Home Rule Plan & Amendment Template

SECTION I: APPLICANT INFORMATION

Type of Submission: ☒ Initial Plan ☐ Proposed Amendment

Name of Municipality: City of Montgomery

Certifying Official: Greg Ingram
Contact Person: Greg Ingram
Address: 706 3rd Ave
City, State, Zip: Montgomery, WV 25132
Telephone Number: 304-442-5181 Fax Number: 304-442-5395
E-Mail Address: Gingram@montgomerywv.gov

Municipal Classification:
☐ Class I ☐ Class II ☐ Class III ☒ Class IV

SECTION II: NARRATIVE (proposed plan or plan amendment)

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

2. Describe the specific problem(s) created by above stated laws, policies, acts, resolutions, rules, or regulations.

3. Define each proposed solution to the above described problem(s), including all proposed changes to law, policies, acts, resolutions, rules, or regulations.

4. See State Tax Department website for instructions regarding municipal sales and use tax (Business, Sales and Use Tax): https://tax.wv.gov/Business/SalesAndUseTax/MunicipalSalesAndUseTax/Pages/MunicipalSalesAndUseTax.aspx.

SECTION III: ATTACHMENTS

1. Completed Plan and Amendment Checklist.

2. Affidavit of legal advertisement providing notice of the public hearing.

3. Minutes of public hearing, including comments (if any).

4. Copy of adopted ordinance authorizing submission of plan or amendment to Municipal Home Rule Board.

5. Fiscal statement demonstrating municipality's ability to manage costs or liabilities associated with proposal (if proposal is revenue related).

6. Affidavit of authorized municipality representative that municipality owes no outstanding State fees.

7. Attorney opinion letter stating that application and plan or amendment complies with applicable State law.

NOTE: Submit eight originals and one electronic copy of initial plan or amendment to the Municipal Home Rule Board a minimum of 30 days before a Board meeting.
HOME RULE APPLICATION, PLAN AND AMENDMENT CHECKLIST

✓ Class II legal advertisement of Public Hearing

Dates 8/15/19 — 8/22/19

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

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

✓ Hearing

Date 9/24/19

✓ Ordinance authorizing plan or amendment

1st reading date 6/11/19

2nd reading date 7/24/19

Date of adoption 10/28/19

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

ATTACHMENTS

✓ Affidavit of legal notice of Public Hearing

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

✓ Certified copy of ordinance authorizing plan or amendment

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

✓ Affidavit that municipality owes no outstanding State fees

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

✓ Submit eight (8) originals and one (1) electronic copy of application plan or amendment to the MHRB
West Virginia Municipal Home Rule Program
2019 Application of the City of Montgomery

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Section I: Applicant Information

A. General Information
   Name of Municipality: City of Montgomery
   Certifying Official: Greg Ingram, Mayor
   Contact Person: Greg Ingram, Mayor
   Address: 706 Third Avenue
   City, State, Zip: Montgomery WV 25136-2037
   Telephone: 304-442-5181
   Fax: 304-442-5395
   Email Address: gingram@montgomerywv.gov
   2010 Census Pop.: 1,664

Montgomery City Council
   Fred Lockard
   Jennifer Adkins
   Roger Landers
   Shawn Malhotra
   Carol Vickers
   David White, Recorder
   Greg Ingram, Mayor

B. Municipal Classification
   Class IV

C. Categories of Issues to Be Addressed
The city of Montgomery will submit application to complete Class IV, West Virginia Home Rule status per WV code 8-1-5A

Pursuant to the economic downturn in the coal industry, the exodus of West Virginia Tech, and the closure of Valley High School, mandates that Montgomery change the way it manages the business of the city for the service to its residents. By virtue of necessity, we have demonstrated our ability to lead, and be responsible for the commitments we make.

