

MUNICIPAL HOME RULE
PILOT PROGRAM

City of Bluefield

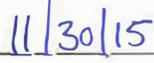
2015
PROGRESS
REPORT

West Virginia State Code §8-1-5a (m) provides:

“Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.”

The Municipal Home Rule Board has developed this standard format for Pilot Program participating municipalities to prepare and submit their respective Annual Progress Reports. The intent of this standard format is to gather and compile information in a consistent, easily understood, and efficient manner that will be used to develop a concise and practical summary report to the Joint Committee on Government and Finance.

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on December 1, 2015 by emailing Debbie Browning at debbie.a.browning@wv.gov, West Virginia Development Office, West Virginia Home Rule Pilot Program, State Capitol Complex, Building 6, Room 553, Charleston, West Virginia 25305 0311, 304-558-2234.

A. General Information		
Name of Municipality: City of Bluefield		
Certifying Official: Thomas J. Cole	Title: Mayor	
Contact Person: Joshua D. Cline	Title: Assistant City Manager	
Address: 200 Rogers Street		
City, State, Zip: Bluefield, WV 24701		
Telephone Number: 304.327.2401 ext. 2402	Fax Number: 304.327.8670	
E-Mail Address: joshua.cline@cityofbluefield.com		
2010 Census Population: 10,447		
B. Municipal Classification		
<input type="checkbox"/> Class I <input checked="" type="checkbox"/> Class II <input type="checkbox"/> Class III <input type="checkbox"/> Class IV		
C. Pilot Program Entry Phase		
<input type="checkbox"/> Phase I (2007 Legislation) <input checked="" type="checkbox"/> Phase II (2014 Legislation) <input type="checkbox"/> Phase III (2015 Legislation)		
D. Attest		
I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable.		
		
Type Name of Certifying Official	Signature of Certifying Official	Date

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

Initiative: Disposition of City Property
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? May 26, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City of Bluefield is in the process of acquiring properties to be used for economic development purposes and establishing a land use map in its comprehensive plan process. This includes participating in a Delinquent and Non-entered Land Sale for Mercer County. These properties are being purchased with the intent to turn them over for economic development. Currently, the city has one such property in the central business district that will be this example. In Spring 2016, we will encounter our first disposition of this property once we have fully acquired it.</p> <p>A copy of the ordinance has been attached.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>The City of Bluefield has a Municipal Buildings Commission established in addition to this authority. We are also studying the establishment of an Urban Renewal Authority, Economic Development Authority, or a Land Reuse Agency. Determining the best “fit” for the municipal government for future property acquisition/ownership/disposition is a priority for the city administration. Understanding what model works best for the long term goals and strategies to be set forth in the comprehensive plan will help us select our best way forward.</p>

Initiative: On-Spot Citations
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? May 26, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City of Bluefield Board of Directors passed the ordinance granting on-spot citation authority to the city’s code enforcement department. The city administration, however, did not communicate the new enforcement process efficiently to the staff responsible for executing the initiative. Use of the new condensed enforcement process was not implemented for the busy summer season for code enforcement. This winter, code enforcement officials are being trained on new procedures to be used in the 2016 calendar year and forward. City administrators will use 2015 statistics and anecdotes to compare to the 2016 year.</p> <p>A copy of the ordinance has been attached.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>The Building Inspection Department was moved from an independent department to the authority of the police department and police chief in the past year. This gave more man-power to the police chief to enforce the code of ordinances and areas related to blight that the city was facing. What we failed to do was to help the department understand the full use of the new procedure. It was a good lesson in organizational structure and communication.</p>

Initiative: Contracts with Other Jurisdictions Via Resolutions
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? May 26, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>This initiative was implemented with the understanding it would allow contracts to not be held up an extra month for readings. Such contracts have not come to term at this time, but they will allow for quick passage at the time they are brought before the governing Board of Directors.</p> <p>A copy of the ordinance has been attached.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

Initiative: Procurement of Architect-Engineering Services
Category of Issues Addressed (check all that apply) <input type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other
Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, when was the ordinance enacted? July 14, 2015
If no, please describe challenges faced in enacting the related ordinance(s)
<p>SUCSESSES In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Currently, city officials are completing a comprehensive plan for the municipality. This initiative will be utilized once those major projects are identified to cut the red tape in selecting the best firm.</p> <p>A copy of the ordinance has been attached.</p>
<p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p>

Please use this page to report progress on each tax related initiative included in your Home Rule Application. Each tax related initiative must have a separate page.

