AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
November 7, 2018
7:00 p.m.

1. CALL TO ORDER:

2. ROLL CALL:

3. PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES: October 16th, 2018 Special Meeting minutes, October 16th, 2018 Regular Meeting minutes, October 23rd, 2018 Special Meeting minutes, October 30th, 2018 Special Meeting minutes, and October 30th, 2018 Committee of the Whole Meeting minutes. (Pg. 4, 5, 17, 18, and 19)

5. CORRESPONDENCE:

6. PUBLIC HEARINGS:

   A. AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF PORTIONS OR ALL OF PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN (Pg. 22)

   B. AN ORDINANCE AMENDING SECTIONS 505.03 AND 505.031 OF THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS (Pg. 24)

   C. AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE BOARD (Pg. 30)

7. UNFINISHED BUSINESS:

   A. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF PORTIONS OR ALL OF PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN (First reading 10/2/2018) (Pg. 22)

   B. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AMENDING SECTIONS 505.03 AND 505.031 OF THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS (First reading 10/2/2018) (Pg. 24)

   C. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE BOARD (First reading 10/2/2018) (Pg. 30)
D. BOARDS & COMMISSIONS:

8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:

9. SPECIAL COMMITTEE REPORTS:

10. CONSENT AGENDA:

11. NEW BUSINESS:

   A. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE, SECTION 1345.07 AS IT RELATES TO FENESTRATION PERFORMANCE STANDARDS IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT  (Pg. 97)

   B. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN EMPIRE 2000, LLC AND THE CITY OF MORGANTOWN FOR LAND TO BE DESIGNATED AS “EATON PARK”  (Pg. 98)

   C. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND  (Pg. 99)

12. CITY MANAGER’S REPORT:  (Pg. 110)

   New Business:
   1. Letter of Support for Combating Opioid Overdose though Community-Level Intervention

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9(A)4 (2)(B) (12) to discuss litigation between Giuliani vs. City of Morgantown and Morgantown Utility Board.

17. ADJOURNMENT:

   *If you need an accommodation contact us at (304) 284-7439*
Minutes
SPECIAL MEETING October 16, 2018:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 16, 2018 at 5:15 p.m.

PRESENT: Mayor Bill Kawecki, Deputy Clerk Heather Carl, Council Members: Rachel Fetty, Deputy Mayor Jenny Selin, Ron Dulaney, and Barry Wendell. Ryan Wallace and Mark Brazaitis was absent.

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Dulaney, second by Deputy Mayor Selin, to go into Executive Session to discuss personnel matters in considering new appointments for the Museum Commission, Board of Zoning Appeals, and Library Board. Motion carried by acclamation. Mayor, and City Council Members present. Time: 5:17 p.m.

INTERVIEWS FOR MUSEUM AND TRANSIT COMMISSIONS:

5:00 p.m. – Bryan Phillips – Museum Commission – Withdrew 10/15/2018 day before interview
5:15 p.m. – Janet Scarcelli – Museum Commission
5:30 p.m. – Alvin King – Board of Zoning Appeals
5:45 p.m. – Penny Kostka – Board of Zoning Appeals – Withdrew day of interview 10/16/2018
6:00 p.m. – Nancy Ulrich – Library Board
6:15 p.m. – Rosetta Galloway Le – Library Board – Lives outside of the city boundary
6:30 p.m. – Zackery Cruze - Library Board
6:45 p.m. – Judith Lannin Panagakos - Library Board

ADJOURNMENT:

There being no further business, motion by Dulaney, second by Wallace, to adjourn the Special Meeting at 7:14 p.m.

__________________________  _______________________
City Clerk                    Mayor
REGULAR MEETING October 16, 2018: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, October 16, 2018 at 7:22 p.m.

PRESENT: City Manager Paul Brake, Deputy Clerk Heather Carl, City Attorney Ryan Simonton, Mayor William Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Deputy Mayor Jenny Selin, Ron Dulaney, and Barry Wendell. Assistant City Manager Emily Muzzarelli, and Mark Brazaitis were absent.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: 10/2/2018 Regular Meeting minutes were approved by consensus.

CORRESPONDENCE: Mayor Kawecki read a proclamation declaring November 1st, 2018 as Extra Mile Day in the City of Morgantown. He also read a proclamation recognizing October 27th, 2018 as Arbor Day in the City of Morgantown.

PUBLIC HEARING: AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO B-4 GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN

Mayor Kawecki declared the Public Hearing open.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.

PUBLIC HEARING: AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE, SECTION 1329.02 AND TABLES 1331.05.01 AND 1365.04.01 AS THE SAME APPLY TO MEDICAL CANNABIS RELATED USES

Mayor Kawecki declared the Public Hearing open.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.

PUBLIC HEARING: AN ORDINANCE AMENDING SECTIONS 505.03 AND 505.031 OF THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS

Mayor Kawecki declared the Public Hearing open.

Dana Johnson, Supervisor of the Canine Adoption Center and Animal Control for Monongalia County, came to voice her support for this Ordinance.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.

PUBLIC HEARING: AN ORDINANCE AMENDING ARTICLE 305 OF THE CITY CODE TO ESTABLISH AUTHORITY TO RESTRICT OR LIMIT PARKING ON PUBLIC RIGHTS-OF-WAY

Mayor Kawecki declared the Public Hearing open.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE PARCEL OF REAL ESTATE IN THE FIFTH WARD: The below entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM B-1, NEIGHBORHOOD BUSINESS
DISTRICT TO B-4 GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN

City Attorney explained, Council suspended the rules to have Chris Fletcher, Director of Planning explain and answer any questions. After discussion, motion by Dulaney, second by Deputy Mayor Selin, to approve the above entitled Ordinance. Motion failed 6-0.

**AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE AS THE SAME APPLY TO MEDICAL CANNABIS RELATED USES:** The below entitled Ordinance was presented for second reading.

**AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE, SECTION 1329.02 AND TABLES 1331.05.01 AND 1365.04.01 AS THE SAME APPLY TO MEDICAL CANNABIS RELATED USES**

Council suspended the rules to have Chris Fletcher, Director of Planning explain and answer any questions. Motion by Wallace, second by Deputy Mayor Selin, to approve the above entitled Ordinance. Motion carried 6-0.

**AN ORDINANCE AMENDING THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS:** The below entitled Ordinance was presented for second reading.

**AN ORDINANCE AMENDING SECTIONS 505.03 AND 505.031 OF THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS**

City Manager explained. Council suspended the rules to have Dana Johnson, Supervisor of the Canine Adoption Center Animal Control for Monongalia County. After discussion, motion by Wallace, second by Wendell, to bring the Ordinance back to the November 7th Regular Meeting with minor amendments. Motion carried 6-0.

**AN ORDINANCE AMENDING CITY CODE TO ESTABLISH AUTHORITY TO RESTRICT OR LIMIT PARKING ON PUBLIC RIGHTS-OF-WAY:** The below entitled Ordinance was presented for second reading.

**AN ORDINANCE AMENDING ARTICLE 305 OF THE CITY CODE TO ESTABLISH AUTHORITY TO RESTRICT OR LIMIT PARKING ON PUBLIC RIGHTS-OF-WAY**

City Manager explained, after discussion, motion by Dulaney, second by Wallace, to approve the above entitled Ordinance. Motion carried 6-0.

**BOARDS AND COMMISSIONS:**

Nominations for the Museum Commission is as followed:
- Motion by Councilor Dulaney, second by Councilor Wendell, to appoint Janet Scarcelli to the Museum Commission.

Nominations for the Library Board is as followed:
- Motion by Councilor Fetty, second by Councilor Dulaney, to appoint Judith Lannin Panagakos to the Library Board.

Mayor Kawecki announced openings available for anyone seeking to volunteer on one of the City’s Boards and Commissions with a vacant seat. You can apply by visiting [www.morgantownwv.gov/volunteer](http://www.morgantownwv.gov/volunteer).

**PUBLIC PORTION:**

Mayor Kawecki declared the Public Portion open.

David Goldberg, 1200 J.D. Anderson Drive, President of Mon Health, introduced himself to council, then spoke about the services that Mon Health Medical Center offers. Council suspended the rules to have Councilor Fetty ask a question. He went on to extend his personal help to the members of council, the City of Morgantown, and other surrounding municipalities.

Jan Ann Carmichael, lives in the Morgantown Star City area, spoke to Council about her concern with the relocation of the Mountainline Bus Depot. She went around and received 62 signatures from ones that would like for the depot moved back to Hazel Ruby McQuain Park. **Ex. A**
James Redman, 1034 Willey Street, spoke to council about his concerns with the lack of safety in certain area of the downtown district. He suggested additional police presence, added security cameras or better lighting in these areas.

There being no one else wishing to speak, Mayor Kawecki declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** None

**CONSENT AGENDA:** None

**NEW BUSINESS:** None

**CITY MANAGER'S REPORT:**

**Information:**

1. **Update – Hazel Ruby McQuain Amphitheater and Riverfront Park**

   City Manager explained a study that was conducted by Brailsford & Dunlavey to see how the site characteristics can be preserved, how the current amphitheater can be maintained, and the overall park experience can be improved.

   The same study also provided insights into challenges that need to be overcome including the need to gain access to the water landing area, improvements for ADA compliance, and a demand for a dynamic multi-purpose center.