Please also reference SB656 a 2016 bill signed into law by then Governor Earl Ray Tomblin, and its successor bill SB1001 in 2019 signed into law by Governor Jim Justice. Both legislatures and both governors have promulgated and mandated state assistance to the Upper Kanawha Valley region, specifically Montgomery, Smithers, Pratt, and Gauley Bridge. The awarding of home rule to Montgomery will certainly declare the Secretary of Revenue's compliance with these new state laws.

Montgomery started preparation for change in 2016, this included many hours, days, months and years of economic and community studies, costing hundreds of thousands of dollars. Those studies are listed below:

- "Your Voice, Your Valley" by West Virginia Development Office, and Region 4 Planning and Development Council; (eight-month study completed by Aspen Institute of North Carolina, and Center for Rural Entrepreneurship


- "The River Cities Trail Master Plan for Montgomery and Smithers” by Healthy Places for Healthy People (Appalachian Regional Commission).

- "Economic Trends in Montgomery and Smithers West Virginia” By WVU College of Business and Economics.
The Montgomery Comprehensive plan adopted in February 2019 directed by the WVU law Clinic, Vision statement declares;

"Montgomery is a historic, welcoming, community, nestled between the Allegheny mountains and along the Kanawha River. Our community provides convenient access to recreation and tourism, while serving as the regional hub for business and educational opportunities, health care, and public transportation. Our rich diversity provides for a haven for artisans and entrepreneurs".

Very Important in the statement is that Montgomery is the “Regional Hub for Business” This is Key in any and all revitalization efforts in the Upper Kanawha Valley.

The 6 Critical issues identified in the comprehensive plan are listed in 1-7 of the plans:

- Effectiveness of municipal facilities and services
- Abandoned and dilapidated buildings
- Need for recreational and tourism services
- Increased economic development
- Improvement of public transportation
- Regional partnerships.

All listed issues are also identified in the economic and community study plans listed at the outset of this document. The previous study ideas and conclusions were incorporated into this comprehensive plan.

In referencing the above accomplished studies and roadmaps, we have demonstrated our commitment to fulfill the directives of the comprehensive plan by implementing several key strategies listed in the plan. **One initiative listed in the Comprehensive Plan implementation matrix in Chapter 7, is to Request Home Rule Status.** Please award us, the implementation of home rule that has been supported in comprehensive plan public meetings, and the entire city council of Montgomery.
Montgomery and Smithers have Pioneered a cooperative dual-government vehicle to allow Montgomery and Smithers to share common expenses, and employees, to serve the essential services of both communities. This Vehicle is the first in the State of West Virginia and is titled “The Upper Kanawha Valley Strategic Initiative Council”. Its board consist of both Mayors, a city council member from both municipalities and a business owner from each community. This joint government initiative has received approval of both City Councils, and the Secretary of State of West Virginia. In addition, it has gained a state-wide reputation as a co-government agency that works.

Montgomery won the 2019 West Virginia grand prize “Make it Shine Award” due to our beautification initiatives to clean up the City of Montgomery.
We have demonstrated a heavy policing strategy that has resulted in less crime and drug activity. We assist Kanawha and Fayette County police agencies in the UKV.

We have created agreements with outside agencies and municipalities to co-sponsor constructive initiatives, projects and grants.

We are assisting other communities with code enforcement, by Co-existence with Smithers, and sending our code enforcement officer to Cowen West Virginia, to assist them in creating their own code enforcement agency.

We are assisting WVU in filling the vacant building on the Tech Campus.

We work diligently with BridgeValley Community and Technical College, and Montgomery General Hospital.

We are jointly working with the women’s club of Montgomery to revitalize the community center by installing a new kitchen and handicap accessibility, the women’s club has donated $25,000 to this $82,000 project. The city is currently applying for a $50,000 grant to finalize the vision.

We have successfully negotiated with Amtrak to install a 1.7 M upgrade to the Amtrak boarding station in Montgomery. This subject project is in final stages of completion.

Montgomery is addressing another item in the studies and comprehensive plan by constructing a $250,000 river access and fishing pier at the end of Jackson street.

