

West Virginia Municipal Home Rule Program

Application of the City of Keyser

January 7, 2026

West Virginia Municipal Home Rule Program 2026 Application of the City of Keyser

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Section I: Applicant Information

A. General Information

Name of Municipality: City of Keyser
Certifying Official: Damon Tillman, Mayor
Contact Person: Jeff Broadwater, Administrator
Address: 111 North Davis St. Way
City, State, Zip: Keyser, WV 26726
Telephone: 304-788-1511
Fax: 304-788-0723
Email Address: jwbroadwater1@gmail.com
2020 Census Pop.: 4,853

Keyser City Council

Jennifer Junkins
Mike Ryan
Jim Hannas
Billy Meek
Teddy Nester

Municipal Classification - Class III

B. Categories of Issues to Be Addressed

Tax Organization Administrative Personnel Other

Executive Summary

The City of Keyser respectfully submits this Municipal Home Rule application to the West Virginia Municipal Home Rule Board, seeking authority to implement specific governance, tax, enforcement, and administrative reforms that will enable the City to operate more efficiently and serve its residents more responsively. This application includes eight component ordinances, each crafted to address an existing limitation in state law that impedes local problem-solving. Each ordinance is modeled closely on previously approved Home Rule applications from other municipalities, adapted to Keyser's unique demographic, economic, and operational conditions.

Keyser is a Class III municipality located in Mineral County in the Eastern Panhandle. With a population of just under 5,000 residents and a mixed economic base that includes light manufacturing, small retail businesses, health care providers, educational institutions, and public infrastructure, Keyser functions with the administrative and fiscal obligations of a much larger city. However, it faces a persistent challenge common to many small cities: limitations in statutory authority that prevent the City from implementing practical, tailored solutions to its day-to-day issues. This application is designed to eliminate or reduce those barriers.

The City's Home Rule plan includes the implementation of a 1% municipal sales and use tax, coupled with a concurrent exclusion from the City's B&O tax base of gross receipts that are subject to the new sales tax. This change eliminates duplicate taxation and enables a more modern and sustainable revenue system. The application also includes ordinances to strengthen nuisance enforcement and property remediation, particularly through streamlined citation authority and lien processes administered by the municipal judge. Keyser also proposes to expand its authority over the disposition and lease of municipal property, to expedite economic development and reduce maintenance costs associated with surplus properties.

Several of the proposed ordinances are administrative in nature, including a reform of the composition of several statutory boards and commissions. Like other Home Rule cities, Keyser has struggled to maintain active participation on large, state-mandated boards. The application includes tailored ordinances that reduce board sizes where appropriate, while preserving all applicable duties and safeguards contained in state law. Each of these changes reflects the successful experience of other cities like Fairmont, Romney, and Bridgeport.

Overall, the City of Keyser has designed this application to modernize local government tools without compromising transparency, fairness, or statutory intent. The proposed ordinances maintain due process protections and limit discretionary powers to areas where current law has proven impractical. Where needed, the ordinances expressly preserve the broader framework of state code.

Keyser's leadership has developed this plan following detailed internal assessment and external review of best practices across the state. It is supported by audited revenue data, peer benchmarks, and a CPA-certified financial impact model. The City believes the Home Rule program represents the most efficient and responsible path forward to sustain essential public services and to promote development and reinvestment in Keyser's neighborhoods and economy.

1. Issue: Implementation of a 1% Municipal Sales Tax with Offset B&O Tax Adjustment

Issue Category – Tax

Overview:

State law permits municipalities participating in the Municipal Home Rule Pilot Program to impose a 1% municipal sales and use tax under limited conditions. Specifically, W. Va. Code § 8-1-5a(i)(14) requires that any municipality enacting a local sales tax must also reduce or eliminate its municipal business and occupation (B&O) tax, for the primary purpose of preventing double taxation on the same transactions.

To meet this requirement, most Home Rule municipalities—such as Fairmont, Parkersburg, and South Charleston—have reduced B&O tax rates in selected categories likely to see higher percentages of transactions subject to sales tax, typically Retail, Service, or Amusements. While this method satisfies the statutory requirement, it still allows for partial duplication of taxation. These categorical reductions continue to impose B&O tax on gross receipts, of which some will remain subject to the new sales tax, albeit at reduced rates, and do not eliminate the potential for overlapping taxation at the transaction level.

The City of Keyser proposes a more precise and equitable alternative to categorical reductions. Under its Home Rule authority, Keyser seeks to enact a 1% municipal sales and use tax and concurrently amend its B&O tax ordinance to **exclude from B&O taxation all gross receipts that are subject to the municipal sales tax**. This exclusion-based method provides a structural solution: any transaction taxed under the new municipal sales tax will be exempt from B&O taxation, regardless of its business category. This ensures that no individual sale is taxed twice by the City and creates a clearer and more transparent tax system for both businesses and administrators. Keyser’s approach offers a true transaction-level safeguard against duplication. It also ensures compliance with W. Va. Code § 8-1-5a(i)(14) by providing a measurable and proportional reduction in B&O revenue while preserving revenue neutrality and economic competitiveness.

Legal Barrier:

W. Va. Code § 8-13-5 prohibits municipalities from exempting or excluding specific classes of gross receipts from the B&O tax unless such authority is expressly granted. As a result, no statutory mechanism exists for a non-Home Rule municipality to tailor its B&O base in a way that accounts for sales tax overlap. Similarly, no city may enact a local sales tax without explicit authorization from the Legislature or the Municipal Home Rule Board under W. Va. Code § 8-1-5a. The combination of these restrictions prevents any structural modernization of the municipal tax code unless pursued through Home Rule.

Problem Created:

The City of Keyser’s current tax framework presents two problematic outcomes. First, the City may choose to retain its full B&O tax structure without enacting a sales tax, foregoing a more modern and elastic revenue source. Second, the City could implement a sales tax while reducing B&O rates in selected categories—but this still results in overlapping taxation on many transactions, including in businesses where only a portion of sales are taxable. Neither option ensures fairness or administrative clarity.

The issue is particularly acute for small businesses and mixed-activity enterprises. For example, a business offering both taxable retail goods and exempt services may have to report identical transactions under two

tax regimes and pay both, despite rate reductions. The same is true for contractors, amusement providers, and service businesses with intermittent taxable activity. Additionally, such categorical B&O reductions are not tailored to actual taxable sales volume, leading to inequities between businesses in the same classification.

Moreover, duplicate taxation discourages investment and reinvestment in the community and erodes Keyser's competitiveness with other cities that have adopted clearer and more predictable tax regimes. It also imposes unnecessary burdens on business owners attempting to comply with overlapping rules.

Proposed Solution:

To fully meet the statutory requirement in W. Va. Code § 8-1-5a(i)(14) while addressing the underlying problem of double taxation, the City of Keyser proposes to enact a 1% municipal sales and use tax and simultaneously exclude from B&O taxation all gross receipts that are subject to the municipal sales tax. This method creates a clean, transaction-level adjustment that ensures no individual sale is taxed twice by the City.

Unlike other municipalities that reduced rates by category, Keyser's proposal introduces a structural exclusion: if a transaction is subject to the municipal sales tax, it is not subject to B&O tax, regardless of its classification. This results in a more precise and equitable application of the offset requirement and promotes clarity and confidence in the City's tax regime. The exclusion model also accounts for real-world taxability as determined by the West Virginia State Tax Department, rather than relying on broad business classifications.

This approach offers a more effective and transparent alternative to the category-based reductions used in other Home Rule cities. Those cities reduced B&O tax rates in targeted categories but continue to tax receipts subject to sales tax—albeit at a lower rate—resulting in ongoing transaction-level overlap. In contrast, Keyser's approach eliminates all such overlap entirely, aligning with the legislative intent to avoid double taxation and modernize local tax systems through Home Rule authority.

This strategy also complies with the Home Rule Board's requirement that any new sales tax must be accompanied by a meaningful B&O tax reduction. Because it results in a measurable decrease in B&O tax collections on all sales subject to the 1% tax, Keyser's model meets the reduction threshold under W. Va. Code § 8-1-5a(i)(14) and avoids any violation of W. Va. Code § 8-13-5.

Projected annual municipal sales tax revenue is \$358,889.23. The projected reduction in B&O tax collections resulting from the exclusion is \$99,343.45, producing a net annual revenue increase of \$259,545.78. These figures are based on a detailed line-item review of B&O tax accounts and estimates of the share of gross income subject to municipal sales tax in each business category.

This framework preserves revenue stability, ensures equity, and modernizes Keyser's tax code in a way that aligns with statutory requirements and administrative best practices.

Attachments:

- Ordinance: Municipal Sales and B&O Exclusion
- Financial Impact Statement & CPA Certification

PROPOSAL #1, FAILED FOR LACK OF A MOTION AND WAS NOT APPROVED.

2. Issue: Administrative Citation Authority for Code Enforcement (On-The-Spot-Citations)

Issue Category: Administrative

Overview:

The City of Keyser seeks authority to issue administrative citations for code enforcement violations directly at the time of violation discovery (“on-the-spot citations”) for offenses under local nuisance laws, the International Property Maintenance Code (IPMC), the State Building Code, and W. Va. Code § 8-12-16, which governs the demolition and abatement of unsafe structures. Through this authority, Keyser intends to create an efficient and fair enforcement mechanism that improves compliance while upholding due process. This proposal includes integration with the City’s Municipal Judge structure, adopted by ordinance, and follows successful models established by other Home Rule municipalities, including the City of Fairmont and the Town of Romney.

Legal Barrier:

W. Va. Code § 8-12-16 authorizes municipalities to abate unsafe structures and public nuisances but requires formal notice and a hearing process before enforcement actions such as demolition or cost assessments can be taken. The Code does not currently authorize municipalities to issue citations for these violations without a prior warning and hearing. Similarly, while the International Property Maintenance Code (IPMC) allows local enforcement of maintenance standards, it requires a compliance period and notice process before enforcement penalties may be imposed. These procedural requirements, while important for due process, can delay abatement of dangerous conditions and diminish deterrence for recurring violations.

Problem Created:

The procedural delays embedded in the current enforcement scheme under W. Va. Code § 8-12-16 and the IPMC significantly limit the City’s ability to ensure prompt compliance. Under § 8-12-16, municipalities must issue a written notice and provide a minimum 10-day period for the property owner to respond, even in cases where imminent danger to life or property exists. If the owner fails to act, the City must then conduct a hearing before ordering demolition or repair. This timeline may stretch for weeks, even months, particularly where notice is delayed by certified mail refusals or address uncertainties. During this time, hazards persist unmitigated—posing risks to public safety and discouraging investment.

Moreover, in the case of recurring violations or absentee property owners, the lack of intermediate enforcement tools means that fines are only assessed after adjudication and appeal. This delays revenue collection, undermines deterrence, and burdens court and administrative resources. The same inefficiencies apply under the IPMC, which prescribes notice and appeal timelines before penalties or repair orders can be enforced. The combination of rigid warning procedures and delayed judicial hearings frustrates enforcement goals and allows deteriorating conditions to worsen.

Proposed Solution:

Keyser proposes to adopt on-the-spot citation authority as a streamlined enforcement option for violations of nuisance ordinances, property maintenance codes, and building regulations. The authority would allow code enforcement officers to issue citations contemporaneously upon observing violations, subject to discretion and procedural fairness. The City will preserve all due process protections by aligning the

process with the (included below) Municipal Judge ordinance, allowing violators to contest citations before a neutral hearing officer within 30 days, as permitted under W. Va. Code § 8-10-2 and § 8-12-16(k).

