AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
Tuesday, November 27, 2018
7:00 p.m.

NOTE: Committee of the Whole Meetings of the Morgantown City Council are intended to provide an opportunity for the Council to receive information, ask questions, and identify policy options in an informal setting. No official action is taken at these meetings. At this Committee of the Whole Meeting the following matters are scheduled:

PRESENTATIONS:

1. Overview and Purpose of the Monongalia Emergency Operations Plan
   Jimmy Smith, Director of the Monongalia County Office of Emergency Management/
   MECCA 911 Harold “Hap” Sperringer, Deputy Director

   Sarah Palfrey, Director

3. Response to Issues Raised at October 15, 2018 Morgantown Utility Board Meeting
   Tim Ball, General Manager

4. Update on Morgantown Municipal Airport (MGW) Capital Improvements Project – T-Hangars

PUBLIC PORTION:

ITEMS FOR DISCUSSION:

1. Recommended Training for City Council Emergency - Operations

2. Morgantown Utility Board – Item Discussion

3. Ordinance Amending Section 169.01 Governing Membership on the Morgantown Utility Board

*IF YOU NEED AN ACCOMMODATION CONTACT US AT 284-7439*
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CEcD
City Manager

DATE: November 20, 2018

RE: Recommended Training for City Council – Emergency Operations

Police Chief Preston has shared with me, three courses recommended for City Council members:

https://training.fema.gov/is/courseoverview.aspx?code=IS-100.c

ICS 100, Introduction to the Incident Command System, introduces the Incident Command System (ICS) and provides the foundation for higher level ICS training. This course describes the history, features and principles, and organizational structure of the Incident Command System. It also explains the relationship between ICS and the National Incident Management System (NIMS).

https://training.fema.gov/is/courseoverview.aspx?code=IS-700.b

ICS 700. This course provides an overview of the National Incident Management System (NIMS). The National Incident Management System defines the comprehensive approach guiding the whole community - all levels of government, nongovernmental organizations (NGO), and the private sector - to work together seamlessly to prevent, protect against, mitigate, respond to, and recover from the effects of incidents. The course provides learners with a basic understanding of NIMS concepts, principles, and components.

https://training.fema.gov/is/courseoverview.aspx?code=IS-800.c

This course introduces participants to the concepts and principles of the National Response Framework. The goal of this course is to familiarize participants with the National Response Framework and the ways it is applied in actual response situations.

This is the Course Brochures for Independent Study.

https://training.fema.gov/is/docs/is%20brochure.pdf?ver20181115

This is the FEMA Online Training Site

https://training.fema.gov/is/crslist.aspx
These are independent study courses that can be completed at your convenience. I have taken a similar class a few years ago and found the course materials and information helpful. Once the class is completed, each participant is then issued a FEMA identification number. This number is presented to the federal government should a national disaster occur and we seek reimbursement funding for public expenses incurred.

Please let me know if staff can provide any additional assistance or coordination.

Attach.
MEMORANDUM

TO: City Council
    Paul Brake, City Manager

FROM: Timothy L. Ball, General Manager, MUB

DATE: November 20, 2018

SUBJECT: CITY COUNCIL – COMMITTEE OF THE WHOLE MEETING INFORMATION

November 27, 2018

As you know, Mayor Kawecki attended the MUB Board meeting of October 15, 2018. The Mayor spoke to the Board during the public portion of the meeting agenda. In his remarks, the Mayor expressed interest in three proposals that were presented to the Board earlier in that same meeting, and the Mayor commented that the three proposals deserve consideration by the Board and City Council.

In response to the above, MUB plans to make a presentation to City Council at the Committee of the Whole meeting on November 27, 2018. MUB’s presentation will address each of the three proposals, as follows:

Proposal #1 Acquire Westover Sanitary Board

Proposal #2 Modify Land Re-Use and Preservation Agency, 147.01 et seq.

Proposal #3 Re-Organize MUB Governance & Legal Support, 169.01 et seq.

