SENATE BILL NO. 245

(By Senator Bowman, et al.)

PASSED March 11, 2006

In Effect 90 days from Passage
AN ACT to repeal §8-8-1, §8-8-2, §8-8-3, §8-8-4, §8-8-5, §8-8-6, §8-8-7, §8-8-8, §8-8-9, §8-8-10, §8-8-11, §8-8-12, §8-8-13, §8-8-14, §8-8-15, §8-8-16, §8-8-17 and §8-8-18 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §7A-1-1, §7A-1-2, §7A-1-3, §7A-1-4, §7A-2-1, §7A-2-2, §7A-2-3, §7A-2-4, §7A-3-1, §7A-3-2, §7A-3-3, §7A-3-4, §7A-3-5, §7A-3-6, §7A-3-7, §7A-4-1, §7A-4-2, §7A-4-3, §7A-5-1, §7A-5-2, §7A-5-3, §7A-5-4, §7A-5-5, §7A-5-6, §7A-5-7, §7A-5-8, §7A-6-1, §7A-6-2, §7A-6-3, §7A-6-4, §7A-6-5, §7A-6-6, §7A-6-7, §7A-7-1, §7A-7-2, §7A-7-3, §7A-7-4, §7A-7-5, §7A-7-6, §7A-7-7, §7A-7-8 and §7A-8-1, all relating to creating the Consolidated Local Government Act; stating legislative findings and definitions; authorizing municipal consolidation, county consolidation and metro consolidation; setting forth powers of consolidated governments; establish-
ing powers to be construed broadly; stating local conso-
lidated government to be treated like municipality in munici-
pal consolidation, county in county consolidation and
municipality and county in metro consolidation; limiting
taxing authority in metro consolidation; addressing jurisdi-
tion and limitations of consolidated local governments;
commencing consolidation by petition from voters or
resolution by governing bodies; creating charter review
committees; stating powers and duties of charter review
committees; allowing reimbursement of expenses for com-
mittee members; submitting charter review committee
budget to governing bodies; studying consolidation; address-
ing territory, fiscal impact, name, seat, representation,
governing body, effective date, transition of service and
dissolution in charter; drafting proposed charter; providing
multiple public hearings; providing for notice of hearing;
approving proposed charter and submitting proposed charter
to governing bodies to hold elections; providing election by
fifty-five percent of the votes cast in each affected local
government for municipal consolidation and county consoli-
dation; providing election by fifty-five percent of the votes
cast in the principal city and fifty-five percent of the votes
cast in the county, excluding the principal city, for metro
consolidation; providing for notice of election and ballot;
allocating payment for cost of elections; permitting reconsid-
eration of second proposed charter if first is defeated; leaving
municipalities incorporated in metro consolidation; disallow-
ing new consolidation effort for two years after defeat;
allowing subsequent joining of local governments to consoli-
dated local government after one year of consolidation; and
permitting charter to be amended.

Be it enacted by the Legislature of West Virginia:

That §8-8-1, §8-8-2, §8-8-3, §8-8-4, §8-8-5, §8-8-6, §8-8-7,
§8-8-8, §8-8-9, §8-8-10, §8-8-11, §8-8-12, §8-8-13, §8-8-14,
§8-8-15, §8-8-16, §8-8-17 and §8-8-18 of the Code of West
Virginia, 1931, as amended, be repealed; and that said code be
amended by adding thereto a new chapter, designated §7A-1-1,
CHAPTER 7A. CONSOLIDATED LOCAL GOVERNMENT.

ARTICLE 1. GENERAL PROVISIONS.


This chapter may be known and cited as the Consolidated Local Government Act.

§7A-1-2. Legislative findings.

(a) The Legislature finds that:

(1) The fiscal viability of municipal and county governments is challenged by changing demographics and tax bases;

(2) With many local governments there is significant duplicity of services;

(3) Certain local governments are at their taxable limits and yet are facing fee increases to remain financially viable; and

(4) Local governments should perform at the highest level of efficiency and economy while providing the highest standards of governmental services to their citizens.