This strategy draws on a large number of successful models from Home Rule cities. The majority of approved Home Rule applications now provide for discretionary issuance of citations without a prior warning period, while preserving judicial appeal rights and compliance hearing timelines. Keyser's ordinance mirrors this approach and explicitly incorporates the following legal safeguards:

- **Notice Requirements:** A written citation must state the nature of the violation, reference the applicable code (IPMC, State Building Code, or § 8-12-16), and advise the violator of their appeal rights.
- **Discretionary Warnings:** Officers may issue warnings in lieu of citations where they deem appropriate. The warning period shall comply with statutory baselines (e.g., not less than 10 days under § 8-12-16 unless emergency).
- **Appeal and Hearing:** Violators may contest citations within 30 days before the Municipal Judge, whose powers and procedures are established under the City's Municipal Judge Ordinance and W. Va. Code § 8-10-2.
- **Integration with Nuisance Enforcement:** Citations may serve as independent enforcement tools or as predicates to further action under the existing dangerous structures ordinance and abatement provisions in § 8-12-16(g).

This expanded enforcement authority will reduce the City's reliance on demolition proceedings alone and provide early intervention capacity, especially for property maintenance and repeat nuisance violations. It balances enforcement efficiency with procedural fairness, enhancing community safety and supporting revitalization goals.

Attachments for This Section

- Ordinance: Keyser Administrative Citation Ordinance
- Ordinance: Keyser Municipal Judge Ordinance

PROPOSAL #2 AMENDED TO REMOVE IPMC CHANGES.

3. Issue: Enforcement of Judgements, Liens, and Warrants by Municipal Judge

Issue Category: Administrative / Other – Judicial Efficiency

Overview:

The City of Keyser seeks authority to enforce administrative liens and unpaid fines through its Municipal Judge, to streamline code enforcement and ensure recovery of public costs. Under current state law, municipal courts have limited capacity to convert unpaid fines or abatement costs into liens or enforceable civil judgments. This limits the City’s ability to ensure compliance with nuisance abatement actions, dangerous structure removals, and other code enforcement penalties. By enacting a comprehensive ordinance under Home Rule, Keyser proposes to formalize the Municipal Judge’s authority to (1) certify liens, (2) issue monetary judgments for unpaid fines, and (3) ensure enforceable recordation in the county courthouse.

Legal Barrier:

West Virginia Code § 8-10-2 limits municipal courts to adjudicating ordinance violations and imposing fines, but lacks clear provisions for enforcement of unpaid fines through liens or civil judgment procedures without initiating an entirely separate civil action in magistrate or circuit court. Additionally, W. Va. Code § 8-12-16 allows municipalities to recover the cost of dangerous structure abatements, but provides no explicit enforcement mechanism for unpaid charges other than pursuing a lien in circuit court, a process that is resource-intensive and inaccessible for smaller cities.

Problem Caused:

First, when the City abates a nuisance or demolishes a dangerous structure under W. Va. Code § 8-12-16, the property owner is invoiced for the cost of abatement. In the event of nonpayment, current law offers only limited tools—typically requiring initiation of a separate action in Circuit Court to docket the cost as a lien. This creates delays, legal expenses, and imposes disproportionate burden on municipal staff and budgets.

Second, when a resident is fined by municipal court—for example, for repeated code violations or violations of fire code, housing standards, or zoning—the unpaid amount may remain outstanding for months or years. Without the ability to convert these unpaid fines into enforceable monetary judgments or liens, violators frequently disregard penalties, eroding public respect for City enforcement actions.

Finally, failure to efficiently enforce fines and cost assessments creates fiscal strain on the City. Without a dependable mechanism for securing payment, particularly where multiple nuisance properties are involved, Keyser must shift enforcement costs to the general fund, reducing available resources for core services such as fire protection and public infrastructure.

Proposed Solution:

The City of Keyser seeks Home Rule approval for its Municipal Judge to convert unpaid fines and abatement costs into civil judgments and recordable liens, in accordance with the procedures outlined in the “Keyser Municipal Judge Ordinance.” This authority would enable the following key functions:

Judgment Entry for Unpaid Fines: After 30 days without payment, the Municipal Judge may enter a Civil Monetary Judgment, which includes the fine, administrative costs, and lawful interest. This process

complies with W. Va. Code § 8-10-2b, which permits the use of municipal court orders for judgment enforcement and driver's license suspension where appropriate.

Cost Assessment and Liens: When the City abates a nuisance, removes a dangerous structure, or performs other corrective actions under § 8-12-16(g), the costs will be documented and submitted to the Municipal Court. The Judge shall review and, if deemed reasonable, approve a cost order. If unpaid, a lien may then be issued and recorded with the Mineral County Clerk.

Due Process and Notice: Before any lien is recorded, notice is sent to the owner and known lienholders, with an opportunity to contest the amount or validity of the charge. A formal hearing is held before the Judge if objections arise. Upon determination, a certified Lien Order may be entered and recorded against the property.

Appeals and Safeguards: All adverse judgments or liens may be appealed by the property owner to the Circuit Court under the procedures of W. Va. Code § 8-10-2 and § 8-12-16(k). The ordinance includes full due process protections, including required notice, right to hearing, and judicial oversight. The ordinance also preserves supplemental administrative appeal procedures.

Lien Priority and Release: Once recorded, liens under this ordinance will have the same priority as municipal tax liens, protecting the City's position in the event of foreclosure or sale. Upon payment, a formal Satisfaction and Release is recorded.

This system balances judicial due process and administrative efficiency, and mirrors mechanisms already approved in other Home Rule cities.

Some Comparable Home Rule Precedents include the following:

Romney (2022): Romney's Dangerous Structures Ordinance authorizes its Municipal Judge to issue citations and certify liens and judgments after unsafe structures are abated and invoices remain unpaid. Martinsburg and Clarksburg utilize home rule authority for lien and fine enforcement by municipal court under similar provisions. Fairmont (2021) likewise incorporated expanded municipal court functions into its Home Rule application for civil judgment enforcement in code matters.

In Conclusion, the proposed Municipal Judge ordinance allows the City of Keyser to recover enforcement costs, deter noncompliance, and protect public safety. It ensures parity with larger Home Rule municipalities while preserving full procedural safeguards.

Attachments:

- Keyser Municipal Judge Ordinance

4. Issue: Insurance Proceeds Holdback for Fire-Damaged Properties

Issue Category: Administrative / Other – Insurance Regulation

Overview:

The City of Keyser seeks to improve its ability to address fire-damaged properties—both total and partial losses—by securing limited fire insurance proceeds for cleanup or demolition when an owner fails to act. The City proposes to adopt an ordinance under its Home Rule authority enabling a municipal lien on a portion of fire insurance proceeds to fund abatement where property owners have not timely remediated fire-related damage. While state law allows limited claims on proceeds for total losses, the City seeks broader and more practical enforcement tools through its Home Rule application.

Legal Barrier:

The legal basis for municipal liens on fire insurance proceeds is set forth in W. Va. Code § 33-17-9b and W. Va. Code §§ 38-10E-1 through 38-10E-2. These provisions limit municipal authority to instances where a fire results in a “total loss” of a structure. Furthermore, the statutes impose procedural requirements and monetary caps (10% of proceeds, up to \$5,000) on the municipal lien. These statutes do not authorize municipalities to place liens on proceeds related to *partially damaged* structures—even when such properties are abandoned or left unrepaired for extended periods.

Problem Caused:

First, the limitations of W. Va. Code § 33-17-9b and § 38-10E-1 prevent the City from taking proactive steps to ensure fire-damaged properties—particularly those not deemed a total loss—are timely remediated. This has led to numerous structures in Keyser sitting vacant or in a state of disrepair for months or even years following minor fires. The City currently lacks a mechanism to ensure that insurance funds are used for actual remediation, especially when an owner receives insurance proceeds but does not repair or demolish the property. These situations create health and safety risks, attract illegal activity, lower surrounding property values, and result in substantial City expenditures.

Second, the requirement that an insurer notify the City only in cases of total loss excludes the many incidents of partial damage where municipal interests are also significantly implicated. The absence of statutory authority to impose liens in such cases undermines public safety and frustrates municipal enforcement. Keyser has seen several examples where property owners received substantial payouts yet made no repairs, and the City was forced to initiate lengthy nuisance abatement proceedings at taxpayer expense.

Proposed Solution:

Under the City’s Home Rule authority (W. Va. Code § 8-1-5a), Keyser proposes an ordinance that retains the procedural and monetary framework found in W. Va. Code § 38-10E-1 for total loss properties but expands it to include partially damaged structures that remain unremediated after a defined period (90 days). This approach is modeled in part after Fairmont and Clarksburg, which have enacted similar ordinances through Home Rule authorizations. The ordinance allows the City to issue a Notice of Partial Loss Noncompliance if the structure is not repaired or secured within 90 days. The insurer is then required to withhold a portion of proceeds (up to the greater of \$5,000 or 10%) until the City issues a Certificate of Satisfactory Cleanup.

To ensure due process, the ordinance includes notice and appeal procedures. Owners may request a hearing before the City Council within 15 days of receiving notice, and insurers must withhold proceeds

until remediation is verified. The ordinance also permits direct disbursement of withheld proceeds to the City if it incurs cleanup costs.

Furthermore, to address situations in which insurers fail to withhold funds in violation of the ordinance and state law, the ordinance includes an enforcement clause: if the insurer disburses funds prematurely and the property is not remediated, the insurer is civilly liable for the lien amount.

This framework provides a rational, balanced mechanism to ensure fire-damaged properties are cleaned up without expanding municipal powers beyond reasonable bounds. It incentivizes timely repairs by owners, secures public safety, and provides clarity for insurers.

Some Comparable Home Rule Precedents include the following:

Clarksburg adopted a Home Rule ordinance in 2017 creating an insurance proceeds holdback mechanism similar to the one proposed here, including for partially damaged structures; Fairmont used its Home Rule authority to establish an insurance lien process extending to situations where remediation is delayed; Moundsville adopted an ordinance under its Home Rule plan allowing lien enforcement against proceeds for both total and partial fire loss cases, streamlining its demolition funding process.

Attachments

- Ordinance: “Keyser Fire Insurance Proceeds and Lien Enforcement Ordinance”

PROPOSAL #4, WITHDRAWN BY COUNSEL AND WAS NOT APPROVED.

5. Issue: Sale and Lease of Property Without Mandatory Auction

Issue Category: Administrative / Other – Asset Management

Overview

The City of Keyser seeks the authority to sell or lease municipal property without the requirement for public auction or sealed bid and to allow for below-market dispositions when such transactions serve a public purpose or economic development goal. This authority will allow the City to more efficiently and flexibly manage its municipal assets to better serve public and financial interests.

Legal Barrier:

West Virginia Code § 8-12-18(b) and (c) require that municipal real estate be sold or leased only by public auction or sealed bid unless a specific statutory exception applies. These restrictions do not permit direct negotiation, use of real estate brokers, or tailored transactions designed to maximize value or encourage public-benefit uses. The statute allows for exceptions only in narrowly defined circumstances, making it cumbersome for municipalities to achieve optimal or strategic property dispositions.

Problem Caused:

First, the existing statute imposes unnecessary transactional rigidity. Public auctions are not always the most effective mechanism for realizing full value for real property. In many instances, municipalities—particularly smaller Class III cities like Keyser would lose substantial value from a sale at public auction and may otherwise see greater financial return and community benefit by negotiating with private developers, nonprofit organizations, or agencies with specific use cases aligned with public needs or

simply selling through brokers. The inability to transact by negotiation forces the City to pursue auction processes even when it is not commercially sound.

