision that requires the satisfaction of Town Demolition Liens before the purchaser can secure this deed from the Deputy Commissioner or in the event that the purchaser(s) is unwilling to satisfy the demolition lien, that the purchaser lose all the benefits of the purchase. A similar provision would be included as a prerequisite to delivery of a deed from the Sheriff. **THE TOWN WITHDREW THIS PROPOSAL AT THE APRIL 22, 2025 MEETING OF THE WV MUNICIPAL HOME RULE BOARD.**

6. Liens for Solid Waste Fees. The Town of Granville proposes an initiative to allow direct liens without instituting a civil action to collect unpaid fees for solid waste collection, in the same manner as permitted by W. Va. Code § 8-13-13(d) for unpaid and delinquent fire, police, or street fees.

a. The laws, policies, acts, resolutions, rules, or regulations that prevent the municipality from carrying out specific duties in the most cost effective, efficient, and timely manner.

West Virginia Code section 8-13-13 allows municipalities to establish fees for furnishing special or essential services, including the collection and disposal of garbage, refuse, waste, ashes, trash, and any other similar matter. Subsection (d) of W. Va. Code § 8-13-13 allows municipalities to place liens on property for unpaid and delinquent fire, police, or street fees, but does not authorize liens for solid waste collection fees.

b. The problem created by these laws, policies, acts, resolutions, rules, or regulations.

Granville provides essential solid waste collection to its residents, and the regular, universal collection of solid waste ensures that all residents enjoy a healthy, sanitary environment. Granville provides these services at a very economical cost to its residents. When fees are unpaid, the non-paying resident enjoys the public benefit without participating in the cost, requiring other residents to subsidize them. Currently, collection of these fees would require filing a lawsuit. Because of the low solid waste fee charged by Granville, filing lawsuits to collect unpaid fees can be cost prohibitive.

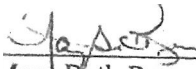
c. The proposed solution to the problem, including all proposed changes to law, policies, acts, resolutions, rules, or regulations.

Granville will adopt an ordinance authorizing placement of a lien on property with unpaid and delinquent solid waste fees, following the same procedures required for liens for fire, police, or street fees under W. Va. Code 8-13-13(d), which include notice to the delinquent service recipient and an opportunity to make payment before a lien is placed. Granville recognizes that W. Va. Code § 8-1-5a(j)(2) prohibits any municipality in the Home Rule Program from enacting an occupation tax, fee, or assessment payable by a nonresident of a municipality. This proposal would not enact or authorize any tax, fee, or assessment; it would be limited to adding a collection option for existing fees which would allow the municipality to conserve public funds when attempting to collect established fees.

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, to-wit:
1

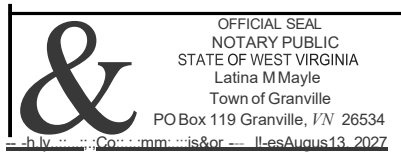
I, Mary Beth Renner, Recorder of the Town of Granville, West Virginia, certify that the foregoing is a true and correct copy of the Town of Granville's "Ordinance Authorizing Submission of An Application to Participate in the West Virginia Home Rule Program to the West Virginia Municipal Home Rule Board," as adopted by the Town Council.

{Seal}


Mary Beth Renner, Town Recorder

My commission expires:

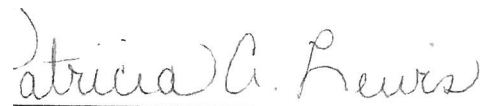
O.u. usc '6,10 7



FISCAL STATEMENT

I, Patricia Lewis, the Mayor of the Town of Granville, West Virginia, ("Town") do hereby submit this Fiscal Statement in support of the Town's proposed Home Rule Plan Application, and in accordance with the form of Home Rule Plan Application published by the West Virginia Home Rule Board and maintained on the website of the West Virginia Department of Revenue:

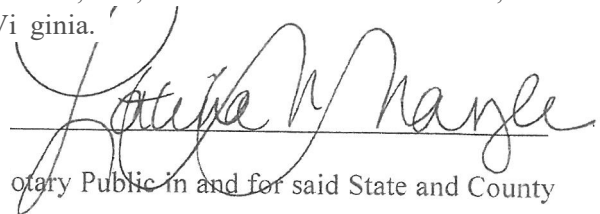
1. The Town proposes to enter the West Virginia Home Rule Program and proposes initiatives to establish a sales and use tax, dispose of property without public auction, issue direct citations for violations of building and property maintenance codes, place liens on dilapidated and nuisance properties, establish lien collection procedures for demolition and remediation costs, and establish liens for delinquent solid waste fees.
2. The proposals included in the Town's Application will allow the Town to diversify revenue sources and more effectively collect unpaid and owing fees, as well as more efficiently dispose of Town property.
3. The Town does not project any additional costs or liabilities as a result of these initiatives.
4. The Town has the ability to manage all costs and liabilities associated with this proposal.