(b) The Legislature finds that consolidation of local governments:

(1) Is in the public interest;

(2) Would help promote economic growth and development;
(3) Would help local governments provide more efficient local services and more effective public administration; and

(4) Would keep local governments viable and provide more governing flexibility.

(c) Therefore, in order to attain high standards of efficiency, economy, service and flexibility and to assure the ongoing improvement in the quality of life of all citizens of the state, the Legislature hereby encourages and permits all local governments to consolidate part or all of their governmental and corporate functions.


For the purposes of this article, the following words have the meanings assigned unless the context indicates otherwise:

(1) "Affected municipality", "affected county", "affected metro government" or "affected area", or the plural, mean municipalities, counties or metro governments in the territory encompassed by the proposed charter of a consolidated local government.

(2) "Consolidated local government", or the plural, means a type of government that encompasses municipal consolidation, county consolidation and metro consolidation.

(3) "County consolidation" and "consolidated county" mean the consolidation of two or more counties as defined by the charter.

(4) "Governing body", or the plural, means the body charged with the responsibility of enacting laws and determining public policy of a municipal or county government or local consolidated government.

(5) "Metro consolidation" and "metro government" mean the consolidation of one or more counties and a principal city as defined by the charter.
§7A-1-4. Authority to consolidate.

A municipality, county or metro government in this state is authorized to form a consolidated local government with another municipality, county or metro government upon approval by the voters of the affected areas.

ARTICLE 2. POWERS AND LIMITATIONS.


(a) A consolidated local government has, but is not limited to, all powers and privileges of a municipality for municipal consolidation, a county for county consolidation and both a municipality and a county for metro consolidation under the Constitution and general laws of West Virginia: Provided, That in a metro consolidation, the governing body of the principal city shall have only the taxing authority granted to a municipality and the governing body of the affected county shall have only the taxing authority granted to a county.

(b) These powers may include the authority to:

(1) Levy and collect taxes on all property taxable for state purposes within the territory of the consolidated local government not exempt by law from taxation and at a rate not in excess of that allowed by law;

(2) License, tax, charge fees and regulate privileges, occupations, trades and professions as authorized by law;
(3) Make appropriations for the support of the consolidated local government and provide for the payment of all debts and expenses of the consolidated local government and the debts and expenses of the local governments of which it is the successor;

(4) Issue or cause to be issued bonds and other debt instruments or enter into all other financial transactions as may be permitted by law;

(5) Purchase, lease, construct, maintain or otherwise acquire, hold, use and operate any property, real, personal or mixed, for any public purpose and sell, lease or otherwise dispose of any property, real, personal or mixed, belonging to a consolidated local government;

(6) Exercise the power of eminent domain for any public purpose subject to the limitations and exceptions prescribed by the Constitution and the general laws of West Virginia;

(7) Accept federal or state funds and other sources of revenue that are applicable to counties and municipalities;

(8) Pass and enforce by fines and penalties, if necessary, all ordinances, not inconsistent with law, as are expedient in maintaining the peace, safety, good government, health and welfare of the residents of the consolidated local government;

(9) Enforce land-use regulations; and

(10) Enter into contracts and agreements with other governmental entities and with private persons, firms and corporations and address cooperative compacts in existence at the time of consolidation.

(c) Consolidated local governments created under this chapter are entitled to all state and federal monetary assistance to the same extent a municipality or county is entitled to such assistance. A metro government has the status of a municipality and county for purposes of
receiving state, federal and any other monetary assistance
and the population of the territory encompassed by its
charter shall be used for all calculations and distributions.

(d) The powers of the consolidated local government
shall be construed broadly in its favor. The specific
reference, or failure to do so, of particular powers in this
section does not limit the general or specific powers of a
consolidated local government.

(e) A consolidated local government acquires and
succeeds to all rights, obligations, duties and privileges of
the governments of which it is a successor in accordance
with the terms of the charter.

(f) Without the necessity or formality of deed, bill of sale
or other instrument of transfer, the consolidated local
government becomes the owner of all property, assets,
contracts and franchises within the territory encompassed
by the charter previously belonging to the governments of
which it is a successor.

(g) The intent of this chapter is to promote consolidation
and the provisions of this chapter shall be construed
broadly to permit consolidation.