   City Manager discussed the need to remove and replace most of the Cherry trees located along the Rail-Trail along the Riverfront Park. This is based on the declining health of the trees and the new design of the park.

**REPORT FROM CITY CLERK:** Deputy Clerk, Heather Carl announced that the Morgantown Police Department will be testing for Entry Level on April 13, 2019. The City Clerk’s office will be accepting applications starting January 2, 2019. If you would like to apply, you may obtain an application from the City’s webpage: www.morgantownwv.gov or by calling the City Clerk’s office.

**REPORT FROM CITY ATTORNEY:** City Attorney, Ryan Simonton mentioned to Council about meeting with the State Legislatures. He stated that the West Virginia Municipal League will be focused on establishing the Home Rule Program as a permanent State Law. There also may be two other proposals coming to council such as Recovery Houses and Licensing and Referral Provision and additionally was considered and endorsed but not passed by Legislature was a recreational trails program, Jason Donahue, who has been involved in it along with County Commission and will be presented again in front of Council and may be considered.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Fetty:

Councilor Fetty mentioned the 1st Ward Neighborhood Association Meeting will be held at METC on 10/23/18 at 6:30 p.m. She addressed the voting issue, encouraging everyone to vote on November 6th, 2018 and make use of transportation that is being offered such as, Uber, and other organizations. She mentioned a concern that a neighbor brought forth about trash and trash bins being left out for long periods of time. She would like some more information about what the contract states about apartment trash bins being left on the sidewalks. She mentioned some information regarding groups that she participates in; Downtown Task Force, and Housing Advisory Commission. She mentioned the bus depot issues, and the ones that are riding now are having a very difficult time with them being late or simply do not show up.

Councilor Wallace:

Councilor Wallace had several announcements: A day of play at the Wiles Hill playground 10/20/18 1-3pm, Grand Reopening of the park playground; Wiles Hill Harvest Fall Party, BOPARC fundraiser, on 11/3/18 4-8pm, at Wiles Hill; Wiles Hill Snowflake 2K 12/1/18 at 10am. He thanked the City Manager for an update on the Cities annexation plan. He mentioned that he had the opportunity to use the Southern Airways Express at the Morgantown Municipal Airport. He stated that it was a fun ride and asked people to check it out. He mentioned some concerns regarding the Wiles Hill year-round signage that
Deputy Mayor Selin stated that she had issues with trash cans in her neighborhood and trash pick-ups and would like the City Manager to check on special pick-ups in the Cities and if it is in the contract. She stated that she is excited for Trick-or-Treat night 10/31/18 from 6 – 8 pm. She mentioned the issue of cameras on some buildings downtown and would like to see more on the ones that do not have them. She thanked the City Manager for his presentation on the Hazel Ruby McQuain Park and what it is going to look like when it is done. She mentioned the bus systems routes and thinks that an additional hub is needed in the City.

Councilor Dulaney noted there are still garbage issues, especially on Willey Street, and this is both a visual and a safety issue. He noted the area is a gateway to the City and expressed that garbage lining the streets portrays badly to out of town visitors. He stated the neighborhood Coordinating Council met to discuss playground improvements and recycling. He expressed the City needs improvement in knowing what can be recycled to not contaminate the load. He stated that Chief Preston attended the Neighborhood Coordinating Council meeting to address crime and noted that crime has not increased within the City based on Preston’s data presentation. Chief Preston asked for the community to be aware and diligent and report suspicious activity to the Morgantown Police Department. Councilor Dulaney stated that Mainstreet Morgantown is accepting applications for the façade renovation program and applications can be accessed online. He stated that the Woodburn School Redevelopment Commission has rescheduled their monthly meeting to October 17th at 6:00 p.m. at the Woodburn Elementary School. He noted they are working on a “Friends Group” that will have two vacancies and applications will be available soon. He mentioned that the Morgantown History Commission meets Thursday, October 18th. He stated the City is working on the “Morgantown Al Anderson Holiday Presentation”.

Councilor Brazaitis was absent.

To see Councilor Wendell’s report reference attached Ex. B.

Mayor Kawecki mentioned meeting with the Legislature before the County Commissioners have their meeting with them on 12/4/2018. He mentioned how many Boards and Commissions positions that need to be filled and that many meetings will be scheduled to get those all filled. Announcements: 10/17/18 Fall Story Times (Ages 2-3 Morgantown Public Library; 10/18/2018 The Diary of Anne Frank Met Theatre $20; 10/18/2018 Read Baby Read Morgantown Public Library; 10/18/2018 History Alive with Teddy Roosevelt at the Aull Center; 10/20/18 Family Fun Day Mountaineer Week Mountainair; 10/27/18 Arbor Day Farmers Market parking lot; Zombie Walk Farmers Market parking lot; Morgantown WV Obesity 5K & 1 Miler Marilla Park Center $25; 10/29/2018 Trick or Treat Downtown; 10/31/2018 Trick or Treat Mon County 6:00 p.m. – 8:00 p.m.; 11/4/2018 Early November Tree Walk West Virginia Botanical Gardens.

**ADJOURNMENT:** There being no further business, motion by Wallace, second by Dulaney, to adjourn the meeting and go into Executive Session. Time: 9:46 p.m.
EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9(A)4 (2)(B) (12) to discuss Acquisition and Development of Real Estate at the Riverfront Park. City Manager, Attorney, and City Council. Time Started: 10:00 p.m.

ADJOURNMENT: There being no further business, motion by Dulaney, second by Wendell, to adjourn the meeting. Time: 10:14 p.m.

City Clerk

Mayor

* ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE*
Put the Mountain line Bus Depot back at Hazel Ruby McQuain Park.

Names:

VALE KUMARaveloo
Saraha C.
Quin Shuberry
Dominic Jiles
Danielle Smith
Lisa Dilks
Paul V. Wilburn
Melodi Hall-Parker
Rowan Wilks
Marnie Ellington

Kerstel Tym
Jay Oates
Jay Molissee
Gabrielle Dumiss

Sarah Anderson
Austin Dominguez
Ryan Wolfe
Samantha Ayersman
Jakob Caldwell
Matthew Doak
Nick Anderson
Chase Siders
Tyreek Drake

Shane Bolzko
Lyn Yuen Choo
Youn Matt
Yvon Martinez
Taylor Marcus
Paul V. Wilburn
Put the Mountain lines Bus Depot
Back at hazel ruby McQaun park

Eristhza Jackson Names

Leo Waru
Bleu
Sheeri Davis
Maeve Keyden
Angela McIntyre
Alex Cerrini
Corson Gresak

Paul U William
Matt Naak

Alicia Bess
Azlyn Glass
William Truman

Aisina Hashm

Gabrielle Richardson
Alex Andrews

Brittany Humphrey
Cameron Khoshgam
Gabrielle O'Malley
Nadia Nokhtar
Lyn Yueh Choo
Tanner Ballard
Rhianen Perea
Teresa Reichenbaugh
Justin Medif
Chelsea Allison

Shane McManus
Ella Jennings

Jose Spina

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At the Mountain Line Bus Depot back at Hazel Ruby McRae in Park.

**Names**

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<td>Lauren P.</td>
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<td>Tyreek Drake</td>
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<td>Donna Smith</td>
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Play in Dimsirichan

Holly Roberts

Linda Wilson
Put the Mountain Line Bus Depot back at Hazel Ruby Mcquain park

Enver Dad

Zayyus

Jose Ravel

Bill Knight

Barbara Hendee

Curtis UX

Davia Harvey

Rusty Myers

L. Ayers

O. Brooks

Mohl Mazri

R. Dr.

[Signatures]

[Signatures]

[Signatures]

[Signatures]

[Signatures]
Put the Mountain line Bus Depot back at hazel Ruby McQanin park
I thought I was off work much of the last two weeks, but looking back at my calendar, I saw how busy I was.

On October 3, Mayor Kawecki and I attended the Industrial Heartland Trails Conference here in Morgantown. People came from Ohio and Pennsylvania as well as West Virginia to talk about trails. Morgantown was congratulated by many people on the new bike lane on University Avenue and the "sharrows" indicating the road should be shared with bicyclists throughout the city. I am the Council representative to the Bike Board, and I know this took years of work. A representative from Ohio stated that trails are regularly used by commuters in the Cleveland area. I asked what they did about snow, and the response was that the trails are cleared. Maybe that is something we could do here, if demand warrants it.

I met with Dan, Erika and Mark, representatives of Blue Zone, on October 4, and we got to know each other. I was put to shame by the resplendent moustaches worn by Dan and Mark.

For Columbus Day, I took two days to visit Clearfield County, Pennsylvania, about 150 miles north of here. The two cities are Clearfield and DuBois. I was not greatly impressed by either (although Clearfield is pretty) but DuBois has a YMCA in the center of town. I hope we can bring a "Y" to Morgantown.

A group met on October 10 at Suncrest United Methodist about forming a PFLAG chapter (Parents and Friends of Lesbians and Gays). There were twenty-two of us in the room, and the guest speaker was a young man who had a difficult time growing up in West Virginia as a gay teen. This group will continue to meet in the hopes of forming a recognized chapter.

I attended a debate among candidates for State Delegate in District 51 at South Middle School October 11. Five Democrats and five Republicans spoke and answered questions. My mind was not changed by anyone. Candidates for State Senate and County Commission will be interviewed at the same venue this Thursday at 7.