In light of the above, and given the appropriately high degree of public interest in this matter, MUB respectfully requests that City Council not make any appointments to the MUB Board before MUB’s presentation of November 27.

We respectfully suggest also that the City continue to accept applications for the MUB Board during this period.
Westover Sanitary Board

- 2,278 customers (MUB—22,609 sewer customers)

- Gross annual revenue: $862,280 (MUB - $18,860,900)
  - Paid to MUB FY 17: $728,914

- Rate for 4,000 gallons $31.28 (MUB—$34.96)

- Needs: GIS management platform, master planning, system mapping, lift station rehab, capital funding plan
Governance and Legal Support

- Amending City Code: 169.01, 169.02

- Add City Manager as member of the Board

- Appointing City Attorney as chief legal officer of the Board

- Requiring compensation to City for legal services rendered by City Law Department
Land Use and Preservation Agency

- Amending City Code 147.01, et seq.

  - include ground and surface water quality protection in the Agency mission

  - MUB representative as Ex-Officio member of Directors

  - MUB prepares and maintains undeveloped property database

  - MUB proposes/dedicates a portion of MS4 budget to green space preservation (data base/green easements/property purchases)
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CECED
City Manager

DATE: November 20, 2018

RE: Ordinance Amending Section 169.01 Governing Membership on the Morgantown Utility Board

Following this memorandum, you will find a draft ordinance for City Council’s consideration. This establishes the City Manager seat as a voting member of the Morgantown Utility Board’s (MUB) Board of Directors, and it provides that the City Manager will replace the seat that expired November 4, 2018. The City Manager already has voting authority on other city and county committees (i.e. Campus Neighborhood Revitalization Corporation “Sunnyside Up”, Monongalia County Development Authority, etc.)

Why is it desirable to have the City Manager serve on the MUB Board?

- To improve coordination and communication between the two largest public sector budgets in the county.
- To identify and implement win-win opportunities for programs and economies/savings (i.e. recreation at the reservoir, WV Botanic Garden, etc.)
- To add competence to the Board of an experienced public service professional.

As mentioned previously, the City Manager already serves on other governing boards, and this appointment does not cause a conflict of interest (having the chief administrative officer in a dual role of day-to-day operations and policy making/governance board member). Should additional questions persist on this topic, I would encourage you to ask the City Attorney whether there is a conflict of interest for the City Manager to serve on the MUB Board. In fact, below is a list of reasons in the affirmative why such a role on the board is a sound public policy.

- MUB is a municipal corporation of the City of Morgantown. City Council is the governing body of the Utility Board.
- The City owns all of the real estate that MUB uses for its operations, and the City issues and guarantees all of the debt funding used by MUB for its capital improvements.
Elimination of perceived conflict and the resulting inefficiencies is the point of the proposed amendment.

Also included in the packet is a document prepared by the City Attorney, entitled, “Membership of the Chief Administrative Officer on Municipal Utility Board in West Virginia Municipalities.” This demonstrates that major West Virginia cities have their Mayor (also termed as the chief administrative officer) serving as the chair of the municipal sanitary or utility board. This includes Parkersburg, Huntington, and Charleston, West Virginia.

In addition to the expired term of one current board member, a second seat is now available because of a resignation. These appointments (or possible reappointment) can be addressed at the December 4, 2018 Regular City Council meeting. I would recommend delaying any further appointments to this Board until the next meeting for further consideration and deliberation.

Staff recommends forwarding the proposed ordinance to the next regular meeting.