A consolidated local government has the power and
jurisdiction specified in its charter and otherwise provided
by law.


Rules, ordinances, resolutions and other effects of law in
force within an affected municipality, county or metro
government at the time of consolidation that do not
conflict with the charter remain in effect until superceded
by specific action of the new governing body of the
consolidated local government.

(a) Public school districts, library districts, fire districts, special taxing districts and public service districts are not affected by consolidation under this chapter.

(b) The adoption of a charter does not alter any right or liability of an affected municipality, county or metro government in effect at the time the charter becomes effective. Ordinances and resolutions relating to public improvements to be paid for, in whole or in part, by special assessments remain in effect until paid in full.

ARTICLE 3. INITIATING CONSOLIDATION AND ESTABLISHING CHARTER REVIEW COMMITTEE.

§7A-3-1. Initiating consolidation.

(a) Consolidation may be initiated by:

(1) A petition signed by at least twenty-five percent of the qualified voters of each affected municipality for a municipal consolidation, each affected county for a county consolidation or each affected principal city and of the entire county excluding the principal city for a metro consolidation; or

(2) A resolution by the governing body of each affected municipality for a municipal consolidation, each affected county for a county consolidation or each affected principal city and county for a metro consolidation.

(b) The petition or resolution shall be submitted to the county commission of the affected county for all types of consolidation.

(c) Upon receipt, the county commission shall, within thirty days, verify the petition or resolution and either oversee the establishment of a charter review committee as provided in this chapter or reject the petition or resolution for insufficiency.

(d) If the county commission rejects the petition or resolution, the rejection shall be in writing stating how the
insufficiency may be corrected and that the petition or resolution may be resubmitted within ninety days.

§7A-3-2. Municipal charter review committee.

(a) A municipal charter review committee shall be established within thirty days of the county commission verifying the petition or resolution proposing consolidation.

(b) A municipal charter review committee consists of the following members:

(1) Two government officials or their designees from each affected municipality appointed by their respective governing bodies;

(2) One county commissioner or his or her designee appointed by the county commission from each county where the affected municipalities are located; and

(3) Two or three public members elected during executive session by the other members to make the number of charter review committee members an odd number.

(c) A municipal charter review committee continues to exist until it is dissolved pursuant to the charter or the final disapproval of the charter.

§7A-3-3. County charter review committee.

(a) A county charter review committee shall be established within thirty days of the county commissions verifying the petition or resolution proposing consolidation.

(b) A county charter review committee consists of the following members:

(1) Two county commissioners or their designees from each affected county appointed by their respective county commissions; and
(2) Three public members, including one from an unincorporated area, elected during executive session by the other charter review committee members.

(c) A county charter review committee continues to exist until it is dissolved pursuant to the charter or the final disapproval of the charter.

§7A-3-4. Metro charter review committee.

(a) A metro charter review committee shall be established within thirty days of the county commission verifying the petition or resolution proposing consolidation.

(b) A metro charter review committee consists of the following members:

(1) Two government officials or their designees from the principal city appointed by the governing body of the principal city;

(2) Two county commissioners or their designees from each affected county appointed by their respective county commissions;

(3) If the principal city is located in two counties and one is not participating in consolidation, then one county commissioner or his or her designee from the county not participating in consolidation appointed by the county commission; and

(4) Two or three public members, including one from an unincorporated area, elected by the other members to make the number of charter review committee members an odd number.

(c) A metro charter review committee continues to exist until it is dissolved pursuant to the charter or the final disapproval of the charter.

§7A-3-5. Duties and powers of charter review committee.

(a) A charter review committee shall study consolidation and the feasibility of consolidation.
(b) A charter review committee shall:

(1) Elect officers from committee members;
(2) Adopt rules;
(3) Prepare a budget; and
(4) Conduct public hearings;

c) A charter review committee may:

(1) Create subcommittees and working groups to include other government officials and diverse public representatives;
(2) Prepare a written charter;
(3) Employ staff;
(4) Contract with consultants;
(5) Work with agencies of affected local governments;
and
(6) Engage in other activities necessary to facilitate the intent of this chapter.

d) A majority of committee members is a quorum for transaction of business and adopting the charter.

e) Vacancies on the charter review committees shall be filled in the same manner as provided for in this article.