We could list numerous initiatives and forward-thinking accomplishments achieved in the past 4 years, but in the preservation of time, we will close with the following; “We have Leadership ability”, a true and demonstrated statement to support the capacity to manage, lead, and accomplish the Home Rule Permissions we apply for today.

Section II A Implementation of Municipal Sales Tax
Section II B Liens for actions taken in regard to eyesores and Dilapidated building
Section II C Disposition of Property Without Auction
Section II D Intergovernmental Agreements by Resolution

This document illustrates the forward thinking of the Montgomery Mayor, Council, and staff of the ability to, “think logically and in an organized manner” to get things done and the capacity to cooperate with other government entities for the common good of UKV society requirements. The Montgomery
government has demonstrated in the past 4 years the ability to lead, with a purpose, and follow-through to accomplish objectives. We have the demonstrated ability and energy to be an elite home rule municipality and can be relied upon to succeed in a fair and consistent manner.

We are trailblazers who request an opportunity to make our community and all that surrounds us, all it can be, and we can accomplish this with the awarding of city home rule status.

Respectfully submitted,

[Signature]

Greg Ingram
Mayor
Section II A

Imposition of Municipal Sales Tax

1. State law precludes the City of Montgomery’s capacity to discharge governmental obligations in an effective and timely manner.

   Applicable Law: *West Virginia Code Section 8-13-5, 8-13C-4(a), 8-13C-4(b)*

2. Problem the present state of law presents to the City of Montgomery

   Revenue in the City of Montgomery is limited to Business and Occupation taxes and a recently adopted City User Fee, a copy of which is attached hereto and incorporated herein. The revenue derived from B&O taxes has dropped from $619,971 in 2008 to $355,700 in 2018. This decline is due in large part by the departure of WVU Tech, declines in the coal industry and a significant population decline.

   The basis for the institution of B&O taxes is based on a model where businesses were attracted to municipalities to have access to city services and customers. That model has changed significantly, with an ever-growing increase in decentralized sale operations and internet sales.

   Over time, the City has been forced to constantly decrease public services. In the aforementioned ten-year period, the City has been forced to close the City pool, located in the area of town where public recreation is most needed, reduce government personnel in all departments, struggle to maintain declining streets and sidewalks and unable to complete projects geared to improve the quality of life for senior citizens, a growing segment of the city’s population. All the while, the City continues to provide to citizens and visitors; police, fire, public works, code enforcement, parks and recreation and government administration.

3. Solution

   *West Virginia Code Section 8-13C-4(b)* allows municipalities to impose a municipal sales and service tax and use tax on sales subject to the State’s consumer sales and use tax. A municipal sales and use tax in the amount of 1% would provide the City revenue to provide essential services while creating an environment conducive to economic development. The City of Montgomery seeks the authority to institute a 1% sales and use tax. This
authority would empower the City to adjust B&O tax rates to provide incentives for much needed economic development.

4. Projected Financial Impact
It is projected the imposition of a municipal sales tax would generate $198,731.78 in revenue.

Narrative

Like many small communities Montgomery has weathered the storms of inflation, the exit of residents, and the exit of WVU Tech and Valley High school; resulting in the exodus of many businesses in Montgomery and the UKV. To regain any stability in the region we will require the financial ability to rebuild after this devastation, and normal inflation. The municipal sales tax and reductions in B&O taxes will provide two items. 1. Reduce the B&O tax to draw new investment into the area, and 2. Raise additional revenues on sources that Montgomery does not currently have the authority to do. The net revenue will be reinvested into city services and amenities; two elements lacking for Montgomery, and UKV residents. This municipal sales tax will in no way replace the damage triggered by WVU, and reach the revenue of 2008, but will offset some of that loss.
In the proposed Home Rule Plan for the City of Montgomery, Business and Occupation Taxes would be reduced in three categories which are currently regulated by state code. An additional 1% Sale and Use Tax would be implemented on those categories currently affected by the 6% W.Va. State Sales and Use Tax. Estimations above are based on projected B&O Taxes for 2019-2020 fiscal year.
Section II B