Senator Bob Beach suggested to me that we meet earlier than our customary January meeting with state legislators, to give them time to respond to our needs and craft legislation before the session starts in Charleston.

Ms. Carmichael spoke earlier tonight about the dysfunction in the bus system since the depot moved to Westover. She is right. There was an article in the Dominion-Post quoting Dave Bruffy, the head of Mountain Line Transit, as saying he was "waiting on the City" to fix the system. I'm not sure what he expects us on Council to do. I have a senior bus pass, and tried to catch the bus past my house to Mountaineer Station one day recently. This is the same bus Ms. Carmichael catches from Star City via Suncrest. It no longer goes to High Street, requiring a transfer to another bus or the PRT at Mountaineer Station. I was at a stop early, and waited until ten minutes after the expected arrival of a bus. I have the privilege of owning a car, so I returned home and drove downtown. There used to be a Twitter feed that would tell you where the bus was, but that is no longer operational. I hope we can set the transit system to right, especially for those of us at the north end of town who travel to the center.
Finally, my class at WVU’s Osher Life-Long Learning Institute (OLLI), "Burt Bacharach is 90!", continues Thursdays 10 A.M. to 11:50 for another four weeks at Mountaineer Mall. The first class is free, before they ask you to join. Come on out!
SPECIAL MEETING MINUTES
OCTOBER 23, 2018:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 23, 2018 at 7:00 p.m.

PRESENT: Mayor Bill Kawecki, Council Members, Rachel Fetty, Ryan Wallace, Deputy Mayor Selin, Ron Dulaney, Mark Brazaitis, Barry Wendell, and City Manager Paul Brake.

Call to Order: The meeting was called to order by the Mayor Bill Kawecki at 7:00 p.m.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Brazaitis, second by Wallace, to enter Executive Session to discuss personnel matters. Motion passes 7-0. Time: 7:01 p.m.

7:02 Council entered Executive Session to interview applicants for the position of City Clerk. Upon a motion by Brazaitis, second by Wallace, Executive Session adjourned at 9:41 p.m. following a 7-0 vote.

Meeting adjourned at 9:42 p.m.

City Clerk

Mayor
SPECIAL MEETING October 30, 2018:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 30, 2018 at 5:10 p.m.

PRESENT: Mayor Bill Kawecki, Deputy Clerk Heather Carl, Council Members: Rachel Fetty, Deputy Mayor Jenny Selin, Ron Dulaney, and Barry Wendell. Ryan Wallace and Mark Brazaitis was absent.

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Dulaney, second by Deputy Mayor Selin, to go into Executive Session to discuss personnel matters in considering new appointments for the Museum Commission, Board of Zoning Appeals, and Library Board. Motion carried by acclamation. Mayor, and City Council Members present. Time: 5:11 p.m.

INTERVIEWS FOR MUSEUM AND TRANSIT COMMISSIONS:

5:00 p.m. – Bill Rice – Morgantown Utility Board
5:15 p.m. – Andrew Rankin – Land Reuse & Preservation Agency Board
5:30 p.m. – Patrick Kirby – Land Reuse & Preservation Agency Board
5:45 p.m. – David Satterfield – Land Reuse & Preservation Agency Board
6:00 p.m. – Tim Stranko – Land Reuse & Preservation Agency Board
6:15 p.m. – Michael Clifford – Land Reuse & Preservation Agency Board
6:30 p.m. – Adam Rosefsky - Land Reuse & Preservation Agency Board

ADJOURNMENT:

There being no further business, motion by Wallace, second by Dulaney, to adjourn the Special Meeting at 7:41 p.m.

City Clerk

Mayor
COMMITTEE OF THE WHOLE MEETING October 30, 2018: The Committee of the Whole meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 30, 2018 at 7:50 p.m.

PRESENT: Deputy Mayor Jenny Selin, Mayor Bill Kawecki, City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, Council Members Rachel Fetty, Ryan Wallace, Ron Dulaney, Mark Brazaitis, and Barry Wendell.

Deputy Mayor Selin called the meeting to order.

PRESENTATIONS:

1. West Virginia Legislation Authorizing the Mountaineer Trail Network Recreation Authority – Jason Donahue

Deputy Mayor Selin was contacted by Susan Riddle to inform Council that there would not be anyone coming for the presentation.

There being no other presentations, Deputy Mayor Selin continued to the Public Portion.

PUBLIC PORTION:

Deputy Mayor opened the public portion and asked if there was anyone wishing to speak.

- Michael Clifford, 145 South High Street, voiced his concerns about Councilor Brazaitis leaving a recent Regional Collaboration Meeting early. He also praised the efforts between the parties that took place during the meeting, highlighting councilor Wendell's conduct. He then offered suggestions and alternative solutions for the regional meeting, which he thought would be more cost effective, should another meeting like this occur.

- Kim Scott, the director of choral activities for West Virginia University, spoke to council about her disapproval of the decision to remove the cherry blossom trees from Hazel Ruby McQuain Riverfront Park.

- Penny Kostka, 895 Fairfax Drive, talked about her concerns with the zoning codes that pertain to residential neighborhood areas—specifically codes that relate to rental properties.

ITEMS FOR DISCUSSION:

1. West Virginia Legislation Authorizing the Mountaineer Trail Network Recreation Authority

A board of 14 members would be created to oversee the creation and upkeep of a new biking trail system. After discussion and questions, item was referred to the Legislative Agenda by consensus.

2. Zoning Test Amendments to Section 1345.07 – Building Fenestration in the B-1 District

City Manager referred to Chris Fletcher, Director of Planning, to explain and answer any questions council may have. After discussion, item was referred to the November 7th Regular Meeting Agenda.

3. Ordinance Authorizing a Lease Between Empire 2000, LLC and the City of Morgantown to be designated as “Eaton Park”

City Manager explained, after discussion and questions, item was referred to the November 7th Regular Meeting Agenda.

4. Ordinance Amending Article 907 - Entitled Excavations, Poles and Wire and Section 921.9 Regulating Excavation in the Right-of-Way

City Manager explained, after discussion and questions, item was referred to the December 4th Regular Meeting Agenda.
5. **Electronic Ride-Share Scooters**

City Manager explained, after discussion and questions, no action was taken at this time.

6. **Discussion about November 2018 and January 2019 Regular City Council meeting dates**

City Manager explained, after discussion, there will not be a Committee of the Whole for December 2018, and the Regular Meetings in January originally scheduled for the 1st and 3rd Tuesday (1/1/2019 and 1/15/2019) have been rescheduled to the 2nd and 4th Tuesday (1/8/2019 and 1/22/2019).

**ADJOURNMENT:**

There being no further business, motion by Brazaitis, second by Wendell to adjourn the committee of the whole meeting at 9:10 pm.

__________________________________________  _______________________________________
City Clerk                                           Mayor
Public Hearings
&
Unfinished Business
ORDINANCE NO.__________

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF PORTIONS OR ALL OF PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN.

Property included in this ordinance is identified as Parcels 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 4, and 5, County Tax Map 12, Fourth Ward Tax District, Morgantown Corporation.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning designation for Parcels 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 4, and 5, County Tax Map 12, Fourth Ward Tax District, Morgantown Corporation of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein is reclassified from R-1, Single-Family Residential District to R-1A, Single-Family Residential District.

2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING: ________________________________

Mayor

ADOPTED: ________________________________

FILED: ________________________________

RECORDED: ________________________________

City Clerk
AN ORDINANCE AMENDING SECTIONS 505.03 AND 505.031 OF THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS

The City of Morgantown hereby ordains that Sections 505.03 and 505.031 of the General Offenses Code are amended as follows:

505.03 CRUELTY TO ANIMALS; PENALTIES; EXCLUSIONS.

(a) Definitions. The following terms shall have the meanings ascribed for the purposes of this Section:

(1) Adverse environmental conditions - means (1) when the ambient temperature is 32 degrees Fahrenheit or below in the immediate vicinity of a dog, domestic companion animal, or service animal, or there are other cold weather or precipitation-related environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, or hail, such that a person should reasonably know would pose an adverse risk to the health or safety of a dog, domestic companion animal, or service animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur; or (2) when the ambient temperature is 80 degrees Fahrenheit or above in the immediate vicinity of a dog, domestic companion animal, or service animal, or a dog, domestic companion animal, or service animal is exposed to direct sunlight or hot pavement or any other hot surfaces such that a person should reasonably know would pose an adverse risk to the health or safety of the animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur.

(2) Blind - means a person whose vision in the person's better eye with proper correction does not exceed 20/200 or who has a field defect in the person's better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees; and "visually impaired" means having a condition in which a person has a corrected visual acuity not exceeding 20/70, but not less than 20/200, in the person's better eye, or in which the peripheral field of the person's vision has contracted so that the diameter of the visual field subtends an angle no greater than 40 degrees but no less than 20 degrees.

(3) Controlled substance - the same definition used in section one hundred one, article one, chapter sixty-a of the West Virginia Code, as it may be amended.