Hon. Patricia Lewis,
Mayor

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, to-wit:

The foregoing instrument was acknowledged before me this 3rd day of January, 2015, in the said county and state by Patricia Lewis, Mayor of the Town of Granville, West Virginia, on behalf of the Town of Granville, West Virginia.


Notary Public in and for said State and County

{Seal}

My commission expires:

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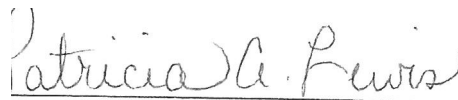


NOTARY PUBLIC
STATE OF WEST VIRGINIA
Patricia M. Mayle
Town of Granville
PO Box 119 Granville, WV 26534
My Commission Expires August 3, 2027

AFFIDAVIT

I, Patricia Lewis, the Mayor of the Town of Granville, West Virginia, ("Town"), do hereby certify, swear or affirm and declare that I am competent to give the following declaration based on my personal knowledge, unless otherwise stated, and that the following facts and statements are true and correct to the best of my knowledge:

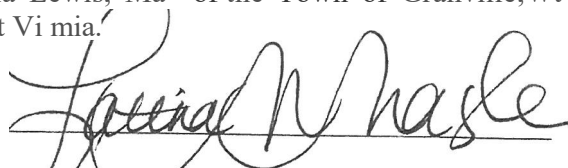
1. I serve as the Mayor for the Town.
2. As the Mayor, I am the chief administrative officer of the Town and am responsible for duties relating to supervision of Town finances, including supervision of the Town's Finance Department.
3. In connection with the Town's proposed Home Rule Plan Application, and in accordance with the form of Home Rule Plan Amendment published by the West Virginia Home Rule Board and maintained on the website of the West Virginia Department of Revenue, I hereby certify that that Town owes no outstanding State fees except as follows:
 - a. None.



Hon. Patricia Lewis,
Mayor

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, to-wit:

The foregoing instrument was acknowledged before me this 3rd day of June, 2015 in the said county and state by Patricia Lewis, Mayor of the Town of Granville, West Virginia, on behalf of the Town of Granville, West Virginia.



{Seal}

My commission expires:

Qu_gtJ5t 3, D&-1

Notary Public in and for said State and County

[e] NOTARY PUBLIC
STATE OF WEST VIRGINIA
Latina M Mayle



150 Clay Street • Suite 100 • Morgantown WV 26501

Telephone (304) 225-0970 • Fax (304) 225-0974

www.kaycasto.com

E-mail: rsimonton@kaycasto.com

Extension# 320

January 8, 2025

West Virginia Municipal Home Rule Board
c/o Ms. Courtney Shamblin
1900 Kanawha Boulevard East
Building 1, W-300
Charleston, WV 25305
MunicipalHomeRule@WV.Gov

RE: Home Rule Program Application of Town of Granville -
Attorney Certification

To the Honorable Members of the West Virginia Municipal Home Rule Board:

I represent the Town of Granville, West Virginia ("Granville") and, in connection with that representation, have reviewed the Town of Granville, WV West Virginia Home Rule Program Application Initial Plan, the Ordinance Authorizing Submission of an Application to Participate in the West Virginia Home Rule Program to the West Virginia Municipal Home Rule Board, enacted by Granville's Town Council on November 26, 2024, and the related program documents being submitted to the Board in connection with Granville's application to participate in the West Virginia Municipal Home Rule Program, and I am of the opinion that the application and plan complies with applicable state law.

Should you have any questions or desire additional information in connection with this matter, please do not hesitate to contact me.

Very Truly Yours,

/s/ Ryan Simonton

Ryan P. Simonton, Esq.
KAY CASTO & CHANEY, PLLC
Counsel to Town of Granville

CHARLESTON • MARTINSBURG • MORGANTOWN



Taxpayer Services Division
P.O. Box 3784
Charleston, WV 25337-3784



Matthew R. Irby, Tax Commissioner

Letter ID: L0323244448
Issued: 04/22/2025

TOWN OF GRANVILLE
PO BOX 119
GRANVILLE WV 26534-0119

West Virginia Tax Division

Letter of Good Standing

EFFECTIVE DATE: 04/22/2025

A review of tax accounts indicates that TOWN OF GRANVILLE is in good standing as of the effective date of this document.

Please note, this Letter of Good Standing expires on **July 21, 2025**.

The issuance of this Letter of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,

Catherine Mitchell, Assistant Director
Taxpayer Services Division