§7A-3-6. Expenses of charter review committee.

Members of a charter review committee serve without compensation, but are entitled to reimbursement by the charter review committee for necessary expenses incurred by them in the performance of their official duties.

§7A-3-7. Budget of charter review committee.

(a) A charter review committee shall submit a budget to the governing bodies of each affected municipality for a
municipal consolidation, each affected county for a county
consolidation and each affected principal city and county
for a metro consolidation. A charter review committee
shall pursue public and private funds to augment its
budget. The budget shall state in writing the amount each
governing body shall pay, which shall be proportionately
based on population.

(b) Within thirty days of receiving the charter review
committee's budget, the governing body of each affected
municipality, county and metro government shall either
approve the budget or recommend written amendments to
the budget.

(c) If amendments are recommended, then the charter
review committee shall reconsider the budget and resub-
mit the budget to the governing bodies for approval within
thirty days.

(d) The governing body of each affected municipality,
county and metro government shall assist the charter
review committee and provide office space if needed.

ARTICLE 4. CHARTER REVIEW COMMITTEE.

§7A-4-1. Study by charter review committee and draft of
proposed charter.

(a) The charter review committee shall study matters
relating to the feasibility of consolidation.

(b) The charter review committee shall further address
in the charter the powers and authority of the proposed
consolidated local government, including, but not limited
to:

(1) The territory encompassed by the consolidated local
government, including all affected municipalities, counties
and metro governments, or parts thereof, to be included in
the boundaries of the consolidated local government;

(2) The fiscal impact of the proposed consolidation on
the affected municipalities, counties and metro govern-
ments including:
(A) The cost of providing services by the consolidated local government;

(B) Projected revenues available to the consolidated local government based upon proposed classifications and tax structures; and

(C) Projected economies of scale resulting from consolidation;

(3) The name of the proposed consolidated local government;

(4) The seat of the proposed consolidated local government;

(5) The representation plan based upon population for the territory encompassed by the consolidation consistent with state and federal law to include consideration of under represented areas and minorities;

(6) The creation of the governing body of the proposed consolidated local government, including an odd number of governing officers of not less than five, their qualifications for holding office, titles, powers, duties, terms of office, manner of election, compensation, method of removal, role of constitutional officers in new government and other pertinent matters consistent with state and federal law;

(7) The effective date of the charter once consolidation is approved by the electorate;

(8) A procedure for the efficient and timely transition of specified services, functions and responsibilities from each affected municipality, county and metro government and its respective departments and agencies to the consolidated local government to occur within two years from the date the charter becomes effective; and

(9) The method by which a consolidated local government may dissolve after existing for a minimum of six years.
(c) The charter review committee shall complete its study and draft a proposed charter within one year from the date of its organizational meeting.

§7A-4-2. Public hearings.

(a) The charter review committee shall hold a public hearing within three months of the organizational meeting or reconvening, a public hearing within six months of its organizational meeting or reconvening and a public hearing within eleven months of its organizational meeting or reconvening prior to finalizing its draft of the proposed charter. The committee is authorized to hold additional public hearings.

(b) The date, time, place and agenda of the public hearing shall be published as a Class II legal advertisement in a newspaper of general circulation in the affected areas.

§7A-4-3. Approval of proposed charter and submission to governing bodies.

(a) Following its final public hearing, the charter review committee shall vote on the proposed charter.

(b) Once approved by a majority vote of the charter review committee, the proposed charter shall be submitted within ten days to the governing bodies of the affected municipalities, counties and metro governments to be voted upon by the electorate.

ARTICLE 5. MUNICIPAL CONSOLIDATION ELECTION.

§7A-5-1. Expenses for election.

The governing body of each affected municipality is responsible for the expenses of holding an election on the question of municipal consolidation.


(a) At least sixty days prior to the election on the question of municipal consolidation, the governing body of
each affected municipality shall make copies of the proposed charter available to the public.

(b) At least fourteen days prior to the election on the question of municipal consolidation, the governing bodies of the affected municipalities shall publish the proposed charter and provide notice of the election, as a Class II legal advertisement, in a newspaper of general circulation in the affected areas. The affected municipalities may share the expense of publication.