(4) Cruelly tether –

(A) The term "Cruelly tether" means attaching a dog to a physical restraint under the following conditions:

(i) the dog is a nursing female, or is less than six months old;
(ii) outdoors between the hours of 10 p.m. and 6 a.m.,
(iii) in an unoccupied building or upon vacant property;
(iv) in a manner that does not permit the dog continuous access to water in a sanitary and liquid state whenever the dog is tethered for more than 30 minutes;
(v) in a manner that exposes the dog to adverse environmental conditions for more than 30 minutes;
(vi) by means of a choke collar, prong collar, head harness, or any other type of collar, harness, or similar device other than a properly fitted body harness or buckle-type collar designed for dogs;
(vii) by using a chain with metal links that are more than one-quarter of an inch thick, or a tether, collar, or harness to which a weight is attached;
(viii) with a tether on which more than one dog is restrained;
(ix) with a tether that is less than 15 feet in length or which does not permit the dog to walk at least 15 feet in any one direction;
(x) with a tether that permits the dog to reach another dog or an object or location that poses a risk of entanglement, strangulation, drowning, or other harm to the health or safety of the dog, including, but not limited to, another dog’s tether or a window sill, fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public road or highway;
(xi) with a chain or tether that weighs more than one-eighth of the dog’s body weight;
(xii) in such a manner as to limit its ability to urinate or defecate in an area separate from where it must eat, drink, or lie down; or
(xiii) in such a manner as to prohibit its access to food, water, dry ground or shelter

(B) The term “Cruelly tether” does not include the following:
(i) Attaching a dog to a running line, pulley, or trolley system, if the tether has swivels at both ends to prevent entanglement, and only if the dog has access to shelter from adverse environmental conditions;
(ii) Tethering, fastening, chaining, tying, or otherwise restraining a dog pursuant to the requirements of a camping or recreational area.
(iii) Tethering, fastening, chaining, or tying a dog during the restricted hours of 11p.m and 5 a.m. for no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period, which shall not exceed one (1) hour.
(iv) Tethering, fastening, chaining, or tying a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of West Virginia if the activity for which the license is issued is associated with the use or presence of a dog. Nothing in this section shall be construed to prohibit a person from restraining a dog while participating in activities or using accommodations that are reasonably associated with the licensed activity.
(v) Tethering, fastening, chaining, or tying a dog while actively engaged in any of the following:
(A) Conduct that is directly related to the business of shepherding or herding cattle or livestock.
(B) Conduct that is directly related to an agricultural operation, if the restraint is reasonably necessary for the safety of the dog.
(C) The specific activities defined in Paragraphs (2)(A)(ii), (ix), and (x) of this Section shall not constitute "cruelly tethering" a dog when the dog's owner or a person with custody or control of the dog:

(1) is in the presence of the dog at all times while the dog is tethered, whether indoors or outdoors; and
(2) can see the dog at all times while the dog is tethered, unless the person present is blind or visually impaired so that the person cannot see the dog due to the blindness or visual impairment, in which case the person present shall remain immediately adjacent to the dog at all times while the dog is tethered.

(5) Humanely destroyed - means:
(A) Humane euthanasia of an animal by hypodermic injection by a licensed veterinarian or by an animal euthanasia technician certified in accordance with the provisions of article ten-a, chapter thirty of this code; or
(B) Any other humane euthanasia procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association; but such term does not include euthanizing by means of a gas chamber.

(b) Unlawful treatment. (a) (1) It is unlawful for any person to intentionally, knowingly, or recklessly,
A. (1) Mistreat an animal in a cruel manner;
B. (2) Abandon an animal;
C. (3) Withhold from an animal,
   1. (A) Proper sustenance, including food or water;
   2. (B) Shelter that protects from the elements of weather; or
   3. (C) Medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;
D. (4) Abandon an animal to die;
E. (5) Leave an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result;
F. (6) Ride an animal when it is physically unfit;
G. (7) Bait or harass an animal for the purpose of making it perform for a person's amusement;
(8) Pit one animal to fight against another animal;
(9) Accept or receive money for the admission of any person to an animal fight;
(10) Use, train, or possess an animal for the purpose of seizing, detaining, or maltreating any other domesticated animal;
(11) Except when performed by a licensed veterinarian or those legally authorized to operate under the direction of a licensed veterinarian, a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, to administer or cause to be administered to any animal participating in any contest any controlled substance, or any other drug, for the purpose of altering or otherwise affecting the animal's performance
H. (12) Cruelly chain or tether an animal; The following are examples of certain
factual scenarios which may be considered when determining whether an animal has been cruelly chained or tethered (this list is not all-inclusive):

1. The use of a tethering device, including, but not limited to, chain, leash, rope, collaring device, or any assembly or attachments thereto, the weight of which inhibits the free movement of the animal within the tethered area.

2. The tethering of an animal in such a manner as to cause injury, strangulation, or entanglement of the animal with fences, trees, or other man-made or natural obstacles.

3. The tethering of an animal in such a manner as to limit its ability to urinate or defecate in an area separate from where it must eat, drink, or lie down.

4. The tethering of an animal in such a manner as to prohibit its access to food, water, dry ground, or shelter.

5. The tethering of an animal by means of a collar which causes physical injury to the animal.

(2) Use, train or possess a domesticated animal for the purpose of seizing, detaining or maltreating any other domesticated animal.

(3) Any person in violation of subsection (a) hereof is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than three hundred nor more than five hundred dollars or confined in jail not more than thirty days, or both.

(b) A person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to be administered to any animal participating in any contest any controlled substance, or any other drug for the purpose of altering or otherwise affecting said animal’s performance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than two hundred nor more than five hundred dollars.

(c) Any person convicted of a violation of this section forfeits his or her interest in any animal and all interest in the animal vests in the humane society or county pound of the county in which the conviction was rendered and the person is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society or county pound as a result.

(d) For the purpose of this section, the term “controlled substance” has the same meaning ascribed to it by subsection (d), section one hundred one, article one, chapter sixty-a of the West Virginia Code.

(e) Exemptions. The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. §2131 et seq., and the regulations promulgated thereunder, as both statutes and regulations are in effect on the effective date of this section.

(d) Penalties.

(1) Any person in violation of subsection Paragraph (b) (a) hereof of this Section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than three hundred nor more than five hundred dollars or confined in jail not more than thirty days, or both.
(2) Any person convicted of a violation of this section forfeits his or her interest in any animal subject of the conviction and all interest in the animal vests in the humane society or county pound of the county in which the conviction was rendered and the person is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society or county pound as a result.

(4) Notwithstanding any provision of this section to the contrary, no person who has been convicted of a violation of the provisions of Paragraph (b) subsection (a) of this section may be granted probation until the defendant has undergone a complete psychiatric or psychological evaluation and the court has reviewed the evaluation. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the evaluation.

(4) For any person convicted of a violation of Paragraph (b) subsection (a) of this section, the court may, in addition to the penalties provided in this section, impose a requirement that he or she complete a program of anger management intervention for perpetrators of animal cruelty. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the program.

(5) In addition to any other penalty which can be imposed for a violation of this section, a court shall prohibit any person so convicted from possessing, owning, or residing with any animal or type of animal for a period of five years following entry of a misdemeanor conviction. A violation of this subparagraph (d)(5) under this subsection is a misdemeanor punishable by a fine not exceeding five hundred dollars and forfeiture of the animal.

(e) Seizure and removal of animals. Any animal kept in violation of this section may be immediately seized and removed by any law enforcement officer or animal control officer who observes such violation. Upon removal, the animal shall be kept in accordance with Paragraph (f) of this Section.

(f) Impoundment.

(1) All animals seized and removed as provided in this Section shall be kept housed and fed in the county or municipal shelter for five days after notice of seizure and impounding has been given or posted as required by West Virginia Code Chapter 19, Article 20, as it may be amended, at the expiration of which time all animals which have not previously been redeemed by their owners as provided herein shall be sold or humanely destroyed. No animal sold as provided in this section may be discharged from the county or municipal shelter until the dog has been registered and provided with a valid registration tag. In an emergency or in a situation in which an animal cannot be humanely destroyed in an expeditious manner, an animal may be destroyed by shooting if: The shooting is performed by someone trained in the use of firearms with a weapon and ammunition of suitable caliber and other characteristics designed to produce instantaneous death by a single shot, and maximum precaution is taken to minimize the animal's suffering and to protect other persons and animals.

(2) The owner, keeper, or harborer of any animal seized and impounded under the provisions of this Section may, at any time prior to the expiration of five days from the time that notice of the seizure and impounding of the animal has been given or posted as required by this Section, redeem the animal by paying all of the costs assessed against the animal and by providing a valid certificate of registration and registration tag for the
animal, if required by law.

(3) Reasonable costs and fees, shall be assessed against every animal seized and impounded under the provisions of this Section. The costs and fees shall be a valid claim in favor of the City against the owner, keeper, or harborer of any animal seized and impounded under the provisions of this article and not redeemed or sold as provided in this Section and may be recovered in a civil action against the owner, keeper, or harborer.

(4) When any animal shall have been seized and impounded, the officer seizing such animal shall forthwith give notice to the owner of such animal, if the owner is known to the officer, that the animal has been impounded and that it will be sold or destroyed if not redeemed within five days. If the owner of the animal is not known to the officer, he or she cause to be published a notice of impoundment and the right to redemption as a Class II legal advertisement. The notice shall describe the animal and the place where seized and shall advise the unknown owner that such dog will be sold or destroyed if not redeemed within five days of the last date of publication.