Liens for Actions Taken in Regard to Eyesores and Dilapidated Building

1. **Problem:** With the departure of WVU Tech, a declining population and deterioration of realty in the City, the need to effectively and efficiently repair, alter and/or demolish property is limited by the time and expense involved in seeking judgments for enforcement in either Kanawha or Fayette County Magistrate or Circuit Court. Many issues, such as cutting grass on abandoned or delinquent properties result in the use of City time and resources which are not at such an amount individually that the above referenced court actions are justifiable.

2. **Authority:** *West Virginia Code Sec. 8-12-16* governs the adoption of ordinances regulating the repair, closing and/or demolition of dwellings or buildings unfit for human habitation. It allows every municipality to file liens against real property for an amount that reflects all costs incurred by the municipality for repairing, altering, improving, closing and/or demolishing the subject property, requiring legal action in county court to obtain said lien.

   Additionally, *West Virginia Code Sec. 8-12-5(23)* provides municipalities with the authority to provide for the elimination of hazards to public health and safety and to abate public nuisances, but does not provide for a mechanism to file liens against property for fees incurred in removing such.

3. **Solution:** The City may, after due notice and providing the right to a hearing in the matter, repair, alter, demolish, mow overgrown grass, collect trash or rubbish, and without county court approval, place a lien on the subject property for the amount expended by the City in taking said action.
List of vacant/dilapidated structures - Montgomery

1. 30 4th avenue – Vacant/Dilapidated– Private owned
2. 90 4th avenue- vacant/dilapidated– Private owned
3. 94 4th avenue – slated for demo– Private owned
4. 141 6th avenue – vacant/dilapidated– Private owned
5. 202 6th avenue- vacant/dilapidated- Private owned
6. 502 6th avenue – Demolished – Private owned
7. 504 6th avenue – Demolished – Private owned
8. 217 south Jackson street - Vacant/ dilapidated – Private owned
9. 315 Ferry street- Slated for demo- City Owned
10. 317 Ferry Street – Slated for Demo– City owned
11. 325 Ferry Street- Vacant/ Dilapidated – Private owned
12. 616 Fayette Pike – Vacant/ Dilapidated– Private Owned
13. 909 Fayette Pike – Vacant/ Dilapidated – Private owned
14. 808 3rd avenue – Slated for Demo– City Owned
15. 810 3rd Avenue – Slated for Demo– City Owned
16. 1410 3rd avenue – Vacant/ Dilapidated– Private Owned
17. 1412 3rd avenue – Vacant/ Dilapidated – Private owned
18. 1412 ½ 3rd avenue – Vacant/Dilapidated – Private Owned
19. FOE 4th avenue – Vacant/ Dilapidated – Private owned
20. Top Hat 4th avenue – Slated for Demo– City Owned
22. 1024 First Avenue – Vacant/ Dilapidated– Private owned
23. 1028 First Avenue – Vacant/ Dilapidated – Private owned
24. 1006 Third Avenue – Vacant/ Dilapidated – Private Owned
25. 911 Fayette Pike – Vacant/ Dilapidated – Private Owned
26. 104 South Early Street – Vacant/ Dilapidated – Private Owned
27. 43 Gaines Street – Vacant/ Dilapidated – Private Owned
28. Old School Fifth Avenue- Vacant/ Dilapidated – Private owned
29. 67 Gaines Street – Vacant/ Dilapidated – Private Owned
30. 57 Gaines Street – Vacant/ Dilapidated – Private Owned
Odd Fellows Bldg.
315 Ferry Street
Section II C

Disposition of Property Without Auction

1. **Problem:** Pursuant to State law, the City may only sell and lease property through an auction process. The inability to sell property without auction when appropriate prevents the City from entering into transactions that could fill vacant buildings, attract commercial interests, provide desperately needed revenue and encourage the use of properties owned by the City for the good of the public.