Second, the current statute frustrates public-purpose development. Under § 8-12-18(c), a municipality is not permitted to lease or sell property for less than market value unless a narrow statutory exemption applies, which excludes innovative uses for community betterment. For example, a city may wish to lease or donate a vacant building for a youth center or business incubator, but would be barred from doing so without legislative or procedural workarounds. As a result, properties sit idle, cost the City maintenance funds, and degrade in value. The statute undermines strategic land-use planning and impedes timely revitalization efforts.

Proposed Solution

The City of Keyser proposes adoption of an ordinance pursuant to W. Va. Code § 8-1-5a (Municipal Home Rule) that authorizes the City to sell, lease, exchange, or otherwise dispose of real or personal property by negotiated sale, listing, or brokered transaction, without public auction. This ordinance would permit the Council to determine the method and terms of disposition that best serve the City's interests, including direct negotiation with buyers or tenants.

The ordinance includes procedural safeguards, including:

- City Council approval by resolution;
- Publication of a Class I legal notice 15 days prior to the vote (per W. Va. Code § 59-3-1);
- Required investigation into fair market value (via broker opinion, comparable sales, or market analysis);
- Express findings when below-market dispositions are made for public purpose or economic development.

Notably, the ordinance does not require formal appraisals—only reasonable due diligence—allowing Keyser to avoid unnecessary transaction costs. Proceeds from transactions will be recorded in Council minutes and directed to the general fund or as otherwise authorized by resolution.

Other cities with similar Home Rule authorizations include Wheeling, Morgantown, Parkersburg, and Charles Town, which have also received authority to bypass public auction requirements in favor of negotiated or brokered sales when consistent with financial prudence or community objectives.

Attachment(s)

- City of Keyser Ordinance Authorizing the Sale and Lease of Municipal Property Without Public Auction

PROPOSAL #5 AMENDED TO INCLUDE A CAP OF \$150,000 ON REAL PROPERTY AND A CAP OF \$25,000 ON ALL OTHER PROPERTY

6. Issue: Modification of Municipal Board Sizes

Issue Category: Organization

Overview

The City of Keyser seeks to improve the efficiency and responsiveness of its appointed boards by reducing the statutory minimum number of members required to constitute each board or commission. In accordance with its Home Rule authority, the City proposes to restructure the following boards—Planning Commission, Board of Zoning Appeals, Urban Renewal Authority, Development Authority, Sanitary Board, Building Commission, Parks and Recreation Board, and Historic Landmarks Commission—to operate with three to five (3–5) members, supported by optional alternates. These reforms will preserve the boards’ statutory responsibilities while ensuring that quorum and functional continuity can be maintained with limited community resources.

Legal Barrier:

West Virginia law mandates fixed or minimum board sizes that often exceed the staffing capacity of small municipalities. The following boards are governed by specific size requirements:

- Planning Commission: W. Va. Code § 8A-2-1(a) requires not fewer than five members for Class III municipalities.
- Development Authority: W. Va. Code § 7-12-3a requires boards to consist of 5 to 15 members.
- Urban Renewal Authority: W. Va. Code § 16-18-4(a) requires five commissioners.
- Building Commission: W. Va. Code § 8-33-3 requires at least three members and imposes political affiliation restrictions.
- Parks and Recreation Board: W. Va. Code § 8-21-1 et seq. allows board formation but anticipates a membership size that may exceed local capacity.
- Sanitary Board: W. Va. Code § 16-13-18 allows for three members, but no alternatives are permitted.

These structural constraints do not account for the limited availability of eligible and willing participants in small communities, creating functional and procedural delays when vacancies or absences occur.

Problem Caused:

Statutory mandates requiring boards of five or more members present logistical and operational challenges for the City of Keyser. Limited population size, overlapping volunteer commitments, and statutory residency or party-affiliation requirements make it difficult to fill all seats, especially on boards requiring regular meetings, training, or fiduciary oversight.

As a result, several Keyser boards have historically struggled to maintain quorum or carry out their responsibilities, leading to delayed action on zoning matters, development approvals, and project oversight. When board actions are postponed due to lack of quorum or vacant seats, residents and applicants face increased wait times and uncertainty. These recurring delays impede neighborhood improvements, discourage participation in civic processes, and reduce community confidence in local government functions.

Proposed Solution:

The City of Keyser proposes to adopt individual ordinances under W. Va. Code § 8-1-5a to modify the membership structure of each board referenced above. Each ordinance sets the board size to three to five (3–5) members, allowing for greater flexibility in appointments while maintaining legitimacy and continuity. Optional alternate members may also be appointed to cover absences.

Each ordinance preserves the original powers and duties set forth in the enabling statutes and explicitly affirms that all other provisions of state law remain in effect. Quorum, term length, eligibility, and appointment procedures are defined in accordance with best practices and local needs. Bylaw authority and officer election requirements are also retained. This restructuring ensures that all boards are better positioned to carry out their statutory responsibilities with consistent participation and streamlined governance.

Some Comparable Home Rule Precedents include the following:

- Wardensville (2019): Approved to reduce zoning and parks board membership through Home Rule; Marlinton (2024 Application): Requested similar board size flexibility in response to local vacancy challenges; Philippi and Harpers Ferry: Adopted board restructuring ordinances using Home Rule authority to maintain functional civic bodies.

Attachments

- Ordinance Packet: Board Reorganization Ordinances (Planning Commission, Development Authority, URA, Building Commission, Parks and Recreation Board, Sanitary Board)



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit A – Affidavit of Mailing of Notice of Public Hearing
(City Administrator affidavit re: certified-mail notice to
Municipal Home Rule Board and cabinet secretaries under W.
Va. Code § 8-1-5a(g)(2).)



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Affidavit of Mailing of Notice of Public Hearing

Affidavit of City Administrator – Notice to Municipal Home Rule Board and Cabinet Secretaries

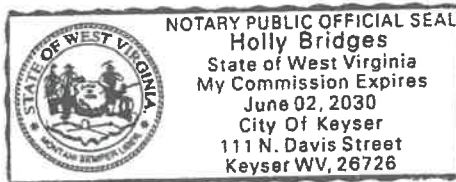
STATE OF WEST VIRGINIA
COUNTY OF MINERAL, CITY OF KEYSER

I, Jeff Broadwater, being first duly sworn, do hereby state as follows:

1. I am the City Administrator for the City of Keyser, West Virginia, and in that capacity am responsible for coordinating legal notices and maintaining official records.
2. I am familiar with the requirements of W. Va. Code § 8-1-5a(g)(2) regarding notice of public hearing for municipal home rule plans.
3. On or about October 26, 2025, I caused a written Notice of Public Hearing regarding the City of Keyser's proposed Municipal Home Rule Amendment Application to be sent by certified mail, return receipt requested, to:
 - o The West Virginia Municipal Home Rule Board, and
 - o The Cabinet Secretary of each executive department of state government, as listed on the model notice attached hereto.
4. The Notice advised that the Keyser City Council would conduct a public hearing on the proposed Municipal Home Rule Amendment Application on December 3, 2025, at 6:00 p.m. in the Council Chambers at City Hall, and that the proposed plan would be available for public inspection beginning November 1, 2025.
5. A true copy of the Notice that was mailed is attached as incorporated herein.
6. The foregoing statements are true to the best of my knowledge, information, and belief.

Jeff Broadwater

Jeff Broadwater
City Administrator
City of Keyser, West Virginia



NOTARY ACKNOWLEDGMENT

STATE OF WEST VIRGINIA, COUNTY OF MINERAL, TO-WIT:

The forgoing instrument was acknowledged before me this 5th day of December, 2025, by Jeff Broadwater.

Notary Public Holly Bridges

My commission expires: June 2, 2030



City of Keyser

111 North Davis Street, Keyser, WV 26726

Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit B – Certified Mail Notice to Municipal Home Rule Board and Cabinet Secretaries

(Form letter with list of departments and confirmation of Dec. 3,
2025 hearing and Nov. 1 plan availability.)



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Date: _____, 2025
Certified Mail Notice of Public Hearing

To: West Virginia Municipal Home Rule Board
c/o Department of Revenue
State Capitol Complex, Building 1, Room W-100
Charleston, WV 25305

And to: Cabinet Secretary of Each State Department

Department	Cabinet Secretary	Mailing Address
Department of Administration	Eric Householder	1900 Kanawha Blvd. E., Building 1, Room E-119, Charleston, WV 25305
Department of Revenue	Eric Nelson	State Capitol, Building 1, Room W-300, Charleston, WV 25305
Department of Commerce	Matthew Herridge	State Capitol Complex, 1900 Kanawha Blvd. E., Charleston, WV 25305
Department of Transportation (Division of Highways)	Stephen Todd Rumbaugh	Building 5, 1900 Kanawha Blvd. E., Charleston, WV 25305)
Department of Tourism	Chelsea Ruby	1900 Kanawha Blvd. E., Charleston, WV 25305-0300
Department of Agriculture	Kent Leonhardt	1900 Kanawha Blvd. E., State Capitol, Room E-28, Charleston, WV 25305-0170
Department of Environmental Protection	Harold D. Ward	601 57th Street SE, Charleston, WV 25304
Department of Veterans Assistance	Edward "Ryan" Kennedy	1900 Kanawha Blvd., Building 5, Room 205, Charleston, WV 25301

Re: *Notice of Public Hearing on Amendment to Approved Municipal Home Rule Plan – City of Keyser*

Dear Secretaries and Members of the Board:

Pursuant to W. Va. Code § 8-1-5a(g)(2), the City of Keyser hereby provides certified-mail notice that the City Council will conduct a public hearing to discuss the City’s proposed written plan for participation in the West Virginia Municipal Home Rule Program.

The hearing, and final reading of an ordinance authorizing the Mayor to submit the City’s Home Rule Plan, will be held on December 3, 2025 at 6:00 p.m. in Keyser City Hall, 111 North Davis Street, Keyser, West Virginia 26726.

A copy of the published Class II legal advertisement is enclosed. The proposed Home Rule Plan is available for public inspection beginning November 1, 2025 at Keyser City Hall during regular business hours.

Sincerely,

Damon Tillman
Mayor, City of Keyser
111 North Davis Street Keyser, WV 26726
Enclosure: Published Notice of Public Hearing



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit C – Publisher’s Certificate and Class II Legal Advertisement

(Publisher’s certificate from *The Mineral News* plus full text of
the notice of public hearing.)

PUBLISHER'S CERTIFICATE

I, Tamra Lawson
Classified Manager of THE MINERAL NEWS, a
newspaper of general circulation published in the
city of Keyser, County and state aforesaid, do hereby
certify that the annexed:

**NOTICE OF PUBLIC HEARING & CITY
COUNCIL MEETING CITY OF KEYSER
MUNICIPAL HOME RULE PROGRAM PLAN
APPLICATION**

Ad# 1490034

was published in THE MINERAL NEWS 2 time(s)
commencing on 10/30/2025 and ending on
11/06/2025 at the request of

CITY OF KEYSER.

Given under my hand this 11/06/2025.

The publisher's fee for said publication is: \$39.91.

Classified Manager of
THE MINERAL NEWS

Subscribed to and sworn to before me this
11/06/2025

Notary Public in and for Mineral County, WV

My commission expires on

The 27 day of Jan 2030





City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit D – Minutes of December 3, 2025 Council Meeting and Public Hearing

(Council minutes documenting the Home Rule public hearing
and adoption of the authorization ordinance.)

NOTICE OF PUBLIC HEARING & CITY COUNCIL MEETING
CITY OF KEYSER MUNICIPAL HOME RULE PROGRAM PLAN APPLICATION

Notice is hereby given by the City Council of Keyser, West Virginia, that it will conduct a public hearing to discuss the City's proposed written plan for participation in the West Virginia Municipal Home Rule Program.

Information from the hearing will be used by Council in preparing its initial application for acceptance into the West Virginia Municipal Home Rule Program, established by § 8-1-5a of the West Virginia Code, as amended.