Initiative: B&O Tax Reduction and Retail Sales Tax Implementation
Was this tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?
Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, when was the ordinance enacted?
If no, please describe challenges faced in enacting the related ordinance(s) The City of Bluefield has recently hired a new treasurer. Time has been given to allow her an opportunity to settle into her position, correct necessary issues, and advance her own series of changes in the Treasury before the city undertakes this initiative.
REVENUES – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.
SUCCESES – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.
LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.

AN ORDINANCE ENACTING CHAPTER 3, MUNICIPAL HOME RULE; SECTION 3-1, PURPOSE; SECTION 3-2, RESERVED; SECTION 3-3, SEVERABILITY; INTERPRETATION; CONFLICT; SECTION 3-4, CONTRACTS WITH OTHER JURISDICTIONS; SECTION 3-5, DISPOSITION OF MUNICIPAL PROPERTY TO NONPROFIT ORGANIZATIONS; SECTION 3-6, CONVEYANCE OF CITY PROPERTY WITHOUT AUCTION; AND SECTION 3-7, ENFORCEMENT OF EXTERNAL SANITATION AND COMMON NUISANCE VIOLATIONS, PENDING APPROVAL BY THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AND CONSISTANT WITH THE CITY OF BLUEFIELD'S PREVIOUSLY APPROVED WRITTEN PLAN.

WHEREAS, the City of Bluefield has at times been restrained by state statutes, policies and rules that challenge its ability to deliver services and carry out its duties and responsibilities in a cost-effective, efficient and timely manner; and

WHEREAS, on October 6, 2014, the City of Bluefield was selected to participate in Phase II of the Municipal Home Rule Pilot Program; and

WHEREAS, the Municipal Home Rule Pilot Program is an extremely vital step towards Bluefield officials having the necessary tools to face the above challenges and to improve the quality of life in Bluefield, West Virginia; and

WHEREAS, prior to its selection by the Home Rule Board, the City of Bluefield conducted a Public Hearing on its written plan outlining the proposed Ordinances, in compliance with West Virginia Code section 8-1-5a(g)(1); and

WHEREAS, a properly noticed public hearing was held prior to submission of this Ordinance, which said Ordinance was available for public inspection in compliance with West Virginia Code section 8-1-5a(i); and

WHEREAS, the duly elected governing authority of the City of Bluefield is the Board of Directors thereof.

NOW, THEREFORE, WITNESS THE FOLLOWING ORDINANCE:

Pursuant to West Virginia Code section 8-1-5a(i)(5), the Board of Directors of City of Bluefield hereby Ordains that the City is authorized to submit the Ordinance contained herein to the Municipal Home Rule Board for approval.

Chapter 3 - MUNICIPAL HOME RULE

Sec. 3-1. - Purpose.

This chapter is created for all ordinances enacted pursuant to the authority granted to the City of Bluefield under W. Va. Code § 8-1-5a, allowing municipalities broad based state home rule authority to carry out their duties in a

more cost effective, efficient, and timely manner. These ordinances are pursuant to the provisions of the City of Bluefield's Home Rule Plan approved by the municipal home rule board on October 6, 2014.

Sec. 3-2. - Reserved.

Sec. 3-3. - Severability; interpretation; conflict.

(a) The sections, subsections, paragraphs, sentences, clauses and phrases of this chapter and all provisions adopted by reference in this chapter are severable, so that if any section, subsection, paragraph, sentence, clause and phrase of this chapter or any provision adopted by reference in this chapter is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this chapter or of any provision adopted by reference in this chapter, it being the intent of the Board of Directors that it would have enacted this chapter and all provisions adopted by reference in this chapter without such invalid or unconstitutional provisions.

(b) This chapter shall be construed liberally in order to achieve the purposes and intent enunciated in section 3.1

(c) In the event that any of the provisions of this chapter conflict with other provisions of the Code of Ordinances of the City of Bluefield, the provisions of this chapter shall prevail.

Sec. 3-4. - Contracts with other jurisdictions via resolution.

For any action providing for a contractual or other agreement with another jurisdiction, the City of Bluefield may enter into such agreement by passage of a resolution by the Board of Directors.

Comment: Pursuant to this section and the authority granted by W. Va. Code § 8-1-5a, the city is exempt from the requirement imposed by W. Va. Code § 8-11-3(10).

Sec. 3-5. - Disposition of municipal property to nonprofit organizations.