505.031 CRUELTY TO DOGS AND CATS.

No person shall cruelly, or needlessly beat, torture, torment, mutilate, kill or willfully deprive necessary sustenance, to any dog or cat, irrespective of whether any such dog or cat is his or her own or that of another person. No person shall impound or confine any dog or cat in any place unprotected from the elements or fail to supply the same with a sufficient quantity of food and water, or abandon to die any maimed, sick or diseased dog or cat or be engaged in or employed at dogfighting, or pitting one dog or cat to fight against another dog or cat or any similar cruelty to any dog or cat, or receive money for the admission of any person, or use, train or possess a dog or cat for the purpose of seizing, detaining or maltreating any other dog or cat.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

ADOPTED: ___________________________

FILED: ___________________________

RECORDED: ___________________________

______________________________
MAYOR

______________________________
CITY CLERK
AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE BOARD

The City of Morgantown hereby ordains that its City Manager is authorized to submit the attached “Home Rule Plan Amendment” to the Municipal Home Rule Board.

FIRST READING: ________________________________

ADOPTED: Mayor

FILED: ________________________________

RECORDED: City Clerk
THE CITY OF MORGANTOWN

Home Rule Plan Amendment

Introduction

The City of Morgantown ("Morgantown") has been approved to participate in West Virginia's Municipal Home Rule Pilot Program, Phase II ("Home Rule Program") and its initial written plan has been approved by the Municipal Home Rule Board (the "Board"). Pursuant to W. Va. Code § 8-1-5a(k), "[a] municipality selected to participate in the Municipal Home Rule Pilot Program may amend its written plan at any time." A first amendment to the City's written plan was approved by the Board on September 14, 2015. A second amendment to the City’s written plan was approved by the Board on October 3, 2016. The most recent amendment to the City’s written plan was approved by the Board on October 2, 2017, granting authority for Fire Marshals’ arson and explosives offenses arrest authority, limiting expansion of nonconforming agricultural, industrial, and manufacturing uses; waiver of the certified mail requirement for zoning changes that alter density; disposition of real estate without auction; expenditure of money on schools by agreement with the governing agency; and elimination of the property ownership requirement for park board membership. Morgantown has successfully implemented initiatives in its current plan and seeks the amendments below to promote additional community benefits through the Home Rule Program.

The City proposes amendment of its written plan to include the following:

1. Campaign finance reporting. Reporting of expenditures on political campaigns is regulated by West Virginia Code Chapter 3, Article 8. The City seeks authority to add reporting requirements for municipal elections, which would be managed locally.

2. Use the Board of Zoning Appeals as the appeals board for the Subdivision and Land Development ordinance. State Code authorizes decisions enforcing an adopted Subdivision and Land Development Ordinance be appealable to an administrative board. The City seeks to utilize the existing Board of Zoning Appeals to hear such appeals in order to promote efficient governance and consistent decisions on local development issues.

The applicable laws and reasons for amendment are set out below.
Proposed Initiatives

1. Campaign Finance reporting.
   
   
b. Limitations presented by law: State law provides for campaign finance reporting to local election officials in accordance with prescribed timelines. The law does not explicitly provide municipal authority to require additional reporting in municipal elections.
   
c. Home Rule solution: The City will adopt an ordinance establishing reporting requirements for expenditures on political campaigns, which will augment the existing system provided by state law and allow prompt receipt and publication of City campaign finance reporting immediately prior to each election. The City only seeks authority to require additional reporting for municipal elections and administered by City election officials. The authority would not alter or abrogate any statewide requirement, nor would it impose additional duties upon the Secretary of State’s office or other state agency.

2. Use the Board of Zoning Appeals with respect to the Subdivision and Land Development Ordinance.
   
a. Applicable laws: West Virginia Code section 8A-4-2, attached as Exhibit 2.
   
b. Limitations presented by law: State law authorizes establishment of a board to hear appeals of decision enforcing a jurisdiction’s subdivision and land development ordinance. W. Va. Code § 8A-4-2(b)(1). The board would have the same powers over the Subdivision and Land Development Ordinance as are exercised by a Board of Zoning Appeals with respect to an enacted Zoning Ordinance. Morgantown is planning to update its Subdivision and Land Development Ordinance but intends to continue integrating the subdivision process within its Planning and Zoning Code. Due to the integrated issues and the land use expertise among members of the Board of Zoning Appeals, the City believes its citizens would benefit from a more efficient appeals process by designating the existing Board of Zoning Appeals as the board exercising authority pursuant to W. Va. Code § 8A-4-2(b)(1) under the Subdivision and Land Development Ordinance.
   
c. Home Rule solution: Upon adoption of a Subdivision and Land Development Ordinance pursuant to West Virginia Code Chapter 8A, Article 4, or concurrent therewith, the City will adopt an ordinance designating the Board of Zoning Appeals as the body authorized to hear appeals and exercise other authorities with respect to the Subdivision and Land Development Ordinance pursuant to W. Va. Code § 8A-4-2(b)(1).
EXHIBIT 1
§ 3-8-1. Provisions to regulate and control elections, WV ST § 3-8-1

W. Va. Code, § 3-8-1

§ 3-8-1. Provisions to regulate and control elections

Effective: June 11, 2010

Currentness

(a) The Legislature finds that:

(1) West Virginia's population is 1,808,344, ranking 37th among the fifty states.

(2) State Senate districts have a population of approximately one hundred six thousand three hundred seventy-three, and the average Delegate district has a population of approximately thirty-one thousand, one hundred seventy-eight. The size of these districts is substantially smaller than the United States Senatorial and Congressional Districts.

(3) When the relatively small size of the State's legislative and other voting districts is combined with the economics and typical uses of various forms of electioneering communication, history shows that non-broadcast media is and will continue to be a widely used means of making campaign related communications to target relevant audiences. Consequently, non-broadcast communications are prevalent during elections.

(4) Disclosure provisions are appropriate legislative weapons against the reality or appearance of improper influence stemming from the dependence of candidates on large campaign contributions, and the ceilings imposed accordingly serve the basic governmental interest in safeguarding the integrity of the electoral process without directly impinging upon the rights of individual citizens and candidates to engage in political debate and discussion.

(5) Disclosure of expenditures serve a substantial governmental interest in informing the electorate and preventing the corruption of the political process.

(6) Disclosure by persons and entities that make expenditures for communications that expressly advocate the election or defeat of clearly identified candidates, or perform its functional equivalent, is a reasonable and minimally restrictive method of furthering First Amendment values by public exposure of the state election system.

(7) Failing to regulate non-broadcast media messages would permit those desiring to influence elections to avoid the principles and policies that are embodied in existing state law.

(8) The regulation of the various types of non-broadcast media in addition to broadcast media, is tailored to meet the circumstances found in the State of West Virginia.
§ 3-8-1. Provisions to regulate and control elections, WV ST § 3-8-1

(9) Non-broadcast media such as newspapers, magazines or other periodicals have proven to be effective means of election communication in West Virginia. Broadcast, satellite and non-broadcast media have all been used to influence election outcomes.

(10) Certain non-broadcast communications, such as newspaper inserts, can be more effective campaign methods than broadcast media because such communications can be targeted to registered voters or historical voters in the particular district. In contrast, broadcasted messages reach all of the general public, including persons ineligible to vote in the district.

(11) Non-broadcast media communications in the final days of a campaign can be particularly damaging to the public’s confidence in the election process because they reduce or make impossible an effective response.

(12) Identifying those funding non-broadcast media campaigns in the final days of a campaign may at least permit voters to evaluate the credibility of the message.

(13) In West Virginia, contributions up to the amounts specified in this article allow contributors to express their opinions, level of support and their affiliations.

(14) In West Virginia, campaign expenditures by entities and persons who are not candidates have been increasing. Public confidence is eroded when substantial amounts of such money, the source of which is hidden or disguised, is expended. This is particularly true during the final days of a campaign.

(15) In West Virginia, contributions to political organizations, defined in Section 527(e)(1) of the Internal Revenue Code of 1986, substantially larger than the amounts permitted to be received by a candidate’s political committee have been recorded and are considered by the legislature to be large contributions.

(16) Independent expenditures intended to influence candidates’ campaigns in the state are increasingly utilizing non-broadcast media to support or defeat candidates.

(17) Identification of persons or entities funding political advertisements assists in enforcement of the contribution and expenditure limitations established by this article and simply informs voters of the actual identities of persons or entities advocating the election or defeat of candidates.

(18) Identification of persons or entities funding political advertisements allows voters to evaluate the credibility of the message contained in the advertisement.

(19) Disclosure of the identity of persons or entities funding political communications regarding candidates bolsters the right of listeners to be fully informed.

(b) Political campaign contributions, receipts and expenditures of money, advertising, influence and control of employees, and other economic, political and social control factors incident to primary, special and general elections shall be regulated and controlled by the provisions of this article and other applicable provisions of this chapter.
 Credits

W. Va. Code, § 3-8-1, WV ST § 3-8-1
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-1a. Definitions, WV ST § 3-8-1a

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-1a

§ 3-8-1a. Definitions

Effective: July 11, 2013

Currentness

As used in this article, the following terms have the following definitions:

(1) “Ballot issue” means a constitutional amendment, special levy, bond issue, local option referendum, municipal charter or revision, an increase or decrease of corporate limits or any other question that is placed before the voters for a binding decision.