The public hearing on the plan and the final reading of an ordinance authorizing the Mayor to make application to the Municipal Home Rule Program shall take place on December 3, 2025 at 6:00 p.m. in the Keyser City Hall, 111 North Davis Street, Keyser, West Virginia 26726.

Any interested party may appear before Council during the hearing to be heard with respect to the proposed plan and ordinance.

The proposed Home Rule Plan for the City of Keyser will be available for public inspection beginning November 1st at Keyser City Hall during regularly posted business hours.

Written comments may be addressed to: City of Keyser, 111 North Davis Street, Keyser, WV 26726.

City of Keyser Council Meeting

December 3, 2025

6:00 PM

PRESENT:

Councilman Hannas, Councilwoman Luther, Mayor Tillman, Councilman Nester, Councilman Shoemaker, Councilman Ryan, City Administrator Broadwater, Liz Beavers, and Police Chief Bruce

Mayor Tillman called the meeting to order. All stood for the Pledge of Allegiance.

Councilman Hannas made a motion to accept the minutes of the previous meeting.

Councilman Nester seconded the motion.

VOTE 5-0 (YEA)

Councilman Ryan made a motion to accept the check distribution.

Councilman Shoemaker seconded the motion.

VOTE 5-0 (YEA)

OLD BUSINESS:

NEW BUSINESS:

Home Rule Ordinance Public Hearing: City Administrator Broadwater opened the public hearing for the Home Rule Application Authorization Ordinance. No members of the public were interested in making any comments.

Home Rule Ordinance 2nd Reading:

City Administrator Broadwater closed the public hearing and read the 2nd Reading of the City of Keyser Home Rule Amendment Application Authorization Ordinance. Councilman Hannas made a motion to approve the 2nd reading of the Ordinance as presented. Councilman Ryan seconded the motion

VOTE 5-0 (YEA)

COUNCIL MEMBER REPORTS:

Councilman Hannas provided a report of ongoing operations in the Water, and Sewer Departments.

Councilwoman Luther provided a report of ongoing operations in the Water, and Sewer Departments.

Councilman Nester provided a report of ongoing operations in the Parks and Recreation Department.

Police Chief Bruce provided a report of ongoing operations in the Police Department.

FINANCE REPORT – Presented by Councilman Ryan

- General Fund Cash \$413,779
- Pool Improvements \$93,872
- Coal Severance Fund Cash \$6,850
- Street Excess Fund Cash \$63,229
- Rainy Day Fund Cash \$460,563
- American Recovery Funds \$442,779
- Water Fund Cash \$15,469
- Sewer Fund Cash \$29,318

Councilman Hanna made a motion to adjourn the meeting. Councilman Shoemaker seconded the motion.

VOTE 5-0 (YEA)

Jeff Broadwater, City Administrator

Damon Tillman, Mayor



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

**Exhibit E – Ordinance No. 2025.12.1: Home Rule
Amendment Application Authorization Ordinance**
(Ordinance authorizing submission of the Home Rule proposal,
with first reading, hearing, and second reading dates.)

Ordinance No. 2025.12.1
City of Keyser
Home Rule Amendment Application Authorization Ordinance

An ORDINANCE pursuant to the provisions of W. Va. Code 8-1-5a, authorizing the City of Keyser to submit a written home rule proposal to the Municipal Home Rule Board in order to permit participation by Keyser in the Municipal Home Rule Program.

Section 1: Authorization to Submit a Written Home Rule Proposal

WHEREAS, in 2007, the West Virginia Legislature enacted WV Code §8-1-5a, known as the Municipal Home Rule Pilot Program; and

WHEREAS, in 2025, the City of Keyser wishes to participate in the Municipal Home Rule Program; and

WHEREAS, participation in the Home Rule Program under an application by the City of Keyser, a Class III municipality, would give the City unique flexibility to apply local solutions to local problems, benefitting the greater community, including residents, visitors, and businesses.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF KEYSER THAT the Mayor is hereby authorized and directed to submit a home rule proposal to the Municipal Home Rule Board on January 7, 2026, in accordance with WV Code §8-1-5a in order for the City of Keyser to be considered for authorization to participate in the Municipal Home Rule program.

Section 2: EFFECTIVE DATE

This ordinance shall become effective upon passage after second reading.

1st Reading: November 12, 2025

Public Hearing: December 3, 2025

2nd and Final Reading: December 3, 2025

Attested: _____



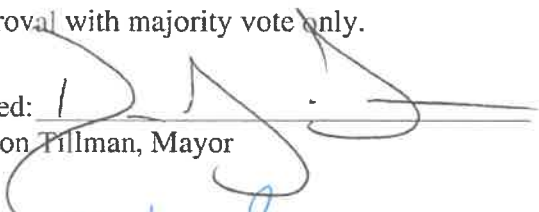
Recorder,

Upon the motion duly made and seconded, the regular rules were suspended by the City of Keyser Council members and the above ordinance having been read a first and second was passed to be effective from this date.


As adopted this date Day of December 3, 2025, by the vote of the City Council of Keyser, WV.

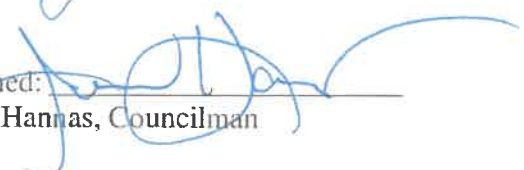
<u>Members</u>	<u>1st Reading</u>	<u>2nd and Final Reading</u>
Jennifer Luther, Councilwoman	ABSENT	YEA
Mike Ryan, Councilman	YEA	YEA
Jim Hannas, Councilman	YEA	YEA
David Shoemaker, Councilman	YEA	YEA
Teddy Nester, Councilman	YEA	YEA
Mayor Damon Tillman		

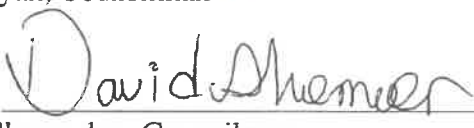
Approval with majority vote only.


Signed: 
Damon Tillman, Mayor

Signed: 
Jennifer Luther, Councilwoman

Signed: 
Mike Ryan, Councilman

Signed: 
Jim Hannas, Councilman

Signed: 
David Shoemaker, Councilman

Signed: 
Teddy Nester, Councilman

Date: December 3, 2025



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit F – Affidavit and Fiscal Statement Regarding Non-Tax Home Rule Components (City Administrator affidavit that all non-tax ordinances are cost-neutral or cost-saving.)



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Affidavit and Fiscal Statement Regarding Non-Tax Home Rule Components

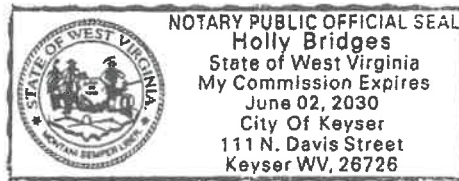
Affidavit of City Administrator – Cost Neutrality / Cost Savings

STATE OF WEST VIRGINIA
COUNTY OF MINERAL, CITY OF KEYSER

I, Jeff Broadwater, being first duly sworn, do hereby state as follows:

1. I am the City Administrator for the City of Keyser, and I am familiar with the City’s budget, staffing, and operations.
2. I have reviewed the City of Keyser’s Municipal Home Rule Amendment Application attached hereto including all proposed ordinances.
3. In addition to the ordinance adopting a 1% municipal sales and use tax with an offset exclusion for B&O tax, the application includes the following non-tax components:
 - a. Administrative Citation Procedure Ordinance;
 - b. Municipal Judge Enforcement and Lien/Judgment Authority Ordinance;
 - c. Fire Insurance Proceeds and Lien Enforcement Ordinance;
 - d. Sale and Lease of Municipal Property Ordinance; and
 - e. Municipal Board Size and Composition Ordinances.
4. These ordinances rely on existing personnel and structures and do not create new permanent positions or require new long-term funding. They are intended to:
 - a. Improve cost recovery for code enforcement and demolition;
 - b. Reduce legal and administrative delay in collecting amounts owed;
 - c. Decrease maintenance and holding costs for surplus property; and
 - d. Reduce staff time spent on recruiting and supporting oversized boards.
5. Based on my review, I reasonably expect these non-tax components to be fiscally manageable and, in the aggregate, cost-neutral or cost-saving to the City and capable of being implemented within existing resources.
6. The foregoing statements are true to the best of my knowledge, information, and belief.

Jeff Broadwater
City Administrator
City of Keyser, West Virginia



NOTARY ACKNOWLEDGMENT

STATE OF WEST VIRGINIA, COUNTY OF MINERAL, TO-WIT:

The forgoing instrument was acknowledged before me this 5th day of December, 2025, by Jeff Broadwater.

Notary Public Haley Brien

My commission expires: June 2, 2030



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit G – Fiscal Impact Statement: Municipal Sales and Use Tax with B&O Offset

(Detailed narrative and table describing current B&O revenue, projected B&O after exclusion, projected sales-tax revenue, and net increase.)

Fiscal Impact Statement – City of Keyser Municipal Sales and Use Tax with B&O Offset

Overview

This fiscal impact statement supports the City of Keyser's proposal to implement a 1% municipal sales and use tax pursuant to W. Va. Code § 8-1-5a(i)(14), with a concurrent reduction in Business and Occupation (B&O) tax accomplished through exclusion of gross receipts subject to the sales tax from B&O taxation. This method ensures compliance with statutory mandates while preventing double taxation to the individual transaction level of analysis.

Revenue Impact

Based on these percentages, the City calculated the adjusted B&O and projected sales tax revenue as follows:

Current B&O Tax Revenue (2-year average)	
Business Category	Average B&O FY23-24
Manufacturing	\$25.02
Retail	\$190,896.14
Wholesale	\$54,938.59
Power Dom/Com	\$139,254.26
Power Other	\$61,033.13
Natural Gas	\$59,942.25
Contracting	\$79,998.64
Loans	\$1,407.29
Amusements	\$72.08
Service/Business	\$74,565.26
Rentals	\$29,127.20
Banking	\$5,378.88
Total	\$696,638.73

Proposed B&O + Sales Tax Revenue		
Business Category	B&O Est.	Sales Tax Est.
Manufacturing	\$25.02	\$0.00
Retail	\$114,537.68	\$305,433.82
Wholesale	\$54,938.59	\$0.00
Power Dom/Com	\$139,254.26	\$0.00
Power Other	\$61,033.13	\$0.00
Natural Gas	\$59,942.25	\$0.00
Contracting	\$71,998.77	\$10,666.48
Loans	\$1,407.29	\$0.00
Amusements	\$0.00	\$180.21
Service/Business	\$59,652.21	\$42,608.72
Rentals	\$29,127.20	\$0.00
Banking	\$5,378.88	\$0.00
Total	\$597,295.28	\$358,889.23

Total New Business Tax Collection (est.)	\$956,184.51
Difference from 2 year average Collection	\$259,545.78

Methodology

The City of Keyser performed a detailed analysis of B&O revenue by business classification based on fiscal years 2023 and 2024, and cross-referenced anticipated taxable sales categories aligned with the State’s municipal sales tax rules (W. Va. Code §§ 11-15-1 et seq. and 11-15A-1 et seq.).

The City used industry-specific estimates of the percentage of gross receipts within each category expected to be subject to municipal sales tax based on prior research of West Virginia sales tax applicability. These assumptions are reflected below:

Estimated Percentage of Gross Receipts Subject to Municipal Sales Tax by Category

Category Estimated % Subject to Sales Tax

Manufacturing	0%	Loan Companies	0%
Retail	40%	Amusements	100%
Wholesale	0%	Service/Other Business	20%
Power/Communications	0%	Rentals/Royalties	~0%
Natural Gas	0%	Banking	0%
Contracting	10%		

These estimates were derived from available research assessing the types of transactions typically subject to sales tax in West Virginia, aligning with guidance from the West Virginia State Tax Department and typical sales tax structures adopted by peer cities under the Home Rule program.