2. **Authority:** Pursuant to West Virginia Code Sec. 8-12-18, except in limited circumstances involving sales to the federal government, the state or an instrumentality thereof, the City may only sell real or personal property for fair and adequate consideration at a public auction with sufficient legal advertisement. Similarly, the City may lease said property, with resolution by City Council.

3. **Solution:** The City shall pass an ordinance permitting the following: 1. To allow the sale of realty or personalty to private purchasers without auction in such a manner that promotes economic development or provides a service for the public good; 2. To allow the lease of realty or personalty to private lessees for less than market value if such lease promotes economic development or provides a service for the public good; 3. To allow the sale of realty or personalty to private purchasers at less than market value without auction in such a manner that promotes economic development or provides a service for the public good; 4. To allow the lease of real or personal property by the City at less than fair market value to non-profit lessees.

Narrative

Montgomery has experienced many instances where an individual or business will purchase property at public auction for investment purposes. In many cases they hold the property in a stagnant state until such time it falls into disrepair and becomes an eyesore and/or becomes a burden on the municipality. Eventually the municipality must spend a large amount of intellectual capital and public funds to rectify the blight. This is a common failed investment policy across West Virginia, and Montgomery wishes to be proactive in selling the property, with a purpose and arrangements for the common good of the community.

This is among the well-defined suggested action plans in our community studies and our comprehensive plan.
Property the City has acquired to date for demolition and future economic improvements:

- 808 3rd Avenue
- 812 3rd Avenue
- 314 Ferry Street
- 317 Ferry Street
- Top Hat building 4th Avenue
- 812 Fourth Avenue
- Tabit office complex
- Old City Hall at 706 Third Avenue
- Additions to be added when deeds entered

Proposed public service and economic improvements that could involve private investors needing property at affordable rates. These examples are included in our comprehensive plan and regional studies.

- Chic Filet or other retail food establishments
- Farmers Market with retail establishments included
- Sheetz or fuel station type retail business
- Open air, under roof, pavilion for community events and festivals
- Grocery Store business
- Day boat trailer parking at river Access points
- Campgrounds
- Walking trails and trail heads
- Small manufacturing and repair class of business.
Section II D

Intergovernmental Agreements by Resolution

1. **Problem**: *West Virginia Code Sec. 8-11-3(10)* states that before a municipality can enter into a contract or other agreement with another jurisdiction, the City Council of the municipality must first pass an ordinance to authorize the execution of the agreement. There is no corresponding law which would prohibit such an agreement with a non-governmental entity.

   Of course, in conformity with State law, *West Virginia Code Sec. 8-11-4*, before adopting an ordinance, the proposed ordinance must be read by title at no less than two regular meetings of city council. By Charter, the City of Montgomery meets one time a month on the second Tuesday of the month. Accordingly, each such agreement requires a minimum of two months to execute.

   This delay presents two pressing issues for the City. First, with the economic downturn in the Upper Kanawha Valley over the past decades, the need to work more closely with the Town of Smithers, which is essentially adjacent to the City, has become a necessity. When mutually beneficial agreements can be derived, the present delay in implementing such agreements serves no public purpose. Second, as the City rests in two counties, Fayette and Kanawha, the need to take advantage of intergovernmental agreements linking three governing bodies can be a tedious undertaking. A delay in executing such agreements when timed with the various meeting times of the differing governments is a cumbersome process.

   The ability to enter agreements by resolution with one reading would be enormously beneficial to the City of Montgomery, with its unique geographical and jurisdictional situation.

2. **Authority**: *West Virginia Sec. 8-11-3(10) and 8-11-4*.

3. **Solution**: The City of Montgomery proposes that it be permitted to adopt an ordinance which would permit the City to enter into intergovernmental agreements with another jurisdiction by resolution. In so doing, the ordinance could require the executive authority to make a showing that time is of the essence when operating under this authority.
Narrative

With the hasty move of West Virginia Tech, and the closure of Valley High School, Montgomery has, by necessity, reacted to the 15.2M dollar impact this has imposed on the Municipality and UKV region.