(2) “Billboard Advertisement” means a commercially available outdoor advertisement, sign or similar display regularly available for lease or rental to advertise a person, place or product.

(3) “Broadcast, cable or satellite communication” means a communication that is publicly distributed by a television station, radio station, cable television system or satellite system.

(4) “Candidate” means an individual who;

(A) Has filed a certificate of announcement under section seven, article five of this chapter or a municipal charter;

(B) Has filed a declaration of candidacy under section twenty-three, article five of this chapter;

(C) Has been named to fill a vacancy on a ballot; or

(D) Has declared a write-in candidacy or otherwise publicly declared his or her intention to seek nomination or election for any state, district, county or municipal office or party office to be filled at any primary, general or special election.

(5) “Candidate's committee” means a political committee established with the approval of or in cooperation with a candidate or a prospective candidate to explore the possibilities of seeking a particular office or to support or aid his or her nomination or election to an office in an election cycle. If a candidate directs or influences the activities of more than one active committee in a current campaign, those committees shall be considered one committee for the purpose of contribution limits.
(6) "Clearly identified" means that the name, nickname, photograph, drawing or other depiction of the candidate appears or the identity of the candidate is otherwise apparent through an unambiguous reference, such as "the Governor", "your Senator" or "the incumbent" or through an unambiguous reference to his or her status as a candidate, such as "the Democratic candidate for Governor" or "the Republican candidate for Supreme Court of Appeals".

(7) "Contribution" means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election or defeat of a candidate. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation: Provided, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.

(8) "Corporate political action committee" means a political action committee that is a separate segregated fund of a corporation that may only accept contributions from its restricted group as outlined by the rules of the State Election Commission.

(9) "Direct costs of purchasing, producing or disseminating electioneering communications" means:

(A) Costs charged by a vendor, including, but not limited to, studio rental time, compensation of staff and employees, costs of video or audio recording media and talent, material and printing costs and postage; or

(B) The cost of air time on broadcast, cable or satellite radio and television stations, the costs of disseminating printed materials, studio time, use of facilities and the charges for a broker to purchase air time.

(10) "Disclosure date" means either of the following:

(A) The first date during any calendar year on which any electioneering communication is disseminated after the person paying for the communication has spent a total of $5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications; or

(B) Any other date during that calendar year after any previous disclosure date on which the person has made additional expenditures totaling $5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications.

(11) "Election" means any primary, general or special election conducted under the provisions of this code or under the charter of any municipality at which the voters nominate or elect candidates for public office. For purposes of this article, each primary, general, special or local election constitutes a separate election. This definition is not intended to modify or abrogate the definition of the term "nomination" as used in this article.
§ 3-8-1a, Definitions, WV ST § 3-8-1a

(12)(A) "Electioneering communication" means any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertisement or published in any newspaper, magazine or other periodical that:

(i) Refers to a clearly identified candidate for Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Supreme Court of Appeals or the Legislature;

(ii) Is publicly disseminated within:

(I) Thirty days before a primary election at which the nomination for office sought by the candidate is to be determined; or

(II) Sixty days before a general or special election at which the office sought by the candidate is to be filled; and

(iii) Is targeted to the relevant electorate: Provided, That for purposes of the general election of 2008 the amendments to this article are effective October 1, 2008.

(B) "Electioneering communication" does not include:

(i) A news story, commentary or editorial disseminated through the facilities of any broadcast, cable or satellite television or radio station, newspaper, magazine or other periodical publication not owned or controlled by a political party, political committee or candidate: Provided, That a news story disseminated through a medium owned or controlled by a political party, political committee or candidate is nevertheless exempt if the news is:

(I) A bona fide news account communicated in a publication of general circulation or through a licensed broadcasting facility; and

(II) Is part of a general pattern of campaign-related news that gives reasonably equal coverage to all opposing candidates in the circulation, viewing or listening area;

(ii) Activity by a candidate committee, party executive committee or caucus committee, or a political action committee that is required to be reported to the State Election Commission or the Secretary of State as an expenditure pursuant to section five of this article or the rules of the State Election Commission or the Secretary of State promulgated pursuant to such provision: Provided, That independent expenditures by a party executive committee or caucus committee or a political action committee required to be reported pursuant to subsection (b), section two of this article are not exempt from the reporting requirements of this section;

(iii) A candidate debate or forum conducted pursuant to rules adopted by the State Election Commission or the Secretary of State or a communication promoting that debate or forum made by or on behalf of its sponsor;

(iv) A communication paid for by any organization operating under Section 501(c)(3) of the Internal Revenue Code of 1986;
(v) A communication made while the Legislature is in session which, incidental to promoting or opposing a specific piece of legislation pending before the Legislature, urges the audience to communicate with a member or members of the Legislature concerning that piece of legislation;

(vi) A statement or depiction by a membership organization, in existence prior to the date on which the individual named or depicted became a candidate, made in a newsletter or other communication distributed only to bona fide members of that organization;

(vii) A communication made solely for the purpose of attracting public attention to a product or service offered for sale by a candidate or by a business owned or operated by a candidate which does not mention an election, the office sought by the candidate or his or her status as a candidate; or

(viii) A communication, such as a voter's guide, which refers to all of the candidates for one or more offices, which contains no appearance of endorsement for or opposition to the nomination or election of any candidate and which is intended as nonpartisan public education focused on issues and voting history.

(13) "Expressly advocating" means any communication that:

(A) Uses phrases such as "vote for the Governor", "re-elect your Senator", "support the Democratic nominee for Supreme Court", "cast your ballot for the Republican challenger for House of Delegates", "Smith for House", "Bob Smith in '04", "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as Pro-Life or Pro-Choice, "vote against Old Hickory", "defeat" accompanied by a picture of one or more candidates, "reject the incumbent";

(B) Communications of campaign slogans or individual words, that can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc., which say "Smith's the One", "Jones '06", "Baker", etc; or

(C) Is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

(14) "Financial agent" means any individual acting for and by himself or herself, or any two or more individuals acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party at any election.

(15) "Fund-raising event" means an event such as a dinner, reception, testimonial, cocktail party, auction or similar affair through which contributions are solicited or received by such means as the purchase of a ticket, payment of an attendance fee or by the purchase of goods or services.

(16) "Independent expenditure" means an expenditure by a person:
§ 3-8-1a. Definitions, WV ST § 3-8-1a

(A) Expressly advocating the election or defeat of a clearly identified candidate; and

(B) That is not made in concert or cooperation with or at the request or suggestion of such candidate, his or her agents, the candidate's authorized political committee or a political party committee or its agents.

Supporting or opposing the election of a clearly identified candidate includes supporting or opposing the candidates of a political party. An expenditure which does not meet the criteria for an independent expenditure is considered a contribution.

(17) "Mass mailing" means a mailing by United States mail, facsimile or electronic mail of more than five hundred pieces of mail matter of an identical or substantially similar nature within any thirty-day period. For purposes of this subdivision, "substantially similar" includes communications that contain substantially the same template or language, but vary in nonmaterial respects such as communications customized by the recipient's name, occupation or geographic location.

(18) "Membership organization" means a group that grants bona fide rights and privileges, such as the right to vote, to elect officers or directors and the ability to hold office, to its members and which uses a majority of its membership dues for purposes other than political purposes. "Membership organization" does not include organizations that grant membership upon receiving a contribution.

(19) "Name" means the full first name, middle name or initial, if any, and full legal last name of an individual and the full name of any association, corporation, committee or other organization of individuals, making the identity of any person who makes a contribution apparent by unambiguous reference.

(20) "Person" means an individual, corporation, partnership, committee, association and any other organization or group of individuals.

(21) "Political action committee" means a committee organized by one or more persons for the purpose of supporting or opposing the nomination or election of one or more candidates. The following are types of political action committees:

(A) A corporate political action committee, as that term is defined by subdivision (8) of this section;

(B) A membership organization, as that term is defined by subdivision (18) of this section;

(C) An unaffiliated political action committee, as that term is defined by subdivision (29) of this section.

(22) "Political committee" means any candidate committee, political action committee or political party committee.

(23) "Political party" means a political party as that term is defined by section eight, article one of this chapter or any committee established, financed, maintained or controlled by the party, including any subsidiary, branch or local unit thereof and including national or regional affiliates of the party.
(24) “Political party committee” means a committee established by a political party or political party caucus for the purposes of engaging in the influencing of the election, nomination or defeat of a candidate in any election.

(25) “Political purposes” means supporting or opposing the nomination, election or defeat of one or more candidates or the passage or defeat of a ballot issue, supporting the retirement of the debt of a candidate or political committee or the administration or activities of an established political party or an organization which has declared itself a political party and determining the advisability of becoming a candidate under the precandidacy financing provisions of this chapter.

(26) “Targeted to the relevant electorate” means a communication which refers to a clearly identified candidate for statewide office or the Legislature and which can be received by one hundred forty thousand or more individuals in the state in the case of a candidacy for statewide office, eight thousand two hundred twenty or more individuals in the district in the case of a candidacy for the State Senate and two thousand four hundred ten or more individuals in the district in the case of a candidacy for the House of Delegates.