Attach.
AN ORDINANCE AMENDING SECTION 169.01 OF THE CITY CODE GOVERNING MEMBERSHIP ON THE MORGANTOWN UTILITY BOARD

WHEREAS, The City of Morgantown has established a Utility Board to operate and maintain its combined sewer and stormwater system pursuant to Chapter 8, Article 20 of the West Virginia Code; and

WHEREAS, The City of Morgantown is committed to ensuring that its Utility Board operates efficiently in a way that models best practices among utilities in the state, effectively serves customers’ interests, and supports and integrates with the City’s provision of services to residents, commercial enterprises, and visitors; and

WHEREAS, it appears that peer municipalities within the state have established the chief administrative officer of their cities as either a permanent member of their utility boards or as the direct overseer of utility operations through use of municipal departments to provide utility services; and

WHEREAS, these procedures of peer municipalities provide for efficiency and integration when serving customers and citizens; and

WHEREAS, The City of Morgantown desires to promote efficient and integrated services for its residents and customers of its Utility Board;

NOW, THEREFORE, The City of Morgantown hereby ordains that Section 169.01 of the City Code is amended as follows:

169.01 CREATION; MEMBERS; COMPENSATION.

(a) Upon the issuance of the combined waterworks and sewerage system refunding revenue bonds, the management, control and operation of the waterworks system and the sewerage system of the City shall be vested in the Morgantown Utility Board (the “Board”), created, appointed and functioning as hereinafter provided.

(b) The management, control and operation of the stormwater drainage and sewer system of the City shall be vested in the Morgantown Utility Board.

(c) On and after the effective date of this section, The Board shall consist of five persons, one of whom shall be the City Manager, and four each of whom shall be residential customers of the Morgantown Utility Board, shall be persons of outstanding reputation, ability, and integrity, and shall be appointed by Council. The Board established prior to the effective date of this section and the members of the Board in office prior to the effective date of this section shall be continued in existence and in office and shall continue to operate thereafter as though established under the terms of this section; provided, however, that the membership term that expired November 4, 2018, shall be replaced by the City Manager as of the effective date of this section and no additional member shall be appointed at that time. No more than two of
the appointees may be citizens of Monongalia County, residing outside of the corporate limits of the City; all remaining appointees shall be citizens and residents of the City. The City Manager shall notify all appointees of their appointment. The terms of such Board members first appointed shall be for one, two, three, four and five years, respectively, from the first day of the month in which appointed. In the event of a vacancy and also within thirty days after the expiration of the term of office of any Board member, a successor shall be appointed by Council. All vacancies shall be filled for the unexpired term only and all other appointments shall be for a term of five years, to commence on the date following the scheduled expiration date of the previous term, and each member shall continue in office until a successor is duly appointed and qualified, unless the member resigns or is removed from office. The Board shall adopt rules of procedure for the time and place of its meetings and the conduct thereof. Any Board member shall be eligible for reappointment upon the expiration of his a term. The Board members shall each receive compensation for their services at the rate established by ordinance of Council and, in addition, shall be reimbursed for any and all expenses incurred in the performance of their duties under order of the Board. Each Board member shall be subject to removal for just cause by Council by the recorded vote of a majority of Council after a public hearing thereon. The decision of Council as to such removal shall be final and not subject to review by any court, arbitrator or other body, and each Boardmember accepting such appointment shall acknowledge the finality of such decision.

This ordinance shall be effective upon adoption.

FIRST READING:______________________________

MAYOR

ADOPTED:______________________________

FILED:______________________________

CITY CLERK

RECORDED:
Membership of the Chief Administrative Officer
on the Municipal Utility Board
in West Virginia Municipalities

Parkersburg

Parkersburg has a Mayor-Council form of government in which the Mayor is the chief administrative officer. The Mayor is the Chairman of the Parkersburg Utility Board (https://www.pubww.com/about/leadership#board-members)

The Mayor is a permanent member of the Board pursuant to Parkersburg City Code Section 151.02:

151.02 MEMBERSHIP.
The Board shall consist of five persons, one of whom shall be the Mayor of the City, the remaining four Boardmembers shall be customers of the Parkersburg Utility Board, shall be persons of outstanding reputation, ability and integrity, not less than one of whom shall be a registered professional engineer. No more than one of the Boardmembers may be a citizen of Wood County, residing outside of the corporate limits of the City; all of the remaining Boardmembers shall be citizens and residents of the City with exception of the Mayor, all Boardmembers shall be appointed by the Council of the City. No officer or employee of the City, whether holding a paid or unpaid office, shall be eligible to be appointed to the Board until at least one year after the expiration of the term of such public office.