An example of the timely struggle to react quickly was the pioneering of the Upper Kanawha Valley Strategic Initiative Council.

Montgomery and Smithers had to wait on two readings of each respective council to confirm the concept and approve the mayors to move forward with developing this initiative. We then waited on Fayette County Commission and then Kanawha County Commission meetings to request startup funding. After four months, we started the process to draft charters and bylaws and then work with the Secretary of State’s office to form this new concept.

This process could be streamlined in future endeavors with the intergovernmental agreements by resolution in place. In addition, Montgomery and Smithers have combined many services where it takes two readings from each council to ratify some of the progressive steps, we have taken. This request would certainly streamline and in some cases assist in meeting deadline applications for assistance.
STATE OF WEST VIRGINIA

COUNTY OF Kanawha, TO-WIT

I, [Signatory], Classified Advertising Representative of the The Charleston Gazette-Mail, a newspaper published in the county of Kanawha, West Virginia, hereby certify that the annexed publication was inserted in said newspaper.

The cost of publishing said annexed advertisement as aforesaid was $35.97.

Commencing On: 08/15/2019
Ending On: 08/22/2019
Given under my hand this day 08/22/2019

Sworn to and subscribed before me 08/22/2019

Notary Public of, in and for Kanawha County, West Virginia

MY COMMISSION EXPIRES: [Signature]
PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at the regular meeting of Montgomery City Council on Tuesday, September 24, at 7:00 p.m., in the Council Chamber at 706 3rd Avenue, Montgomery, West Virginia, authorizing the submission of the City's Home Rule Plan to the West Virginia Municipal Home Rule Board. Interested parties may appear at the Public Hearing and be heard with respect to the City's proposed Home Rule Plan. A copy of the plan may be inspected at City Hall beginning, July 31, 2019, between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday.
**Merkel suggests Brexit deal**

By Frank Gardner

The **EU** has indicated that an agreement on **Brexit** is close to being reached, with **German Chancellor Angela Merkel** calling for a deal to be announced within days.

Despite **Brexit** negotiations being at a standstill for months, **Merkel** said that a deal was possible if the **UK** was prepared to make concessions.

The **EU** has made it clear that a deal must be reached by the end of the year, and **Merkel** has warned that the **UK** will face a significant financial cost if it fails to negotiate a deal.

**In Venezuela, Guaidó questions Maduro on claims about US talks**

By Scott Smith andrecord Herald

**Venezuela's National Assembly President and self-proclaimed interim President Juan Guaidó** alleged that **Venezuela's President Nicolas Maduro** had been in contact with US officials regarding a potential US military intervention in **Venezuela**.

Guaidó also claimed that US officials had offered to remove **Maduro** from power in exchange for a peaceful transition of power.

**Maduro** has denied any talks with US officials and has accused **Guaidó** of colluding with the US to overthrow his government.
August 12, 2019

Mr. Dave Hardy
Department of Revenue
Chair of the Home Rule Board
1900 Kanawha Blvd. E
Building 1, W-300
Charleston, WV 25305

Dear Mr. Hardy,

The City of Montgomery is providing notice of a public hearing scheduled for Tuesday, September 24, 2019 at 7:00 p.m. at Montgomery City Hall. This public hearing will address the City’s application for Home Rule. A copy of the notice that will be printed in the Charleston Gazette is attached and has also been sent to the cabinet secretary of every state department.

If you have any questions, please feel free to contact me at 304-442-5181.

Sincerely,

Greg Ingram
Mayor

Cc:   Department of Commerce
      Department of Administration
      Department of Environmental Protection
      Department of Health & Human Services
      Department of Military Affairs and Public Safety
      Department of Transportation
      Department of Veterans Assistance
HEARING

The public hearing to consider Home Rule for the City of Montgomery is now called to order. (7:00 pm)

The floor is now open for public comments. If you wish to comment, please come to the front of the room and state your name and address, then make your comment.