(27) “Telephone bank” means telephone calls that are targeted to the relevant electorate, other than telephone calls made by volunteer workers, regardless of whether paid professionals designed the telephone bank system, developed calling instructions or trained volunteers.

(28) “Two-year election cycle” means the twenty-four month period that begins the day after a general election and ends on the day of the subsequent general election.

(29) “Unaffiliated political action committee” means a political action committee that is not affiliated with a corporation or a membership organization.

Credits

W. Va. Code, § 3-8-1a, WV ST § 3-8-1a
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-2. Accounts for receipts and expenditures in elections; requirements for reporting independent expenditures

Effective: June 11, 2010

Currentness

W. Va. Code, § 3-8-2

(a) Except for: (1) Candidates for party committee and committee woman; and (2) federal committees required to file under the provisions of 2 U.S.C. § 434, all candidates for nomination or election and all persons supporting, aiding or opposing the nomination, election or defeat of any candidate shall keep for a period of six months records of receipts and expenditures which are made for political purposes. All of the receipts and expenditures are subject to regulation by the provisions of this article. Verified financial statements of the records and expenditures shall be made and filed as public records by all candidates and by their financial agents, representatives or any person acting for and on behalf of any candidate and by the treasurers of all political party committees.

(b)(1) In addition to any other reporting required by the provisions of this chapter, any person who makes independent expenditures in an aggregate amount or value in excess of $1,000 during a calendar year shall file a disclosure statement, on a form prescribed by the Secretary of State, that contains all of the following information:

(A) The name of (i) the person making the expenditure; (ii) the name of any person sharing or exercising direction or control over the activities of the person making the expenditure; and (iii) the name of the custodian of the books and accounts of the person making the expenditure;

(B) If the person making the expenditure is not an individual, the principal place of business of the partnership, corporation, committee, association, organization or group which made the expenditure;

(C) The amount of each expenditure of more than $1,000 made during the period covered by the statement and the name of the person to whom the expenditure was made;

(D) The elections to which the independent expenditure pertain, the names, if known, of the candidates referred to or to be referred to therein, whether the expenditure is intended to support or oppose the identified candidates and the amount of the total expenditure reported pursuant to paragraph (C) of this subdivision spent to support or oppose each of the identified candidates;

(E) The name and address of any person who contributed a total of more than $250 between the first day of the preceding calendar year, and the disclosure date, and whose contributions were made for the purpose of furthering the expenditure.
(F) With regard to the contributors required to be listed pursuant to paragraph (E) of this subdivision, the statement shall also include:

(i) The month, day and year that the contributions of any single contributor exceeded $250;

(ii) If the contributor is a political action committee, the name and address the political action committee registered with the Secretary of State, county clerk or municipal clerk;

(iii) If the contributor is an individual, the name and address of the individual, his or her occupation, the name and address of the individual's current employer, if any, or, if the individual is self-employed, the name and address of the individual's business, if any;

(iv) A description of the contribution, if other than money; and

(v) The value in dollars and cents of the contribution.

(G)(1) A certification that such independent expenditure was not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

(2) Any person who makes a contribution for the purpose of funding an independent expenditure under this subsection shall, at the time the contribution is made, provide his or her name, address, occupation, his or her current employer, if any, or, if the individual is self-employed, the name of his or her business, if any, to the recipient of the contribution.

(3) The Secretary of State shall expeditiously prepare indices setting forth, on a candidate-by-candidate basis, all independent expenditures separately, made by, or on behalf of, or for, or against each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

(c)(1) A person, including a political committee, who makes or contracts to make independent expenditures aggregating $1,000 or more for any statewide, legislative or multi-county judicial candidate or $500 or more for any county office, single-county judicial candidate, committee supporting or opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, after the fifteenth day, but more than twelve hours, before the date of an election, shall file a report on a form prescribed by the Secretary of State, describing the expenditures within twenty-four hours: Provided, That a person making expenditures in the amount of $1,000 or more for any statewide or legislative candidate or on or after the fifteenth day but more than twelve hours before the day of any election shall report such expenditures in accordance with section two-b of this article and shall not file an additional report as provided herein.

(2) Any person who files a report under subdivision (1) of this subsection, shall file an additional report within twenty-four hours after each time the person makes or contracts to make independent expenditures aggregating an additional $500 with respect to the same election, for any county office, single-county judicial candidate, committee supporting or
§ 3-8-2. Accounts for receipts and expenditures in elections;.... WV ST § 3-8-2

opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, as that to which the initial report relates.

(d)(1) A person, including a political committee, who makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the fifteenth day before the date of an election shall file a report on a form prescribed by the Secretary of State, describing the expenditures within forty-eight hours.

(2) A person who files a report under subdivision (1) of this subsection, the person shall file an additional report within forty-eight hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

(e) Any communication paid for by an independent expenditure must include a clear and conspicuous public notice that:

(1) Clearly states that the communication is not authorized by the candidate or the candidate's committee; and

(2) Clearly identifies the person making the expenditure: Provided, That if the communication appears on or is disseminated by broadcast, cable or satellite transmission, the statement required by this subsection must be both spoken clearly and appear in clearly readable writing at the end of the communication.

(f) Any person who has spent a total of $5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications during any calendar year shall maintain all financial records and receipts related to such expenditure for a period of six months following the filing of a disclosure pursuant to subsection (a) of this section and, upon request, shall make such records and receipts available to the Secretary of State or county clerk for the purpose of an audit as provided in section seven of this article.

(g) Any person who willfully fails to comply with this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $500, or confined in jail for not more than one year, or both fined and confined.

(h)(1) Any person who is required to file a statement under this section may file the statement by facsimile device or electronic mail, in accordance with such rules as the Secretary of State may promulgate.

(2) The Secretary of State shall make any document filed electronically pursuant to this subsection accessible to the public on the internet not later than twenty-four hours after the document is received by the secretary.

(3) In promulgating a rule under this subsection, the secretary shall provide methods, other than requiring a signature on the document being filed, for verifying the documents covered by the rule. Any document verified under any of the methods shall be treated for all purposes, including penalties for perjury, in the same manner as a document verified by signature.

(i) This section does not apply to candidates for federal office.
§ 3-8-2. Accounts for receipts and expenditures in elections;...., WV ST § 3-8-2

(j) The Secretary of State may promulgate emergency and legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, to establish guidelines for the administration of this section.

Credits

Formerly Code 1923, c. 5, § 8b(1).

W. Va. Code, § 3-8-2, WV ST § 3-8-2
Current with legislation of the 2018 First Extraordinary Session.

§ 3-8-2a. Detailed accounts and verified financial statements for certain inaugural events; limitations; reporting requirements

Currentness

(a) For purposes of this section:

(1) “Inaugural committee” includes any person, organization or group of persons soliciting or receiving contributions for the purpose of funding an inaugural event for a person elected to a statewide public office; and

(2) “Inaugural event” means any event or events held between the general election of a person elected to a statewide public office and ninety days after the general election, whether the event is sponsored by the inaugural committee or the state political party committee representing the party of the person elected and for which the person elected is a prominent participant or for which solicitations of contributions include the name of the person elected in prominent display.

(b) Any inaugural committee soliciting or receiving contributions for the funding of all or any part of an inaugural event for any person elected to a statewide office that receives an individual contribution in excess of two hundred fifty dollars for any such event shall file and retain detailed records of any such contribution.

(c) No person may contribute more than five thousand dollars for any inaugural event. For purposes of this section, “contribution” does not include volunteer personal services but does include in-kind contributions of materials or supplies.

(d) Any inaugural committee, financial agent or any person or officer acting on behalf of such committee which is subject to the provisions of this section shall file a verified financial statement with the Secretary of State on a form prescribed by the State Election Commission within ninety days of the event. The financial statement shall contain information as may be required by the provisions of this section relating to any contribution in excess of two hundred fifty dollars. The Secretary of State shall file and retain such statements as public records for a period of not less than six years.

(e) In addition to any other information required by the State Election Commission, the report of contributions required by the provisions of this section shall include the methodology of the fund raising, the nature of the expenditures made and the names, addresses and amounts paid to any person.

(f) Amounts received by an inaugural committee for any person elected to a statewide public office in excess of the amount expended for an inaugural event may be contributed to any educational, cultural or charitable organization, or to the Governor’s Mansion Fund created in section two, article four, chapter five-a of this code. The inaugural committee shall, within sixty days after filing the report required by subsection (d) of this section, expend any excess moneys and
§ 3-8-2a. Detailed accounts and verified financial statements for..., WV ST § 3-8-2a

report, on a form prescribed by the Secretary of State, any amounts contributed to the Governor's Mansion Fund, any amounts contributed to educational, cultural or charitable organizations and the names of the organizations to which such excess moneys were contributed. The Secretary of State shall file and retain such records as public records for a period of not less than six years.

Credits

W. Va. Code, § 3-8-2a, WV ST § 3-8-2a
Current with legislation of the 2018 First Extraordinary Session.

End of Document

§ 3-8-2b. Disclosure of electioneering communication, WV ST § 3-8-2b

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-2b

§ 3-8-2b. Disclosure of electioneering communication

Effective: June 7, 2007
Currentness

(a) Every person who has spent:

(1) A total of five thousand dollars or more for the direct costs of purchasing, producing or disseminating electioneering communications during any calendar year; or

(2) A total of one thousand dollars or more on or after the fifteenth day but more than twelve hours before the day of any election for the direct costs of purchasing, producing or disseminating electioneering communications during any calendar year shall, within twenty-four hours of each disclosure date, file with the Secretary of State a statement which contains all of the information listed in subsection (b) of this section.