Summary and Compliance

The proposed approach satisfies the reduction requirement under W. Va. Code § 8-1-5a(i)(14) by eliminating B&O tax on all transactions subject to municipal sales tax, rather than reducing rates by category. This model better avoids overlapping taxation and promotes transparency and compliance. The projected financial impact shows revenue neutrality with a positive margin, confirming the policy’s fiscal viability.

A certified public accountant has reviewed and confirmed the methodology and projections as required.



City of Keyser

111 North Davis Street, Keyser, WV 26726

Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit H – Certified Public Accountant Affidavit and Certification of Fiscal Impact (CPA statement and notary acknowledgment supporting the fiscal impact numbers in Exhibit G.)

CERTIFIED PUBLIC ACCOUNTANT AFFIDAVIT AND CERTIFICATION OF FISCAL IMPACT

City of Keyser – Municipal Sales and Use Tax with B&O Offset

Pursuant to W. Va. Code § 8-1-5a(i)(14)

I, the undersigned, being first duly sworn, depose and state as follows:

1. Professional Qualifications:

I am a Certified Public Accountant (CPA), duly licensed to practice in the State of West Virginia and in good standing with the West Virginia Board of Accountancy. I have been retained by the City of Keyser to assist in evaluating the fiscal impact of the City's proposed implementation of a 1% municipal sales and use tax with a corresponding exclusion of gross receipts subject to sales tax from the municipal Business and Occupation (B&O) tax base, and to provide a fiscal impact certification based solely on information supplied by the City.

2. Scope of Review:

I have relied solely on the financial information provided to me by the City of Keyser, including files summarizing B&O collections for fiscal years 2023 through 2025 and the City's estimates of taxable sales derived from internal revenue reports and sales tax applicability data by business category. I did not audit, examine, verify, or independently confirm the origin of this information. My work consisted of performing a general analysis of the information provided, including checking mathematical accuracy and assessing whether the assumptions used were reasonable for planning and policy purposes. I have also examined the City's proposed ordinance and fiscal methodology for excluding gross receipts subject to municipal sales tax from the B&O tax base for the purpose of understanding the assumptions used in the City's fiscal projections, as authorized under W. Va. Code § 8-1-5a(i)(14). The City of Keyser is solely responsible for the accuracy, completeness, and reliability of all financial information and assumptions furnished to me.

3. Methodology:

The fiscal projections rely on category-specific estimates of the percentage of gross receipts anticipated to be subject to municipal sales tax. These estimates are based on authoritative state tax guidance and comparative municipal practices. I have evaluated that the methodology used to adjust the B&O tax base and project sales tax revenue is mathematically consistent with the assumptions provided by the City.

4. Findings:

Based on the data reviewed and assumptions applied, I find the following fiscal projections to be reasonable for the purposes of the City's Home Rule application:

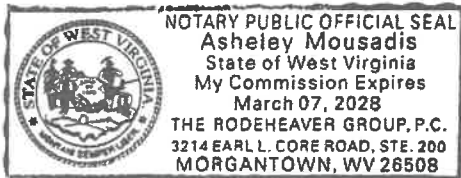
- o Current two year average B&O Tax Revenue (Pre-Adjustment): \$696,638.73
- o Projected B&O Tax Revenue (Post-Exclusion): \$597,295.28
- o Projected Municipal Sales Tax Revenue (1% rate): \$358,889.23
- o Total Projected Revenue: \$956,184.51
- o Net Annual Revenue Increase: \$259,545.78

5. Certification:

I hereby affirm that the fiscal projections presented by the City of Keyser are accurate to the best of my professional knowledge and that the proposed tax structure, if implemented, is fiscally viable, compliant with statutory requirements, and based on sound accounting and economic assumptions.

Executed this 1 day of December, 2025.

Lynn Flink *Lynn Flink*
Certified Public Accountant
WV CPA License No. WV004734
Firm: The Rodeheaver Group, PC
Contact: 304-777-4272



NOTARY ACKNOWLEDGMENT

State of West Virginia
County of Monongalia, to-wit:

Subscribed and sworn to before me this 1st
day of December, 2025, by
Asheley Mousadis

My commission expires: March 7, 2028

Notary Public Signature
Notary Seal



City of Keyser

111 North Davis Street, Keyser, WV 26726

Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit I – Affidavit of No Outstanding State Fees or Obligations

(City Administrator affidavit referencing WV Tax Division letter
of good standing.)



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Affidavit of No Outstanding State Fees

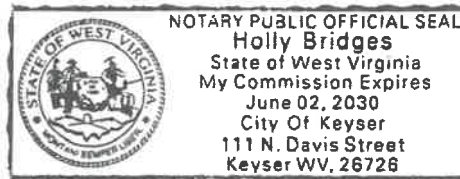
Affidavit of City Administrator – State Fees and Obligations

STATE OF WEST VIRGINIA
COUNTY OF MINERAL, CITY OF KEYSER

I, Jeff Broadwater, being first duly sworn, do hereby state as follows:

1. I am the City Administrator for the City of Keyser, West Virginia. In that role, I am familiar with the City's financial records and its payment history with respect to state taxes, fees, and assessments.
2. I have reviewed the City's records and relevant correspondence from the West Virginia State Tax Department and other state agencies. Attached hereto is a true and correct copy of a Letter of Good Standing issued by the West Virginia State Tax Department, indicating that the City of Keyser is in good standing as of that date.
3. Based upon my review of City records, the attached Letter of Good Standing, and my knowledge of the City's financial affairs, it is my opinion that, as of the date of this Affidavit, the City of Keyser does not owe any outstanding state fees, taxes, or other obligations to the State of West Virginia or its agencies.
4. I make this Affidavit in support of the City of Keyser's Municipal Home Rule Amendment Application and to satisfy the requirement that the applicant municipality verify that it has no outstanding state fees.

Jeff Broadwater
City Administrator
City of Keyser, West Virginia



NOTARY ACKNOWLEDGMENT

STATE OF WEST VIRGINIA, COUNTY OF MINERAL, TO-WIT:

The forgoing instrument was acknowledged before me this 5th day of December, 2025, by Jeff Broadwater.

Notary Public Holly Bridges

My commission expires: June 2, 2030



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit J – West Virginia Tax Division Letter of Good Standing

(Letter effective 10/31/2025 confirming City tax accounts are in good standing.)



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



WEST VIRGINIA
TAX DIVISION

00048901010000



Matthew R. Irby, Tax Commissioner

Letter ID: L1766172064
Issued: 10/31/2025

CITY OF KEYSER INCORPORATED
111 N DAVIS ST
KEYSER WV 26726-3227

West Virginia Tax Division

Letter of Good Standing

EFFECTIVE DATE: 10/31/2025

A review of tax accounts indicates that CITY OF KEYSER INCORPORATED is in good standing as of the effective date of this document.

Please note, this Letter of Good Standing expires on **January 29, 2026**.

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,

Nicole Grant, Tax Unit Supervisor
Taxpayer Services Division



City of Keyser

111 North Davis Street, Keyser, WV 26726

Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit K – Attorney Opinion Letter

(Opinion that the application and ordinances comply with W. Va. Code § 8-1-5a and do not conflict with the Constitution or general laws.)



**Attorney Opinion
City of Keyser 2026 Home Rule Application**

December 1, 2025
West Virginia Municipal Home Rule Board
West Virginia Development Office
West Virginia Department of Commerce
Capitol Complex, Building 6, Room 525
Charleston, WV 25305-0311

Re: Application of the City of Keyser to Participate in the Municipal Home Rule Program

Dear Home Rule Board Members,

As legal counsel for the City of Keyser, I have reviewed the City's 2025 Home Rule amendment application, including all supporting ordinances and impact statements, and evaluated them under West Virginia Code § 8-1-5a and the relevant program guidance.

Keyser's application seeks authority to adopt a 1% municipal sales and use tax with a corresponding exclusion of overlapping B&O tax liability to avoid double taxation. The City further proposes targeted amendments to clarify board composition, enforce liens through its municipal judge, and expand the lienability of insurance proceeds in cases of partial fire damage. These proposals reflect the City's goal to modernize its administrative and revenue systems in a legally sound and balanced manner.

Having conducted a full review, it is my opinion that the City's proposed ordinances are in substantial compliance with all legal requirements and do not conflict with the Constitution or general laws of the State. In particular, the proposed sales tax and B&O exclusion framework satisfies the requirements of W. Va. Code § 8-1-5a(i)(14), and the City's process adheres to all procedural mandates for Home Rule amendments.

Therefore, I conclude that the City of Keyser's application and ordinances are legally appropriate for submission and consideration by the Municipal Home Rule Board.

J. Logan Mantz
WV Bar ID 13901
lmantz@caponbridgelegal.com
Counsel for the City of Keyser



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit L – Ordinance: 1% Municipal Sales and Use Tax and B&O Tax Base Modification

CITY OF KEYSER, WEST VIRGINIA

ORDINANCE AUTHORIZING ADOPTION OF A 1% MUNICIPAL SALES AND USE TAX AND MODIFICATION OF BUSINESS AND OCCUPATION TAX BASE UNDER THE MUNICIPAL HOME RULE PROGRAM

WHEREAS, W. Va. Code § 8-1-5a(i)(14) authorizes municipalities participating in the Municipal Home Rule Program to impose a municipal sales and use tax not to exceed one percent (1%), provided that such municipality concurrently reduces or eliminates its business and occupation tax to prevent double taxation; and

WHEREAS, the City of Keyser currently imposes a Business and Occupation (B&O) tax on various business classifications pursuant to W. Va. Code § 8-13-5; and

WHEREAS, the City Council of Keyser finds that adopting a 1% municipal sales and use tax and modifying the B&O tax base by excluding all gross receipts that are subject to municipal sales and use tax will diversify the City's revenue base, avoid double taxation, and preserve equity and competitiveness among local businesses; and

WHEREAS, the City's proposal is based upon the revenue neutrality and fairness principles reflected in other approved plans under the Municipal Home Rule Program, including those of Fairmont, Parkersburg, and Huntington, and is supported by a fiscal impact statement and CPA certification;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER, WEST VIRGINIA:

Section 1. Authority and Purpose

This ordinance is enacted pursuant to W. Va. Code §§ 8-1-5a(i)(14) and 8-13-5. Its purpose is to adopt a 1% municipal sales and use tax, administered by the West Virginia State Tax Department, and to modify the City's B&O tax structure to exclude from B&O taxation all gross receipts that are subject to the municipal sales and use tax, thereby complying with the statutory requirement to prevent overlapping taxation.

Section 2. Municipal Sales and Use Tax

- a. The City of Keyser hereby levies a municipal consumers' sales and service tax and a use tax at the rate of one percent (1%) of the amount of sales and uses taxable under W. Va. Code §§ 11-15-1 et seq. and 11-15A-1 et seq., as administered by the West Virginia State Tax Department.
- b. The municipal sales and use tax shall:
 - i. Apply to the same base, exemptions, and administrative procedures as the State sales and use tax;

- ii. Be collected and remitted by the West Virginia State Tax Department on behalf of the City; and
 - iii. Take effect on July 1, 2026, or the earliest date thereafter permitted by the State Tax Department.
- c. All revenue derived from the municipal sales and use tax shall be deposited into the City's general fund for public purposes as authorized by law.