1 Note that, pursuant to W. Va. Code § 8-1-2(3) and (6), together with Morgantown’s City Charter § 3.04, the City Manager of Morgantown is the chief administrative officer of The City of Morgantown and, where the West Virginia Code references the “Mayor” as the chief administrative officer of a municipality, that term means the City Manager. The text of the referenced sections is supplied below:

W. Va. Code 8-1-2(3) and (6):

(3) “Mayor” shall mean the individual called mayor unless as to a particular municipality a commissioner (in a commission form of government) or the city manager (in a manager form of government) is designated or constituted by charter provision as the principal or chief executive officer or chief administrator thereof, in which event the term “mayor” shall mean as to such municipality such commissioner or city manager unless as to any particular power, authority, duty or function specified in this chapter to be exercised, discharged or fulfilled by the mayor it is provided by charter provision or ordinance that such particular power, authority, duty or function shall be exercised, discharged or fulfilled by the individual called mayor and not by a commissioner or city manager, in which event such particular power, authority, duty or function shall in fact be exercised, discharged or fulfilled in and for such municipality by the individual called mayor: Provided, That in the exercise and discharge of the ex officio justice of the peace, conservator of the peace and mayor’s court functions specified in this chapter, the term “mayor” shall always mean the individual called mayor;

(6) “Administrative authority” shall mean the officer, commission or person responsible for the conduct and management of the affairs of the municipality in accordance with the charter, general law and the ordinances, resolutions and orders of the governing body thereof

City Charter § 3.04:

SECTION 3.04. POWERS AND DUTIES OF THE CITY MANAGER.
The City Manager shall be the chief administrative officer of the City....
(Ord. 0-1566. Passed 3-28-17.)

Huntington

Huntington has a Mayor-Council form of government in which the Mayor is the chief administrative officer. The Mayor is the chair of the committees of the Sanitary Board. (http://www.huntingtonsb.com/pages/aboutus.html).

The Mayor is a permanent member of the Board pursuant to Huntington City Code Section 169.01:

169.01 – CREATION; MEMBERS.
SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONEMAIL SECTION

There is hereby created a sanitary board to consist of three members. The mayor is hereby designated as a member of the board and the mayor shall be the chairman of said board. Council, as governing body as defined by W. Va. Code, § 16-13-1 et seq., shall appoint the two other members of the board. The persons so selected and the terms of their respective offices and all other matters relating thereto shall be in accordance with the provisions of state law.
(Ord. 12-22-97)

Martinsburg

Martinsburg operates its water and sewer systems through a City department rather than a separate utility board.

Charleston

Charleston has a Mayor-Council form of government in which the Mayor is the chief administrative officer2. The Mayor is the chair of the board. (https://csbww.com/index.php/about-41348/board-of-directors)

The Mayor is a permanent member of the Sanitary Board pursuant to Charleston City Code Section 118-121:

Sec. 118-121. - Created; powers and duties; composition; appointment and term of members.
SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS

There is created in and for the city a sanitary board, which shall be charged with the custody, supervision, control, administration, operation and maintenance of the municipal sewer system, all as permitted and provided by W. Va. Code ch. 16, art. 13 (W. Va. Code § 16-13-1 et seq.). The sanitary board shall be composed of the mayor and two persons appointed by the city council, one of whom shall be a registered professional engineer; provided that when no city sewer is under construction, a registered professional

2 While Charleston employs a city manager, its mayor is designated the chief executive officer by Charleston City Code section 2-31. (https://library.municode.com/wv/charleston/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIIMA_S2-31FU)
engineer need not be a member of the board. The two appointed members of the board shall each serve
for a term of three years and until the successor of each is duly appointed and has qualified, and vacancies
shall be filled for the unexpired term only.
(Code 1975, § 25-25)