(a) The City of Bluefield may lease or convey city property to nonprofit organizations for less than fair market value, and without public auction, when the nonprofit organization is providing services that benefit the public and are services that the city could lawfully provide; provided that the Board of Directors has made a factual determination that:

(1) There is a lack of need for such property by the city in comparison to the benefit to the city if the property is leased or conveyed; and

(2) There is a demonstrable need for such property by the nonprofit organization to be able to perform the services benefiting the public.

(b) In the event the nonprofit organization should cease to provide such services to the public, the property shall by operation of law, revert to and vest in the city, and such nonprofit organization shall thereafter have no right, title, or interest therein or thereto.

(c) Any lease, deed or other instrument of property transfer executed pursuant to this section shall contain the reversion wording in subsection (b).

Sec. 3-6. - Conveyance of city property without auction.

(a) The City of Bluefield may sell its real or personal property valued in excess of \$1,000.00 for fair market value, but without public auction, provided that the Board of Directors has made a factual determination that the property is to be used to facilitate specific economic development projects and/or to provide a specific necessary and convenient resource for the benefit of the citizenry of Bluefield.

(b) Any proposed conveyance of city property pursuant to this section shall be published as a Class II legal advertisement in compliance with the provisions of W. Va. Code § 59-3-1 et seq., and the publication area for the publication shall be the City of Bluefield.

(c) Prior to the approval by the Board of Directors of any conveyance of city property pursuant to this section, the Board shall be provided with documentation evidencing that all project plans have been approved by all necessary and relevant state and/or municipal committees and departments, all necessary and relevant state and/or municipal permits are in place or are approved subject to purchase of the property, and that funding for the project is secured.

Comment: Pursuant to this section and the authority granted by W. Va. Code § 8-1-5a, the city is exempt from the auction requirement imposed by W. Va. Code § 8-12-18(b) under the circumstances stated herein.

Sec. 3-7. - Enforcement of external sanitation and common nuisance violations.

(a) *Purpose and applicability.*

(1) The purpose of this section is to provide additional and alternative methods and processes to enforce the municipal code provisions regarding exterior sanitation and common nuisances related to property located within the city in a fair, speedy and inexpensive manner, and to improve compliance with such provisions.

(2) This section shall be in addition to those methods and processes otherwise contained in the Code of Ordinances of the City of Bluefield and shall be applied at the discretion of the enforcement official enforcing the provisions

of this section.

- (3) This section shall apply to, but is not limited to, the following exterior sanitation and common nuisance violations contained in the Building Code, Environment Ordinance, and Zoning Ordinance, incorporated by reference into Chapters 6, 14, and 44, respectively, of the Code of Ordinances of the City of Bluefield:
 - a. Sanitation;
 - b. Drainage;
 - c. Sidewalks in disrepair;
 - d. High weeds/grass;
 - e. Graffiti;
 - f. Exterior garbage accumulation;
 - g. Open storage in residential districts;
 - h. Nonresident recreational vehicles;
 - i. External conditions.
- (4) Any and all planning, zoning, building, code, and law enforcement officers shall have authority to enforce the provisions of this section and shall be referred to herein collectively as "enforcement officials."
- (b) *Investigations.* Upon receipt of information or observation of circumstances indicating the likelihood of a violation of any provision of the Code of Ordinances of the City of Bluefield regarding external sanitation or common nuisance, the enforcement official shall investigate the facts and may, to the extent permitted by law, make an inspection of the premises.
- (c) *Notice of violation.*
- (1) If an enforcement official determines that a code violation exists, the enforcement official shall provide written notice of such violation to the person having either ownership or control of any land, building, structure, sign, property, licensed or permitted business or operation which is in violation, and shall order that the violation be corrected. Notice of the violation shall be served in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that a method of service effectuated by a mailing by the clerk of a court (e.g., service pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D)) shall be deemed to be effectuated by a mailing by an enforcement official. If service is made by certified mail pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D) and delivery of the notice of the violation is refused, the enforcement official, promptly upon the receipt of the notice of such refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, (1) a copy of the notice of the violation(s) (2) a notice that despite such refusal, the notice of the violation(s) is valid, and (3) advising that the City will proceed to enforce the notice of violation(s). So long as such first class mailing is not returned as undeliverable by the U.S. Postal Service, service of the notice of violation(s) will be conclusively presumed

to have been effectuated. Proof of service shall be made at the time of service by a written declaration, under oath, executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made.

