

SB 435 S

FILED

2007 APR -4 AM 11:18

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 435**

(BY SENATORS BOWMAN, BAILEY, BARNES, BOLEY,  
FOSTER, JENKINS, KESSLER, McCABE, MINARD,  
STOLLINGS, SYPOLT, WHITE AND YODER)

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[Passed March 7, 2007; in effect ~~ninety~~ days from passage.]

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AN ACT to amend and reenact §7A-1-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-4-1 of said code; and to amend and reenact §7A-7-6 of said code, all relating to metro government; clarifying the constitutional authority for the creation of a metro government; increasing the time frame for a charter review committee to conclude its study; providing plans for metro government formation; and providing that municipalities other than the principal city are not automatically consolidated into a metro government.

*Be it enacted by the Legislature of West Virginia:*

That §7A-1-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §7A-4-1 of said code be amended and reenacted; and that §7A-7-6 of said code be amended and reenacted, all to read as follows:

**ARTICLE 1. GENERAL PROVISIONS.**

**§7A-1-4. Authority to consolidate.**

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

6 (b) The Legislature has the constitutional authority to  
7 permit municipalities to consolidate pursuant to section  
8 thirty-nine-a, article VI of the West Virginia  
9 Constitution permitting home rule for municipalities.  
10 Pursuant to section thirteen, article IX of the West  
11 Virginia Constitution permitting reformation of county  
12 commissions, the Legislature has the authority to  
13 permit counties to consolidate and municipalities and  
14 counties to consolidate to create a new executive or  
15 legislative tribunal, or both, in the form of a metro  
16 government that performs both the duties of a  
17 municipality and a county.

**ARTICLE 4. CHARTER REVIEW COMMITTEE.**

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

1 (a) The charter review committee shall study matters

2 relating to the feasibility of consolidation.

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

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

12 (2) The fiscal impact of the proposed consolidation on  
13 the affected municipalities, counties and metro  
14 governments including:

15 (A) The cost of providing services by the consolidated  
16 local government;

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

20 (C) Projected economies of scale resulting from  
21 consolidation;

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

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

26 (5) The representation plan based upon population for  
27 the territory encompassed by the consolidation

28 consistent with state and federal law to include  
29 consideration of under represented areas and  
30 minorities;

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

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

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

48 (9) The method by which a consolidated local  
49 government may dissolve after existing for a minimum  
50 of six years.

51 (c) The charter review committee shall complete its  
52 study and draft a proposed charter within two years  
53 from the date of its organizational meeting.

54 (d) With regard to a proposed metro consolidation, the  
55 metro charter review committee may utilize one of the  
56 plans for organizing a municipal government described

57 in section two, article three, chapter eight of this code in  
58 the charter for the metro government, but is not limited  
59 to these forms of government.

**ARTICLE 7. ELECTIONS ON METRO GOVERNMENT.**

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

1 Municipalities, other than the principal city, are not  
2 automatically consolidated into the metro government.  
3 Upon the approval by voters of metro consolidation,  
4 municipalities within the territory of the metro  
5 government remain incorporated and continue to  
6 perform their functions as permitted by law unless  
7 dissolved or consolidated pursuant to section eight of  
8 this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

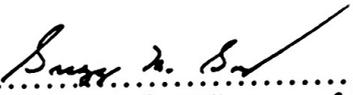
  
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Chairman Senate Committee

  
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Chairman House Committee

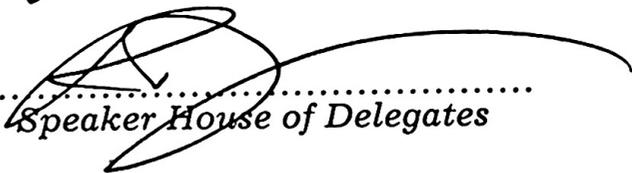
Originated in the Senate.

In effect from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved ..... this  
the 3<sup>rd</sup> Day of April ....., 2007.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 3:55pm