§7A-5-3. Election and ballots for municipal consolidation.

(a) After receiving the proposed charter from the municipal charter review committee, the governing bodies of the affected municipalities shall hold an election on the question of consolidation at the next primary or general election in accordance with applicable election laws and section two of this article.

(b) The ballots for the election on consolidation shall be as follows:

[ ] For (name of consolidated municipality)
[ ] Against (name of consolidated municipality)

§7A-5-4. Approval of municipal consolidation and charter.

If at least fifty-five percent of the legal votes cast by the qualified voters of each of the affected municipalities approve consolidation, then consolidation becomes effective pursuant to the charter.

§7A-5-5. Rejection of charter and reconsideration process.

(a) If less than fifty-five percent of the legal votes cast by the qualified voters of any of the affected municipalities approve consolidation, then consolidation is defeated. The charter review committee may reconvene for up to one year to adopt a second proposed charter.
(b) When the second proposed charter is adopted by the municipal charter review committee, then the governing bodies of the affected municipalities shall hold another election on the second proposed charter at the next primary or general election in accordance with applicable election laws and section two of this article.

(c) The ballots for the election on the second proposed charter shall be as follows:

[ ] For (name of consolidated municipality)

[ ] Against (name of consolidated municipality)

(d) If the second proposed charter is not approved by at least fifty-five percent of the legal votes cast by the qualified voters of the affected municipalities, then the proposed consolidation is defeated. A new municipal charter review committee cannot be established for at least two years after the second proposed charter is defeated.

§7A-5-6. Filing charter.

After the charter has been approved by at least fifty-five percent of the legal votes cast by the qualified voters of the affected municipalities, the charter shall be filed with the Secretary of State and recorded in the applicable county clerk's office.


In preparing the charter, municipalities with excess levies or general obligation bond indebtedness shall fully comply with section nine, article X of the Constitution.

§7A-5-8. Subsequent joining of municipality to consolidated municipality.

(a) After a consolidated municipality has been in existence for at least one year, a municipality may request to join the consolidated municipality by submitting:
(1) A petition signed by at least fifteen percent of the qualified voters in the municipality; or

(2) A resolution by the governing body of the municipality.

(b) Within thirty days of receipt of the petition or resolution, the governing body of the consolidated municipality shall vote to accept or reject the municipality requesting to join.

(c) If the governing body of the consolidated municipality votes to accept the municipality, then the municipality shall hold an election on consolidation at the next primary or general election in accordance with applicable election laws and section two of this article.

(d) The ballots for the election on consolidation shall be as follows:

[ ] For (name of consolidated municipality)

[ ] Against (name of consolidated municipality)

(e) If at least fifty-five percent of the legal votes cast by the qualified voters of the municipality approve consolidation, then consolidation becomes effective pursuant to the charter.

(f) If consolidation is not approved by at least fifty-five percent of the legal votes cast by the qualified voters of the municipality, then the consolidation is defeated and cannot be voted upon for one year.

ARTICLE 6. ELECTIONS ON COUNTY CONSOLIDATION.

§7A-6-1. Expenses for election.

The governing body of each affected county is responsible for its expenses of holding an election on the question of consolidation.

§7A-6-2. Notice for election.
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(a) At least sixty days prior to the election on the question of county consolidation, the governing body of each affected county shall make copies of the proposed charter available to the public.

(b) At least fourteen days prior to the election on the question of county consolidation, the governing bodies of the affected counties shall publish the proposed charter and provide notice of the election, as a Class II legal advertisement, in a newspaper of general circulation in the affected area. The affected counties may share the expense of publication.

§7A-6-3. Election and ballots for county consolidation.

(a) After receiving the proposed charter from the county charter review committee, the governing bodies of the affected counties shall hold an election on the question of consolidation at the next primary or general election in accordance with applicable election laws and section two of this article.

(b) The ballots for the election on consolidation shall be as follows:

[ ] For (name of consolidated county)

[ ] Against (name of consolidated county)

§7A-6-4. Approval of county consolidation and charter.