Attorney Brian Parsons explained what Home Rule is about and some of the advantages of being a Home Rule City. Attorney Parsons also explained how the Land Bank system works. Dr. Carl Kennedy wanted to know if we would still charge a B&O tax if we become a Home Rule City. Attorney Parsons explained and said yes, we would still have a B&O tax. Mayor Ingram once again asked if there were any more comments? No response. Last chance for public comment on Home Rule. No response. This public hearing is now closed. Meeting adjourned at 8:05 pm.
City of Montgomery Home Rule Public Hearing

September 24, 2019

7:00 pm
AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT A HOME RULE PROPOSAL TO THE MUNICIPAL HOME RULE BOARD IN ACCORDANCE WITH WEST VIRGINIA CODE SECTION 8-1-5A.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, WEST VIRGINIA:

That the Mayor is hereby authorized to submit the Home Rule Application to the Municipal Home Rule Board in accordance with West Virginia Code Sec. 8-1-5a in order for the City of Montgomery to be included in the Pilot Program. A copy of the Application Proposal is attached hereto.

This ordinance was read on the 11th day of June, 2019 and a second time on the 9th day of July, 2019, after which a public hearing was had on September 34th, 2019 and a third time on the 25th day of October, 2019, the Council for the City of Montgomery approved the Ordinance by voice vote, and the same becomes effective as of the 28th day of October, 2019.

(Town Seal)

MAYOR GREG INGRAM

RECORDER DAVID WHITE

Prepared by Brian D. Parsons,
Attorney for the City of Montgomery
P. O. Box 16
Fayetteville, West Virginia 25840
West Virginia State Tax Department
Statement of Good Standing
EFFECTIVE DATE: October 18, 2019

A review of tax accounts indicates that MONTGOMERY CITY OF is in good standing as of the effective date of this document. Please note, this Statement of Good Standing expires on January 16, 2020.

The issuance of this Statement 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
APPENDIX

Affidavit Certifying No Delinquent Fees

In compliance with the requirement of W.Va. Code 8-1-5a(c)(1), I hereby swear or affirm under penalty of law for false swearing (W.Va Code 61-5-3) that the municipality listed below is current in the payment of all fees to the State of West Virginia.

WITNESS THE FOLLOWING SIGNATURE:

Municipality’s Name: Montgomery, West Virginia

Authorized Signature: [Signature]

Date: 10-30-19

State of West Virginia

County of Fayette, to-wit:

Taken, subscribed, and sworn to before me this 30th of October 2019.

My commission expires: 4-12-23

AFFIX NOTARY SEAL HERE: [Seal]

Affidavit Certifying No Delinquent Fees
West Virginia Municipal Home Rule Board  
West Virginia Development Office  
West Virginia Department of Commerce  
Capitol Complex, Bldg. 6, Room 525  
Charleston, West Virginia 25305-0311

October 24, 2019

Re: Home Rule Application  
City of Montgomery, West Virginia

Chairman Hardy:

I represent the City of Montgomery as the appointed City Attorney. I have had an opportunity to review West Virginia Code Section 8-1-5a regarding the City's proposed participation in the Home Rule Pilot Program.

Based on my examination of the attached Application and the Exhibits incorporated therein and the aforementioned West Virginia State Code, it is my opinion that the Application complies with the requirements of West Virginia Code Sec. 8-1-5a.

The Application does not provide for any proposed changes to resolutions, acts, ordinances, rules or regulations that are contrary to the provisions of West Virginia Code Sec 8-1-5 a(i)(1-24) or attempts to do any act prohibited by Sec. 8-1-5 a(j)(1-3) and that this Application is fully compliant with West Virginia Code Sec. 8-1-6.

I thank the Board for the consideration of this Application and should any additional information be required, please advise.

With Regards

Brian D. Parsons  
Montgomery City Attorney

BDP

Attorney Opinion