- (2) Any notice of violation(s) under this section shall be in writing and shall contain the following:
 - a. The date the notice of violation is given;
 - b. The name and address of the person(s) charged with the violation;
 - c. The section of the ordinance being violated;
 - d. The nature of the violation;
 - e. A statement of the action required to be taken in order to correct the violation;
 - f. The time period allowed for the violation to be corrected prior to the issuance of a citation. When determining the time period allowed for correction, the enforcement official shall take into consideration the threat posed by the violation to the health, safety and welfare of the public and the nature of the work required to correct the violation, provided that no such time period for correction shall be less than five days;
 - g. The maximum fines that may be assessed if the violation is not corrected; and
 - h. The name, address and telephone number of the enforcement official issuing the notice of violation.
- (d) *Issuance of citations.*
 - (1) If the violation has not been corrected within the period established in the notice of violation, or is a repeat violation as set forth in section 3-7(g), the enforcement official may issue a citation to the violator. The citation shall be in writing and shall contain the following:
 - a. The date the citation is issued;
 - b. The name and address of the person(s) charged with the violation;
 - c. The section of the ordinance that has been violated;
 - d. The nature of the violation;
 - e. The place and time the violation occurred;
 - f. The date the notice of violation was given;
 - g. The amount of the fine imposed for the violation;
 - h. The name, address, and telephone number of the enforcement official issuing the citation; and
 - i. The name, address and telephone number of the office of the municipal court clerk, where fines are to be paid, and of the municipal court, where citations may be appealed.
 - (2) A citation shall be in accordance with the law of the State of West Virginia concerning the service of process in civil actions, except that a method of service effectuated by a mailing by the clerk of a court (e.g., service pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D)) shall be

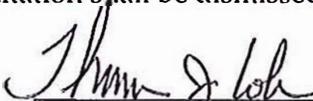
deemed to be effectuated by a mailing by an enforcement official. If service is made by certified mail pursuant to West Virginia Rule of Civil Procedure 4(d)(1)(D) and delivery of the citation is refused, the enforcement official, promptly upon the receipt of the notice of such refusal, shall mail to the person or entity being noticed, by first class mail, postage prepaid, (1) a copy of the citation, (2) a notice that despite such refusal, the citation is valid, and (3) notice that the City will proceed to enforce the citation; so long as such first class mailing is not returned as undeliverable by the U.S. Postal Service, service of the citation will be conclusively presumed to have been effectuated. Proof of service shall be made at the time of service by a written declaration, under oath, executed by the enforcement official effecting service and shall declare the time, date and manner by which service was made.

- (e) *Penalties.* Any person issued a citation pursuant to subsection 3-7(d) shall be punished by a fine as follows: within any 12-month period, \$100.00 for the first citation, \$200.00 for the second citation, \$300.00 for the third citation, and \$500.00 for the fourth citation and each citation thereafter.
- (f) *Nonpayment of fines.* All fines imposed by citations under this section shall be due within fifteen days of service of the citation except as otherwise set forth herein. The failure to pay when due any fine imposed under this section shall constitute a failure to appear or otherwise respond under WV Code 8 10-2b(c) and may result in notification to the DMV.
- (g) *Repeat violations.* If a person has been previously served with a notice of violation for a violation contained in subsection 3-7(a)(3), whether or not the violation is timely corrected or a citation is issued, he shall not be entitled to receive an additional notice(s) of violation within a six-month period of the issuance of either a notice of violation or a citation, the enforcement official may proceed in accordance with subsection 3-7(d) without further notice to the violator.
- (h) *Appeal.*
- (1) Any person who is issued a citation shall pay the fine indicated for the violation, as set forth in subsection 3 7(c), in full to the office of the municipal court clerk within fifteen days of service of the citation. Any person alleging he or she was improperly issued such citation may, within fifteen days of service of such citation, file a petition for appeal of the citation, along with the required bond, with the municipal court clerk in accordance with the following:
 - a. In order to properly and timely appeal his or her citation, within fifteen days of service of the citation, the recipient of the citation shall pay the required amount of the applicable fine in full to the municipal court clerk, which amount will be held by the municipal court as bond pending a hearing and resolution of the case by the municipal court and the municipal court clerk shall issue a receipt to the recipient of the citation showing the

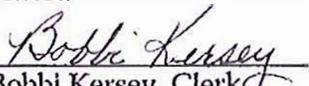
amount of the bond paid. In addition to the bond, the recipient of the citation shall file with the municipal court clerk a petition for appeal of the citation. If any petition for appeal filed in accordance with this section is not timely filed or is not accompanied with the required bond, the recipient of the citation shall be deemed to have waived his or her right to appeal the citation, and such petition shall be summarily denied as untimely filed; provided, however, that nothing set forth hereinabove shall prevent the municipal court judge from finding, upon a proper application and showing, that the recipient of the citation suffers from financial hardship, and, as a result, waiving the requirement that the bond be posted.