If at least fifty-five percent of the legal votes cast by the qualified voters of each of the affected counties approve consolidation, then consolidation becomes effective pursuant to the charter.

§7A-6-5. Rejection of charter and reconsideration process.

(a) If less than fifty-five percent of the legal votes cast by the qualified voters of any of the affected counties approve consolidation, then consolidation is defeated. The county
charter review committee may reconvene for up to one year to adopt a second proposed charter.

(b) When the second proposed charter is adopted by the county charter review committee, then the governing bodies of the affected counties shall hold another election on the second proposed charter at the next primary or general election in accordance with applicable election laws and section two of this article.

(c) The ballots for the election on the second proposed charter shall be as follows:

[ ] For (name of consolidated county)

[ ] Against (name of consolidated county)

(d) If the second proposed charter is not approved by at least fifty-five percent of the legal votes cast by the qualified voters of the affected counties, then the proposed consolidation is defeated. A new county charter review committee cannot be established for at least two years after the second proposed charter is defeated.

§7A-6-6. Filing charter.

After the charter has been approved by at least fifty-five percent of the legal votes cast by the qualified voters of the affected counties, the charter shall be filed with the Secretary of State and recorded in all of the applicable county clerk’s offices.

§7A-6-7. Subsequent joining of county to consolidated county.

(a) After a consolidated county has been in existence for at least one year, a county may request to join the consolidated county by submitting:

(1) A petition signed by at least fifteen percent of the qualified voters in the county; or

(2) A resolution by the governing body of the county.
(b) Within thirty days of receipt of the petition or resolution, the governing body of the consolidated county shall vote to accept or reject the county requesting to join.

c) If the governing body of the consolidated county votes to accept the county, then the county shall hold an election on consolidation at the next primary or general election in accordance with applicable election laws and section two of this article.

d) The ballots for the election on consolidation shall be as follows:

[ ] For (name of consolidated county)

[ ] Against (name of consolidated county)

e) If at least fifty-five percent of the legal votes cast by the qualified voters of the county approve the consolidation, then consolidation becomes effective pursuant to the charter.

(f) If consolidation is not approved by at least fifty-five percent of the legal votes cast by the qualified voters of the county, then the consolidation is defeated and cannot be voted upon for one year.

ARTICLE 7. ELECTIONS ON METRO GOVERNMENT.

§7A-7-1. Expenses for election.

The governing body of the affected county is responsible for the expenses of holding an election on the question of consolidation.

§7A-7-2. Notice for election.

(a) At least sixty days prior to the election on the question of metro consolidation, the governing bodies of the principal city and affected county shall make copies of the proposed charter available to the public.
(b) At least fourteen days prior to the election on the question of metro consolidation, the governing body of the affected county shall publish the proposed charter and provide notice of the election, as a Class II legal advertisement, in a newspaper of general circulation in the affected county.

§7A-7-3. Election and ballots for metro government.

(a) After receiving the proposed charter from the metro charter review committee, the governing body of the affected county shall hold an election on the question of consolidation at the next primary or general election in accordance with applicable election laws and section two of this article.

(b) The ballots for the election on consolidation shall be as follows:

[ ] For (name of metro government)

[ ] Against (name of metro government)

§7A-7-4. Approval of metro government and charter.

If at least fifty-five percent of the legal votes cast by the qualified voters of the principal city and fifty-five percent of the legal votes cast by the qualified voters of the affected county, excluding the principal city, approve consolidation, then metro government becomes effective pursuant to the charter.

§7A-7-5. Rejection of charter and reconsideration process.

(a) If less than fifty-five percent of the legal votes cast by the qualified voters of the principal city and less than fifty-five percent of the legal votes cast by the qualified voters of the affected county, excluding the principal city, approve consolidation, then consolidation is defeated. The metro charter review committee may reconvene for up to one year to adopt a second proposed charter.
(b) When the second proposed charter is adopted by the
metro charter review committee, then the governing body
of the affected county shall hold another election on the
second proposed charter at the next primary or general
election in accordance with applicable election laws and
section two of this article.