Section 3. Modification of Business and Occupation Tax Base

- a. Effective as of the implementation date of the City's municipal sales and use tax, the gross receipts subject to B&O taxation shall exclude all sales, charges, or other receipts that are subject to the City's municipal sales and use tax.
- b. This modification applies across all B&O categories, including but not limited to Retail, Wholesale, Service, Contracting, Amusements, Rentals, and Business Services.
- c. For purposes of compliance and administration:
 - i. Businesses shall deduct from gross income all receipts that are subject to the 1% municipal sales tax collected by the West Virginia State Tax Department;
 - ii. The City may require supporting documentation (e.g., State sales tax filings, merchant statements) to verify such deductions;
 - iii. This exclusion shall serve as the City's method of reducing or eliminating B&O taxes on receipts also subject to municipal sales tax, in satisfaction of W. Va. Code § 8-1-5a(i)(14).
- d. No reduction in B&O tax shall apply to receipts not subject to municipal sales and use tax, including but not limited to:
 - i. Sales for resale;
 - ii. Utility and telecommunications charges exempt from sales tax;
 - iii. Rent from real property;
 - iv. Professional services not subject to sales tax.

Section 4. Administration

- 1. The municipal sales and use tax shall be collected and administered by the West Virginia State Tax Department under the State's uniform process for municipal sales taxes.
- 2. The City shall execute a memorandum of understanding or other administrative agreement with the Tax Department consistent with state law and the Municipal Tax Toolkit.
- 3. The City shall maintain a certified fiscal impact statement and a CPA affidavit documenting compliance with W. Va. Code § 8-1-5a(i)(14).



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit M – Ordinance: Administrative Citation Procedure for Code Enforcement

Section 5. Effective Date

This ordinance shall take effect upon approval of the City of Keyser's Home Rule Amendment by the West Virginia Municipal Home Rule Board, adoption by the City Council, and formal implementation by the State Tax Department for the effective quarter beginning July 1, 2026.

Section 6. Severability

If any provision of this ordinance is held invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

CITY OF KEYSER, WEST VIRGINIA

ORDINANCE ESTABLISHING ADMINISTRATIVE CITATION PROCEDURES FOR CODE ENFORCEMENT

WHEREAS, the City of Keyser is a participant in the West Virginia Municipal Home Rule Program pursuant to *W. Va. Code § 8-1-5a*, which authorizes municipalities to adopt local procedures that improve governance and enforcement efficiency; and

WHEREAS, under *W. Va. Code § 8-10-2*, the City's Municipal Court has jurisdiction over ordinance violations and may impose fines, costs, and other remedies; and

WHEREAS, the City Council finds that certain property-maintenance, building-code, nuisance, fire-safety, and sanitation violations are observable, recurring, and capable of immediate verification, such that traditional notice-and-hearing procedures cause delay, prolong unsafe conditions, and reduce compliance; and

WHEREAS, the City's recently adopted ordinance establishing the Office of Municipal Judge authorizes that judge to issue warrants, certify judgments, and approve enforcement liens, and the City desires to integrate administrative citations into that process;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER:

Section 1. Authority and Purpose

This ordinance is enacted under *W. Va. Code §§ 8-1-5a, 8-10-2, and 8-12-16* to establish an administrative citation procedure for enforcing the City's codes and ordinances through direct citation by authorized officers.

Its purpose is to:

1. Provide an efficient means of addressing violations posing immediate public-health, safety, or welfare concerns;
2. Promote consistent enforcement and timely abatement of violations; and
3. Integrate citation enforcement with the City's Municipal Court for due-process review, judgment, and collection.

Section 2. Scope of Application

Administrative citations may be issued for violations of:

1. The City's Dangerous Structures Ordinance enacted under *W. Va. Code § 8-12-16*;
2. The International Property Maintenance Code and State Building Code as adopted by the City;
3. The City's Nuisance Ordinance and related environmental or sanitation provisions;
4. Fire-prevention and life-safety codes adopted under *W. Va. Code § 29-3-5b*;
5. Zoning, licensing, and property-use ordinances designated by Council resolution; and

6. Any other ordinance that expressly incorporates this citation procedure by reference.

Section 3. Authorized Officers

1. The following officers are authorized to issue administrative citations under this ordinance:
 - o Building Official;
 - o Code Enforcement Officer;
 - o Fire Marshal or Fire Inspector;
 - o Police Officer;
 - o Health or Sanitation Officer; and
 - o Any other officer or employee designated by the City Administrator with Council approval.
2. Each authorized officer shall complete citation-procedure training approved by the Municipal Judge and City Administrator.

Section 4. Citation Issuance and Content

1. A citation may be issued at the time a violation is observed or following an inspection confirming non-compliance.
2. Each citation shall include:
 - o (a) The date, time, and location of the violation;
 - o (b) The ordinance section violated;
 - o (c) A brief description of the offense;
 - o (d) The amount of the fine or range of penalties;
 - o (e) Instructions for correction, payment, or contest; and
 - o (f) The name and badge or identification number of the issuing officer or official.
3. The citation shall be personally served on the violator or, if the violator cannot be personally served, posted conspicuously on the property and mailed to the owner or responsible party's last known address.
4. Each citation shall state clearly that failure to respond may result in judgment and lien under Section 9.

Section 5. Civil Penalties

1. Fines imposed through administrative citations shall be civil penalties, recoverable through the Municipal Court.
2. All fines shall be specified in the ordinance violated for each offense; no standard fine is created by this ordinance.

Section 6. Payment and Correction Option

1. Subject to additional administrative appeal processes contemplated in Section 8 below, Within ten (10) days after issuance, a cited person may:
 - o (a) Pay the fine at City Hall or through an authorized online portal, constituting an admission of liability or no contest plea; or

- (b) Provide written proof of correction to the issuing officer, who may, at his sole discretion, dismiss the citation if compliance is verified.
- 2. If payment or correction is not made within ten (10) days, the citation shall be transmitted to the Municipal Judge for adjudication.

Section 7. Municipal Court Hearing and Judgment

1. Upon filing, the Municipal Judge shall docket the citation and issue notice of hearing pursuant to *W. Va. Code § 8-10-2b*.
2. At hearing, the cited party may appear, present evidence, or be represented by counsel.
3. If liability is established, the Municipal Judge may:
 - (a) Impose the scheduled fine and court costs;
 - (b) Order abatement or corrective measures; and
 - (c) Certify judgment for unpaid fines and costs as provided in the City's Judicial Enforcement Ordinance.
4. Judgments rendered under this section shall constitute monetary judgments of record enforceable through the lien and collection procedures previously adopted by the City.

Section 8. Appeals

Nothing in this Ordinance restricts the City's ability to establish administrative appeal processes prior to a citation being referred to the Municipal Judge for hearing

A person aggrieved by a municipal-court judgment issued under this ordinance may appeal to the Circuit Court of Mineral County within twenty (20) days of judgment entry, as provided by *W. Va. Code § 8-10-3*.

Section 9. Enforcement and Lien Authority

1. If a fine or penalty remains unpaid after judgment, the Municipal Judge may, pursuant to *W. Va. Code § 8-10-2b* and the City's Judicial Enforcement Ordinance, certify the amount due to the Clerk of the Mineral County Circuit Court for recordation as a lien against the responsible party's property.
2. The lien shall bear interest at the legal rate and may be released upon full payment.

Section 10. Integration with Existing Enforcement Ordinances

1. This ordinance provides the administrative mechanism for issuing, processing, and enforcing citations.
2. Each substantive ordinance (Dangerous Structures, Nuisance, IPMC, Fire Code, etc.) may incorporate this procedure by stating:

“Violations of this article may be enforced by administrative citation pursuant to the City of Keyser Administrative Citation Procedure Ordinance.”

3. Upon such incorporation, the Municipal Judge shall have concurrent jurisdiction over those violations.

Section 11. Severability and Effective Date

If any section of this ordinance is held invalid, the remaining provisions shall continue in full force and effect.

This ordinance shall become effective upon approval of the City of Keyser’s Home Rule Amendment by the West Virginia Municipal Home Rule Board and adoption by the City Council.



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit N – Ordinance: Municipal Judge Enforcement of Judgments, Liens, and Warrants

ORDINANCE NO. _____

CITY OF KEYSER, WEST VIRGINIA
AN ORDINANCE STREAMLINING JUDICIAL ENFORCEMENT AND
REMEDICATION OF UNSAFE STRUCTURES AND NUISANCES, AND AUTHORIZING
MUNICIPAL-COURT JUDGMENTS AND LIENS
(Home Rule Implementation Ordinance)

Section 1. Purpose and Authority

1.1 **Purpose.** To establish a unified process enabling the Municipal Judge to:

- (a) issue inspection warrants, condemnation, and remediation orders under *W. Va. Code § 8-12-16*;
- (b) enter and certify civil monetary judgments for unpaid fines or costs arising from any City ordinance; and
- (c) approve and record civil enforcement liens against property for abatement costs or unpaid judgments.

1.2 **Authority.** Adopted pursuant to the City's Home Rule powers under *W. Va. Code § 8-1-5a* and municipal powers under *§ 8-12-1 et seq.* This ordinance does not alter laws governing taxation, crimes, or courts of record.

Section 2. Findings

2.1 Unsafe buildings and public nuisances endanger health, safety, and welfare.

2.2 Lengthy circuit-court filings impede remediation and cost recovery.

2.3 The Municipal Judge can provide due-process hearings, issue lawful orders, and ensure recordable judgments within local jurisdiction.

Section 3. Definitions

- a) **Municipal Court/Judge** – as established by *W. Va. Code ch. 8, art. 10*.
- b) **Unsafe/Dangerous Structure** – as defined in *§ 8-12-16* and Keyser's Dangerous Structures Ordinance.
- c) **Public Nuisance** – as defined in Keyser Nuisance Ordinance.
- d) **Civil Enforcement Costs** – inspection, posting, administrative, demolition, cleanup, and related expenses.
- e) **Lien Order** – a written order of the Municipal Judge approving recordation of a lien.

PART I — Inspection and Condemnation of Unsafe Structures and Nuisances

Section 4. Inspection and Warrants

4.1 Upon sworn affidavit by the Code Enforcement Officer (CEO) or Police Officer showing probable cause that a structure or property constitutes a nuisance or danger, the Municipal Judge may issue an administrative inspection warrant under *§ 8-12-16(c)*.

4.2 If immediate entry is necessary to prevent loss of life or property, the Judge may authorize emergency entry or securing pending hearing.

§ 5. Notice Requirements

- a) **5.1 Written Notice.** When an officer determines a violation exists, written notice shall be served upon:
- i. the occupant(s);
 - ii. the record owner; and
 - iii. any lienholder of record, if known.

5.2 **Method of Service.** Notice shall be by: personal service or certified mail (return receipt); if unclaimed, by posting conspicuously on the property and publication once in a local newspaper.

5.3 **Content of Notice.** Each notice shall:

- a) describe the premises and nature of the violation (referencing the relevant ordinance section);
- b) specify the corrective action required;
- c) state the deadline to abate (not less than 10 days unless emergency);
- d) advise that failure to comply may result in City abatement and assessment of all costs as a lien; and
- e) state the right to appeal within 30 days to the Municipal Court.

Section 6. Hearing and Order

6.1 Upon request or expiration of the notice period, the Municipal Judge shall hold a hearing with evidence and sworn testimony.

6.2 After the hearing, the Judge may issue a Condemnation/Remediation Order requiring repair, securing, or demolition.

6.3 Orders shall include compliance deadlines and notice that noncompliance will authorize City abatement under § 7.

PART II — City Abatement and Cost Assessment

Section 7. City Action and Integration with Nuisance Ordinance

7.1 If the nuisance or unsafe condition is not abated by the deadline, or the responsible parties cannot be located, the Mayor, Chief of Police, or City Administrator may cause the abatement or removal of the nuisance or hazard, consistent with § 8-12-16(g) and Keyser Ordinance No. 2024.04 § 3 “Abatement by City.”