- b. Any petition for appeal filed with the municipal court clerk must be in writing, on the form to be provided by the municipal court clerk, and must be signed by the recipient of the citation affirming that the contents of the petition are true and accurate to the best of his or her knowledge at that time. Such petition for appeal shall state the facts and reasons in support of the petition. Upon filing any such petition for appeal with the municipal court clerk, the recipient of the citation shall serve a copy of the petition and receipt showing proof of bond, or application for waiver thereof, upon the city attorney.
- (2) Upon filing of a petition for appeal with the municipal court clerk, the clerk or his or her designee shall place the case on the municipal court docket, set the case for hearing within 30 days from the date of the filing of the petition for appeal, provide a notice of hearing to the recipient of the citation, and forward a copy of the petition to the enforcement official who issued the citation. Upon receipt of the petition, the enforcement official shall cause a copy of the citation at issue to be forwarded to the municipal court clerk who shall file it as the original complaint alleging the violation indicated therein.
- (3) The municipal court shall treat the citation itself as the original complaint before the court. At the close of all of the evidence presented at the hearing on the petition for appeal, should the municipal judge find against the recipient of the citation, the bond posted by the recipient of the citation shall be applied as payment for the fine imposed for the violation. In the event the municipal court judge finds that the recipient of the citation suffers from financial hardship, the municipal court judge may permit alternative sentencing. Should the court find in favor of the recipient of the citation, the bond, if applicable, shall be refunded to the recipient of the citation by the municipal court clerk, and the citation shall be dismissed.

Secs. 3-8 - 3-20. - Reserved


Thomas J. Cole, Mayor

Attest:


Bobbi Kersey, Clerk

AN ORDINANCE ENACTING CHAPTER 3, SECTION 3-8, PROVIDING FOR THE PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES.

WHEREAS, the City of Bluefield has at times been restrained by state statutes, policies and rules that challenge its ability to deliver services and carry out its duties and responsibilities in a cost-effective, efficient and timely manner; and

WHEREAS, on October 6, 2014, the City of Bluefield was selected to participate in Phase II of the Municipal Home Rule Pilot Program; and

WHEREAS, the Municipal Home Rule Pilot Program is an extremely vital step towards Bluefield officials having the necessary tools to face the above challenges and to improve the quality of life in Bluefield, West Virginia; and

WHEREAS, prior to its selection by the Home Rule Board, the City of Bluefield conducted a Public Hearing on its written plan outlining the proposed Ordinances, in compliance with West Virginia Code section 8-1-5a(g)(1); and

WHEREAS, an alternative method for the procurement of architectural and engineering services was contained within the written plan that was approved by the Home Rule Board; and

WHEREAS, properly noticed public meetings were held prior to adoption of this Ordinance, which said Ordinance was available for public inspection prior to adoption; and

WHEREAS, the duly elected governing authority of the City of Bluefield is the Board of Directors thereof.

NOW, THEREFORE, WITNESSETH the following Ordinance, effective July 1, 2015:

Sec. 3-8. Procurement of architectural and engineering services.

(a) In the procurement of architectural and engineering services for projects with an estimated cost of construction of \$500,000.00 or more, competition shall be sought by the city manager through a solicitation of interest which shall include information regarding project ownership, intended use, project scope, schedule, quality, budget, funding sources, known proposed contract terms, and firm selection procedures. The solicitation of interest shall be advertised by the city manager once a week for two successive weeks in a newspaper of general circulation published in the city. The city manager shall appoint and chair a committee of three to five persons to evaluate the statements of qualifications and other information solicited and/or submitted by interested firms. The committee shall short list and then interview a maximum of five firms, and then shall develop the scope of services, solicit price, and negotiate a contract to

recommend to the Board of Directors for final approval in the manner it deems most expedient given the project, the circumstances, and the best interest of the city.

(b) If in the judgment of the city manager the project has an estimated construction cost of under \$500,000.00, or an emergency exists and seeking competition is not practical or in the best interest of the city given the project, the city manager may select and contract with a firm based upon known or submitted qualifications acquired within the last 36 months from a public solicitation.

(c) No contract may be authorized to any business or individual that is delinquent in any financial obligation to the city or is not operating with all required licenses and permits.

Passed on First Reading: 6/23/2015

Public Hearing: 7/14/2015

Passes on Second Reading: 7/14/2015

Effective as of 7/14/2015



Mayor Thomas J. Cole

Attest: 

City Clerk