(c) The ballots for the election on the second proposed
charter shall be as follows:

[ ] For (name of metro government)
[ ] Against (name of metro government)

(d) If the second proposed charter is not approved by at
least fifty-five percent of the legal votes cast by the
qualified voters of the principal city and fifty-five percent
of the legal votes cast by the qualified voters of the
affected county, excluding the principal city, then the
proposed consolidation is defeated. A new metro charter
review committee cannot be established for at least two
years after the second proposed charter is defeated.

§7A-7-6. Municipalities within territory remain incorporated in
metro government.

Upon the approval by voters of metro consolidation,
municipalities within the territory of the metro govern-
ment, other than the principal city, remain incorporated
and continue to perform their functions as permitted by
law unless dissolved or consolidated pursuant to section
eight of this article.

§7A-7-7. Filing charter.

After the charter has been approved by at least fifty-five
percent of the legal votes cast by the qualified voters of the
affected county, the charter shall be filed with the Secre-
tary of State and recorded in the applicable county clerk's
offices.
§7A-7-8. Subsequent joining of municipality, county or metro government to metro government.

(a) After a metro government has been in existence for at least one year, a municipality, county or metro government may request to join the metro government by submitting:

(1) A petition signed by at least fifteen percent of the qualified voters in the municipality, county or metro government; or

(2) A resolution by the governing body of the municipality, county or metro government.

(b) Within thirty days of receipt of the petition or resolution, the governing body of the metro government shall vote to accept or reject the municipality, county or metro government requesting to join.

(c) If the governing body of the metro government votes to accept the municipality, county or metro government, then the municipality, county or metro government shall hold an election on consolidation at the next primary or general election. The election shall be held in accordance with applicable election laws and section two of this article.

(d) The ballots for the election on consolidation shall be as follows:

[ ] For the (name of metro government)

[ ] Against the (name of metro government)

(e) If at least fifty-five percent of the legal votes cast by the qualified voters of the municipality, county or metro government approve consolidation, then consolidation becomes effective pursuant to the charter.

(f) If consolidation is not approved by at least fifty-five percent of the legal votes cast by the qualified voters of the municipality, county or metro government, then the
31 consolidation is defeated and cannot be voted upon for one
32 year.

ARTICLE 8. CHARTER AMENDMENT.

§7A-8-1. Charter amendment.

1 (a) If a charter is adopted, it may be amended by one of
2 the following methods:

3 (1) The governing body of the consolidated local govern-
4 ment may submit a proposed amendment by resolution to
5 the voters at the next primary or general election. Notice
6 of the election and the proposed amendment shall be
7 published as a Class II legal advertisement in a newspaper
8 of general circulation in the affected areas. If a majority
9 of the legal votes cast by the qualified voters of the
10 consolidated local government approve the amendment,
11 then the amendment becomes effective as permitted by
12 law;

13 (2) The governing body of the consolidated local govern-
14 ment may amend the charter by ordinance. However, if a
15 petition signed by at least ten percent of the qualified
16 voters of the consolidated local government is filed with
17 the governing body within thirty days following publica-
18 tion of the ordinance, the governing body shall submit the
19 charter amendment to the voters at the next primary or
20 general election. Notice of the election and the proposed
21 amendment shall be published as a Class II legal advertise-
22 ment in a newspaper of general circulation in the affected
23 areas. If a majority of the legal votes cast by the qualified
24 voters of the consolidated local government approve the
25 amendment, then the amendment becomes effective as
26 permitted by law; or

27 (3) If a petition, signed by ten percent of the qualified
28 voters in the consolidated local government, is filed with
29 the governing body of the consolidated local government
30 proposing an amendment to the charter, then the govern-
31 ing body shall submit the proposed amendment to the
voters at the next primary or general election. Notice of
the election and the proposed amendment shall be pub-
lished as a Class II legal advertisement in a newspaper of
general circulation in the affected areas. If a majority of
the legal votes cast by the qualified voters of the consoli-
dated local government approve the amendment, then the
amendment becomes effective as permitted by law.

(b) If an election is held, then the governing body shall
submit each proposed amendment generally in the follow-
ing form:

Should the amendment described below be adopted for
the charter of (name of consolidated local government)?

[ ] Yes

[ ] No

The ballot shall contain a summary of the proposed
amendment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the fourth day of April, 2006.

Governor