7.2 Actions may include, but are not limited to: demolition, debris removal, securing structures, mowing, draining standing water, removing abandoned vehicles, or remedying any act defined as a nuisance under § 2 of Ordinance No. 2024.04.

7.3 All such work shall be documented with photos, invoices, and an itemized Statement of

Costs filed with the Municipal Court.

7.4 The Municipal Judge shall review the statement, determine reasonableness, and issue a Cost Assessment Order.

7.5 The Judge may approve a Civil Enforcement Lien for the costs, following the notice process in § 10.

PART III — Civil Judgments and Liens for Unpaid Fines or Costs

Section 8. Conversion of Unpaid Fines to Judgment

8.1 When an ordinance fine or cost remains unpaid 30 days after adjudication, the Municipal Judge may convert it to a Civil Monetary Judgment.

8.2 The judgment shall include principal, administrative fees, and lawful interest, enforceable under *W. Va. Code § 8-10-2b* and docketable as a civil judgment.

8.3 The City may also pursue driver's-license suspension under § 8-10-2b in addition to lien remedies.

Section 9. Lien Authority and Scope

9.1 The Municipal Judge may approve liens for:

- (a) unpaid civil judgments; and
- (b) abatement costs assessed under § 7.

9.2 Liens shall attach to the affected parcel or other property owned by the violator within City limits.

Section 10. Lien Notice and Hearing

10.1 **Notice of Proposed Lien.** Before approval, the Clerk shall send certified notice to the owner and any recorded lienholders, stating the amount, property description, and right to object within 10 days.

10.2 **Hearing.** If objection is filed, the Municipal Judge shall hold a hearing and issue findings.

10.3 **Lien Order.** Upon finding validity, the Judge shall issue a written Lien Order authorizing recordation.

10.4 **Recordation.** The Clerk shall prepare a certified abstract for filing with the Mineral County Clerk in both the judgment docket and land-records index.

Section 11. Priority and Release

11.1 A recorded lien shall have equal priority with municipal tax liens for City-imposed costs.

11.2 Upon full payment, the Clerk shall issue and record a Satisfaction and Release.

PART IV — Appeals and Safeguards

Section 12. Appeals



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit O – Ordinance: Fire Insurance Proceeds and Lien Enforcement

12.1 Orders under §§ 4–7 (unsafe structures/nuisances) are appealable to the Mineral County Circuit Court within 30 days per § 8-12-16(k).

12.2 Judgments or liens under §§ 8–11 are appealable to Circuit Court under § 8-10-2 *et seq.* within 20 days.

12.3 A supersedeas bond may be required to stay enforcement.

Section 13. Due Process Protections

13.1 All notices shall specify the violation, location, required correction, deadlines, right to appeal, and potential lien consequences.

13.2 The Municipal Court shall maintain a full administrative record.

13.3 All hearings are public, recorded, and governed by rules of evidence as practicable for municipal proceedings.

Section 14. Construction and Severability

14.1 This ordinance supplements, and shall be read consistently with, *W. Va. Code § 8-12-16* and Keyser Ordinance No. 2024.04.*

14.2 If any part is held invalid, the remainder remains in effect.

14.3 Effective upon Home Rule Board approval of the City’s amended plan.

CITY OF KEYSER, WEST VIRGINIA

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING A MUNICIPAL CLAIM ON FIRE INSURANCE PROCEEDS AND AUTHORIZING CLEANUP AND LIEN ENFORCEMENT FOR DAMAGED STRUCTURES

WHEREAS, the City Council of Keyser has determined that structures destroyed or damaged by fire, whether in whole or in part, frequently remain unrepaired or uncleared for extended periods, creating safety hazards, blight, and economic stagnation;

WHEREAS, under W. Va. Code §§ 33-17-9b and 38-10E-1 through 38-10E-2, municipalities have the authority to claim a lien on fire insurance proceeds for structures sustaining total loss by fire;

WHEREAS, the City of Keyser seeks to expand this authority under its Home Rule powers to address not only total loss but also partially fire-damaged structures that remain unrepaired beyond a defined period;

NOW, THEREFORE, be it ordained by the Council of the City of Keyser:

Section 1. Purpose and Intent

The purpose of this ordinance is to:

- a. Protect the public health, safety, and welfare by ensuring timely remediation of fire-damaged structures;
- b. Secure and utilize insurance proceeds to fund cleanup and demolition where necessary;
- c. Prevent prolonged abandonment of partially damaged properties;
- d. Establish due process procedures for affected property owners;
- e. Utilize the City's Home Rule authority to go beyond the limitations of existing state law as necessary.

Section 2. Definitions

- a. Total Loss: A structure rendered a total loss by fire, as determined by the insurer or municipal building official.
- b. Partial Loss: A structure with fire-related damage that does not constitute a total loss but which remains unrepaired or unsecured for more than 90 days.
- c. Insurance Proceeds: Payments made under a fire insurance policy for damage to real property, including amounts designated for debris removal.
- d. Lien Amount: The greater of \$5,000 or 10% of the fire insurance policy's structure and debris coverage, not to exceed policy limits.

- e. City Official: The City Recorder or any other officer designated by the Mayor to carry out this ordinance.

Section 3. Municipal Lien on Insurance Proceeds (Total Loss)

In accordance with W. Va. Code §38-10E-1:

- a. Upon notice that a structure in the City has sustained a total loss by fire, the City shall have a lien on the applicable insurance proceeds up to the lien amount.
- b. Within ten (10) days of determining a total loss, the insurer shall notify the City in writing via certified mail to the designated City Official. This notice shall include:
 - i. The address of the damaged property;
 - ii. The name and contact information of the insured;
 - iii. The amount of coverage applicable to the structure and any debris removal allowance;
 - iv. Any time limitations for repair or debris removal under the policy.
- c. The City shall perfect the lien within thirty (30) days of receiving notice by filing a cost estimate and lien notice with the Mineral County Clerk. The lien shall be indexed and recorded as required by law.
- d. The insurer shall withhold from the final proceeds the lesser of:
 - i. The amount necessary to cover the City's estimated costs;
 - ii. Ten percent (10%) of the applicable structure and debris coverage;
 - iii. Or \$5,000, whichever is greater, not to exceed the policy limits for structure and debris removal.
- e. No portion of withheld proceeds shall be released unless and until the City issues a Certificate of Satisfactory Cleanup or Repair.
- f. If the City incurs costs related to demolition or cleanup, the insurer shall pay the withheld proceeds directly to the City.
- g. If cleanup is completed by the owner or a third party to the City's satisfaction, the City shall release the lien and authorize disbursement.
- h. Any funds not required for cleanup shall be returned to the insurer or policyholder per W. Va. Code §38-10E-2.

Section 4. Municipal Claim on Insurance Proceeds (Partial Loss)

Pursuant to Home Rule authority:

- a. Where a structure suffers partial fire damage and is not substantially repaired or secured within ninety (90) days from the date of fire, the City may serve a written Notice of Partial Loss Noncompliance to the owner and insurer.
- b. Within ten (10) days of receipt of this notice, the insurer shall provide the City the same information as required in Section 3.2.
- c. The property owner shall have thirty (30) additional days to remediate the structure or enter into a remediation agreement with the City.
- d. If the property remains noncompliant, the City may:
 - i. Estimate the costs of securing, demolishing, or remediating the property;
 - ii. File a lien with the Mineral County Clerk up to the lesser of \$5,000 or 10% of the policy coverage (not to exceed policy limits);
 - iii. Serve a written lien notice to the insurer and property owner.
- e. The insurer shall withhold the lien amount from any final proceeds disbursed related to the structure and debris.
- f. No funds may be disbursed until the City provides a Certificate of Compliance confirming the property has been sufficiently repaired or secured.
- g. If the City incurs expenses, the insurer shall remit the withheld amount to the City upon submission of cost certification.
- h. Excess withheld proceeds not required for cleanup shall be returned to the insurer or policyholder.

Section 5. Certification and Release of Funds

- a. The City Official shall inspect any fire-damaged structure before issuing a Certificate of Satisfactory Cleanup or Compliance.
- b. The certificate shall be issued within fifteen (15) days of a written request for inspection, provided the work meets City standards.
- c. The certificate shall specify the status of the property and any outstanding liens.
- d. Upon issuance, the lien shall be discharged and remaining funds released in accordance with Section 3.8 or 4.8.

Section 6. City-Initiated Remediation

- a. If an owner fails to remediate a total or partial loss within the applicable period, the City may:
 - i. Declare the property a nuisance;
 - ii. Undertake cleanup, repair, or demolition;
 - iii. Recover costs from withheld insurance proceeds;

- iv. Place a lien on the real property for any unrecovered balance.
- b. Additional unrecovered costs shall bear interest at 10% per annum and be enforced as a special assessment lien.
- c. Any such lien shall be recorded in the land records of Mineral County.

Section 7. Due Process

- a. All notices under this ordinance shall be served by certified mail to the insured's last known address and posted on the property.
- b. Affected owners shall have fifteen (15) days to request a hearing before City Council.
- c. Hearings shall be held within thirty (30) days of the request, and the City shall issue a decision within fifteen (15) days thereafter.

Section 8. Enforcement and Penalties

- a. Any insurance company that fails to comply with this ordinance or applicable provisions of W. Va. Code §§ 33-17-9b or 38-10E-1 et seq., including the failure to withhold or remit proceeds subject to a municipal lien, and the subject damaged property is not remediated, that insurance company shall be liable to the City for the full amount of the proceeds that should have been retained.
- b. The City may enforce this obligation through a civil action and shall be entitled to costs, including reasonable attorney's fees.
- c. Each failure to comply shall constitute a separate offense.

Section 9. Severability

If any provision of this ordinance is held invalid by a court of law, the remaining provisions shall not be affected.

Section 10. Effective Date

This ordinance shall become effective upon approval by the West Virginia Municipal Home Rule Board and subsequent adoption by the City Council.



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit P – Ordinance: Sale and Lease of Municipal Property Without Mandatory Auction

CITY OF KEYSER, WEST VIRGINIA

ORDINANCE AUTHORIZING THE SALE AND LEASE OF MUNICIPAL PROPERTY WITHOUT PUBLIC AUCTION UNDER THE MUNICIPAL HOME RULE PROGRAM

WHEREAS, *W. Va. Code § 8-12-18(b)* authorizes municipalities to sell, convey, or lease municipal property but generally requires public auction or sealed bids unless otherwise permitted by law; and

WHEREAS, the City of Keyser finds that the ability to dispose of property by negotiated sale or lease, with or without brokers, is necessary to ensure the City may obtain fair market value and promote the efficient management of municipal assets; and

WHEREAS, the City further finds that certain sales, transfers, or leases made for public purposes or economic development may justify consideration below fair market value, consistent with public benefit objectives; and

WHEREAS, the West Virginia Municipal Home Rule Program, *W. Va. Code § 8-1-5a*, grants municipalities flexibility to adopt procedures differing from general law where authorized, to improve local governance and community outcomes; and

WHEREAS, the City Council deems it in the public interest to authorize negotiated sale, lease, or conveyance of municipal property without public auction, subject to procedural safeguards and Council approval.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER:

Section 1. Authority and Purpose

This ordinance is enacted pursuant to *W. Va. Code §§ 8-1-5a* and *8-12-18(b-c)* to permit the City of Keyser to sell, lease, exchange, or otherwise dispose of municipal property without public auction or sealed bid, when such disposition is determined by Council to be in the best interest of the City or to serve a public purpose.

Section 2. Property Subject to Disposition

This ordinance applies to all real and personal property owned by the City of Keyser, except for property:

- a. Dedicated or restricted by state or federal law for specific governmental use; or
- b. Acquired with grant funds imposing disposition conditions inconsistent with this ordinance.

Section 3. Sale and Lease Authority

- a. The City Council may, by resolution, authorize the sale, lease, exchange, or conveyance of any municipal property by direct negotiation, public listing, or brokered transaction when it determines such action serves the City's financial or public interest.
- b. Property may be sold, leased, or conveyed:
 - i. At fair market value or such consideration as the Council determines reasonable following investigation; or

- ii. Below fair market value when the Council expressly finds that the transfer serves a public purpose, economic development objective, or community benefit.
- c. Disposition may be made to private individuals, businesses, nonprofit entities, or governmental agencies.
- d. Lease terms exceeding five (5) years shall require Council approval by resolution following public notice as set forth in Section 5.

Section 4. Determination of Fair Market Value

- a. Before authorizing any sale or lease, the City shall conduct a reasonable investigation of fair market value, which may include:
 - i. A written broker's opinion of value;
 - ii. Comparative sales data; or
 - iii. Review of recent market activity for similar property.
- b. A formal appraisal is not required unless specifically requested by Council.

Section 5. Public Notice

At least fifteen (15) days prior to final action, the City shall publish a Class I legal advertisement under *W. Va. Code § 59-3-1 et seq.* stating:

- a. A general description of the property;
- b. The nature of the intended sale or lease; and
- c. The date, time, and place of the Council meeting at which final approval will be considered.

Nothing in this section shall require publication of proprietary or confidential negotiation details.

Section 6. Execution of Conveyances

All conveyances, deeds, leases, and related documents shall be executed by the Mayor and attested by the City Clerk following adoption of a Council resolution approving the disposition. Documents conveying title shall be recorded in the Mineral County Clerk's Office when required by law.

Section 7. Use of Proceeds

All proceeds from the sale or lease of municipal property shall be deposited in the City's general fund or another fund designated by Council resolution for capital improvements or economic development.

Section 8. Recordkeeping

All approved sales and leases shall be documented through Council meeting minutes, resolutions, and supporting materials retained by the City Clerk in accordance with applicable records retention laws.

Section 9. Compliance and Conflicts of Interest

No City officer or employee having a financial interest in any sale or lease under this ordinance shall participate in deliberations or vote on such transaction, in accordance with *W. Va. Code § 6B-1-1 et seq.*

Section 10. Preservation of State Law

Except as expressly modified by this ordinance pursuant to *W. Va. Code § 8-1-5a*, all other provisions of *W. Va. Code § 8-12-18* and related statutes governing municipal property remain in full force and effect.

Section 11. Severability and Effective Date

If any provision of this ordinance is declared invalid, the remaining provisions shall remain effective.

This ordinance shall take effect upon passage.



City of Keyser

111 North Davis Street, Keyser, WV 26726
Phone: (304)-788-1511 Fax: (304)-788-0723

Exhibit Q – Ordinances Modifying Board Sizes

ORDINANCE – ESTABLISHING THE CITY OF KEYSER PLANNING COMMISSION

WHEREAS, W. Va. Code § 8A-2-3 authorizes municipalities to establish a planning commission to oversee comprehensive planning, zoning recommendations, and development policy; and

WHEREAS, W. Va. Code § 8-1-5a authorizes municipalities participating in the Home Rule Program to modify structural provisions otherwise mandated by general law; and

WHEREAS, the City of Keyser finds that a smaller and more flexible Planning Commission will encourage active participation and responsiveness to local needs;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER:

Section 1. Establishment. There is hereby created a Planning Commission for the City of Keyser pursuant to the authority granted by W. Va. Code § 8A-2-3 and W. Va. Code § 8-1-5a.

Section 2. Membership. (a) The Planning Commission shall consist of three to five (3–5) members appointed by the City Council. (b) Up to two (2) alternate members may be appointed to serve in the absence of regular members. (c) All members shall be residents of the City of Keyser. (d) Members shall serve three-year staggered terms and may be reappointed upon expiration.

Section 3. Powers and Duties. The Planning Commission shall have all duties and authority granted under W. Va. Code § 8A-2-5 and other applicable provisions of Chapter 8A, including but not limited to:

- Preparing a comprehensive plan for the City;
- Reviewing and recommending amendments to the zoning ordinance;
- Submitting development and subdivision recommendations;
- Holding public hearings and making findings of fact as required.

Section 4. Bylaws and Operation. (a) The Commission shall adopt bylaws and procedural rules for its operation, consistent with applicable law. (b) A majority of appointed members shall constitute a quorum. (c) Officers, including a chairperson and secretary, shall be elected from among the membership.

Section 5. Compatibility with State Law. All provisions of W. Va. Code Chapter 8A remain in effect unless expressly modified herein.

Section 6. Effective Date. This ordinance shall take effect upon the approval of the City's Home Rule amendment and formal adoption by the City Council.

ORDINANCE – ESTABLISHING THE CITY OF KEYSER DEVELOPMENT AUTHORITY

WHEREAS, W. Va. Code § 7-12-3a authorizes municipalities to create development authorities to foster commercial, industrial, and civic development; and

WHEREAS, W. Va. Code § 8-1-5a authorizes municipalities with approved Home Rule Plans to enact ordinances that would otherwise require modification of state code requirements; and

WHEREAS, the City of Keyser finds that a development authority consisting of fewer than eleven members will encourage regular attendance, reduce quorum issues, and improve effectiveness;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER:

Section 1. Establishment. There is hereby created the City of Keyser Development Authority pursuant to W. Va. Code § 7-12-3a and the City's Home Rule authority under W. Va. Code § 8-1-5a.

Section 2. Membership. (a) The Authority shall consist of three to five (3–5) members, appointed by the City Council. (b) Up to two (2) alternates may be appointed to serve in the absence of regular members. (c) Members shall serve three-year staggered terms and may be reappointed. (d) At least a majority of members must be residents of Keyser; others may reside in Mineral County.

Section 3. Powers and Duties. The Authority shall have all powers conferred under W. Va. Code § 7-12-1 et seq., including the authority to promote industrial, commercial, and civic development; acquire property; and apply for state or federal grants.

Section 4. Bylaws, Officers, and Rules. (a) The Authority shall adopt bylaws to govern its operation. (b) Officers shall include a chair and secretary, elected from among the members. (c) A majority of appointed members shall constitute a quorum.

Section 5. Application of State Law. All provisions of W. Va. Code Chapter 7, Article 12 remain in effect except as modified by this ordinance.

Section 6. Effective Date. This ordinance shall take effect upon approval of the Home Rule Amendment and adoption by the City Council.

ORDINANCE – ESTABLISHING THE CITY OF KEYSER URBAN RENEWAL
AUTHORITY

WHEREAS, W. Va. Code § 16-18-4 authorizes municipalities to create urban renewal authorities to eliminate blight and rehabilitate deteriorated areas; and

WHEREAS, W. Va. Code § 8-1-5a authorizes municipalities to modify board composition where appropriate through Home Rule authority; and

WHEREAS, the City of Keyser finds that a smaller board will improve attendance and local engagement;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER:

Section 1. Establishment. The City of Keyser Urban Renewal Authority is created pursuant to W. Va. Code § 16-18-4 and W. Va. Code § 8-1-5a.

Section 2. Membership. (a) The Authority shall consist of three to five (3–5) commissioners, appointed by Council. (b) Up to two (2) alternates may be appointed, one of whom may reside in Mineral County. (c) Commissioners shall serve three-year staggered terms and may be reappointed.

Section 3. Powers and Duties. The Authority shall exercise all powers under W. Va. Code § 16-18-4 et seq., including planning and executing redevelopment of blighted areas.

Section 4. Bylaws and Officers. The Authority shall adopt bylaws, elect officers, and may appoint executive staff in accordance with state law.

Section 5. Application of State Law. All provisions of W. Va. Code Chapter 16, Article 18 remain in full effect unless expressly modified herein.

Section 6. Effective Date. This ordinance shall take effect upon Home Rule Board approval and Council enactment.

ORDINANCE – ESTABLISHING THE CITY OF KEYSER PARKS AND RECREATION BOARD

WHEREAS, W. Va. Code § 8-21-1 et seq. authorizes municipalities to create parks and recreation boards; and

WHEREAS, W. Va. Code § 8-1-5a permits Home Rule cities to modify board size to promote participation;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER:

Section 1. Establishment. The City of Keyser Parks and Recreation Board is hereby established under W. Va. Code § 8-21-1 et seq. and § 8-1-5a.

Section 2. Membership. (a) The Board shall consist of three to five (3–5) members, appointed by Council. (b) Up to two (2) members may reside outside city limits but within the park service area. (c) Members shall serve three-year terms and may be reappointed.

Section 3. Powers and Duties. The Board shall operate and maintain parks and recreational programs pursuant to W. Va. Code § 8-21-3.

Section 4. Bylaws and Meetings. The Board shall adopt bylaws and meet monthly or as needed. A majority shall constitute a quorum.

Section 5. Application of State Law. All applicable provisions of W. Va. Code Chapter 8, Article 21 remain in force except as modified.

Section 6. Effective Date. This ordinance takes effect upon Home Rule approval and Council adoption.

ORDINANCE – ESTABLISHING THE CITY OF KEYSER BUILDING COMMISSION

WHEREAS, W. Va. Code § 8-33-3 permits the creation of building commissions to acquire, finance, and manage municipal facilities, with political affiliation restrictions on membership; and

WHEREAS, W. Va. Code § 8-1-5a allows Home Rule cities to waive political-affiliation requirements to facilitate service;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER:

Section 1. Establishment. The City of Keyser Building Commission is hereby created pursuant to W. Va. Code § 8-33-3 and W. Va. Code § 8-1-5a.

Section 2. Membership. (a) The Commission shall consist of three to five (3–5) members appointed by the Council. (b) Up to two (2) alternates may be appointed. (c) No political-party affiliation requirements shall apply. (d) Members shall serve four-year terms and may be reappointed.

Section 3. Powers and Duties. The Commission shall exercise the powers in W. Va. Code § 8-33-4, including facility financing and lease-back structures.

Section 4. Rules and Officers. The Commission shall adopt bylaws and elect a chair and other officers from among its members.

Section 5. Application of State Law. All provisions of W. Va. Code Chapter 8, Article 33 remain applicable unless modified by this ordinance.

Section 6. Effective Date. This ordinance shall become effective upon Home Rule Board approval and Council adoption.

ORDINANCE – MODIFICATION OF THE CITY OF KEYSER SANITARY BOARD

WHEREAS, W. Va. Code § 16-13-18 provides for municipal sanitary boards to manage sewer and waste systems; and

WHEREAS, W. Va. Code § 8-1-5a permits Home Rule cities to modify the size and structure of such boards;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEYSER:

Section 1. Modification. The City of Keyser Sanitary Board, established under W. Va. Code § 16-13-18, is hereby reconstituted to include three to five (3–5) members appointed by Council. Up to two (2) alternates may be appointed.

Section 2. Terms and Eligibility. (a) Members shall serve four-year terms and may be reappointed. (b) One alternate may reside in Mineral County outside the city limits.

Section 3. Powers and Duties. The Board shall operate and maintain the City's sanitary sewer systems consistent with W. Va. Code § 16-13-18 et seq.

Section 4. Rules. The Board shall adopt operating rules and procedures consistent with applicable law.

Section 5. Application of State Law. All provisions of W. Va. Code Chapter 16, Article 13 remain effective unless expressly modified.

Section 6. Effective Date. Effective upon approval of the City's Home Rule amendment and Council adoption.