(b)(1) The name of the person making the expenditure, the name of any person sharing or exercising direction or control over the activities of the person making the expenditure and the name of the custodian of the books and accounts of the person making the expenditure;

(2) If the person making the expenditure is not an individual, the principal place of business of the partnership, committee, association, organization or group which made the expenditure;

(3) The amount of each expenditure of more than one thousand dollars made for electioneering communications during the period covered by the statement and the name of the person to whom the expenditure was made;

(4) The elections to which the electioneering communications pertain, the names, if known, of the candidates referred to or to be referred to therein, whether the electioneering communication is intended to support or oppose the identified candidates and the amount of the total expenditure reported in subdivision (3) of this subsection spent to support or oppose each of the identified candidates; and

(5) The names and addresses of any contributors who contributed a total of more than one thousand dollars between the first day of the preceding calendar year and the disclosure date and whose contributions were used to pay for electioneering communications.

(c) With regard to the contributors required to be listed pursuant to subdivision (5), subsection (b) of this section, the statement shall also include:
§ 3-8-2b. Disclosure of electioneering communication, WV ST § 3-8-2b

(1) The month, day and year that the contributions of any single contributor exceeded two hundred fifty dollars;

(2) If the contributor is a political action committee, the name and address the political action committee registered with the State Election Commission;

(3) If the contributor is an individual, the name and address of the individual, his or her occupation, the name and address of the individual's current employer, if any, or, if the individual is self-employed, the name and address of the individual's business, if any;

(4) A description of the contribution, if other than money;

(5) The value in dollars and cents of the contribution.

(d)(1) Any person who makes a contribution for the purpose of funding the direct costs of purchasing, producing or disseminating an electioneering communication under this section shall, at the time the contribution is made, provide his or her name and address to the recipient of the contribution;

(2) Any individual who makes contributions totaling two hundred fifty dollars or more between the first day of the preceding calendar year and the disclosure date for the purpose of funding the direct costs of purchasing, producing or disseminating electioneering communications shall, at the time the contribution is made, provide the name of his or her occupation and of his or her current employer, if any, or, if the individual is self-employed, the name of his or her business, if any, to the recipient of the contribution.

(e) In each electioneering communication, a statement shall appear or be presented in a clear and conspicuous manner that:

(1) Clearly indicates that the electioneering communication is not authorized by the candidate or the candidate's committee; and

(2) Clearly identifies the person making the expenditure for the electioneering communication: Provided, That if the electioneering communication appears on or is disseminated by broadcast, cable or satellite transmission, the statement required by this subsection must be both spoken clearly and appear in clearly readable writing at the end of the communication.

(f) Within five business days after receiving a disclosure of electioneering communications statement pursuant to this section, the Secretary of State shall make information in the statement available to the public through the internet.

(g) For the purposes of this section, a person is considered to have made an expenditure when the person has entered into a contract to make the expenditure at a future time.
(h) The Secretary of State is hereby directed to propose legislative rules and emergency rules implementing this section for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code.

(i) If any person, including, but not limited to, a political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) makes, or contracts to make, any expenditure for electioneering communications which is coordinated with and made with the cooperation, consent or prior knowledge of a candidate, candidate's committee or agent of a candidate, the expenditure shall be treated as a contribution and expenditure by the candidate. If the expenditure is coordinated with and made with the cooperation or consent of a state or local political party or committee, agent or official of that party, the expenditure shall be treated as a contribution to and expenditure by the candidate's party.

(j) This section does not apply to candidates for federal office. This section is not intended to restrict or to expand any limitations on, obligations of or prohibitions against any candidate, committee, agent, contributor or contribution contained in any other provision of this chapter.

Credits

W. Va. Code, § 3-8-2b, WV ST § 3-8-2b
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-2c. Party headquarters committee; detailed accounts and verified financial statements; funding for headquarters; limitations; reporting requirements

Effective: June 8, 2012

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-2c

§ 3-8-2c. Party headquarters committee; detailed accounts and verified financial statements; funding for headquarters; limitations; reporting requirements

(a) Notwithstanding the definitions contained in section one-a of this article, for purposes of this section;

(1) “Contribution” means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of funding the rental, purchase, construction or financing of the lease, purchase or construction of a party headquarters, and for the utilities, maintenance, furniture, fixtures and equipment for the party headquarters. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services provided without compensation: Provided, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.

(2) “Party headquarters” means a physical structure or structures that is the physical location of the office of a state executive committee of a political party.

(3) “Party headquarters committee” includes any person, organization or group of persons soliciting or receiving contributions for the purpose of funding the lease, purchase, construction or financing of the lease, purchase or construction of a party headquarters, including utilities, maintenance, furniture, fixtures and equipment for the party headquarters.

(b) A political party may establish a party headquarters committee to solicit and receive contributions for the exclusive purpose of the purchase, construction or lease of an office building or financing of the lease, purchase or construction of a party headquarters, including utilities, maintenance, furniture, fixtures and equipment, to be used as a state political party's headquarters.

(c) Contributions received pursuant to this section may not be expended for:

(1) The purchase, construction or lease of satellite offices or other facilities;

(2) Utilities, maintenance, furniture, fixtures, equipment or signage for satellite offices or other facilities; or
§ 3-8-2c. Party headquarters committee; detailed accounts and...

(3) Political purposes.

(d) A party headquarters committee may not accept contributions in excess $10,000, in the aggregate, from any person for the purposes of this section.

(e) A party headquarters committee may not receive contributions or make expenditures for the purpose of funding the rental, purchase, construction or financing of a state executive committee headquarters in excess of $1 million.

(f) A party headquarters committee, financial agent or any person or officer acting on behalf of the committee that is subject to the provisions of this section, shall file a verified financial statement with the Secretary of State, on a form prescribed by the secretary, within ninety days of any contribution or expenditure in excess of $250.

(2) Each financial statement shall contain, but is not limited to, the following information:

(A) The name, residence and mailing address and telephone number of the party headquarters committee, financial agent or any person or officer acting on behalf of the committee, filing the financial statement.

(B) The balance of cash and any other sum of money on hand at the beginning and the end of the period covered by the financial statement.

(C) The name of any person making a contribution, the amount of the contribution, and the residence and mailing address of the contributor.

(D) The total amount of contributions received during the period covered by the financial statement.

(E) The name, residence and mailing address of any individual or the name and mailing address of each lending institution making a loan, the amount of any loan received, the date and terms of the loan, including the interest and repayment schedule, and a copy of the loan agreement.

(F) The name, residence and mailing address of any individual or the name and mailing address of each partnership, firm, association, committee, organization or group having previously made or cosigned a loan for which payment is made or a balance is outstanding at the end of the period, together with the amount of repayment on the loan made during the period and the balance at the end of the period.

(G) The total outstanding balance of all loans at the end of the period.

(H) The name, residence and mailing address of any person to whom each expenditure was made or liability incurred, together with the amount and purpose of each expenditure or liability incurred and the date of each transaction.
§ 3-8-2c. Party headquarters committee; detailed accounts and..., WV ST § 3-8-2c

(I) The total amount of expenditures made during the period covered by the financial statement.

(3) The Secretary of State shall file and retain the statements as public records for not less than six years.

(g) Contributions received by a party headquarters committee may be contributed to any educational, cultural or charitable organization.

(h) The Secretary of State shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.

Credits

W. Va. Code, § 3-8-2c, WV ST § 3-8-2c
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-3. Committee treasurers; required to receive and disburse funds, WV ST § 3-8-3

West’s Annotated Code of West Virginia
Chapter 3. Elections
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W. Va. Code, § 3-8-3

§ 3-8-3. Committee treasurers; required to receive and disburse funds

Effective: June 7, 2007

Currentness

Every political committee shall appoint and retain a treasurer to receive, keep and disburse all sums of money which may be collected or received by such committee, or by any of its members, for election expenses, and, unless such treasurer is first appointed and thereafter retained, it shall be unlawful for any such committee or any of its members to collect, receive or disburse money for any such purposes. All moneys collected or received by any such committee, or by any of its members, for election expenses shall be paid over to, and pass through the hands of, the treasurer, and shall be disbursed by him, and it shall be unlawful for any such committee, or any of its members, to disburse any money for election expenses unless such money shall be paid to, and disbursed by, the treasurer. The same person may be designated to act as treasurer for two or more political party committees.

Credits

Formerly Code 1923, c. 5, § 8b(3).

W. Va. Code, § 3-8-3, WV ST § 3-8-3
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-4. Treasurers and financial agents; written designation requirements, WV ST § 3-8-4

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-4

§ 3-8-4. Treasurers and financial agents; written designation requirements

Effective: September 26, 2008
Currentness

(a) No person may act as the treasurer of any political action committee or political party committee supporting, aiding or opposing the nomination, election or defeat of any candidate for an office encompassing an election district larger than a county unless a written statement of organization, on a form to be prescribed by the Secretary of State, is filed with the Secretary of State at least twenty-eight days before the election at which that person is to act as a treasurer and is received by the Secretary of State before midnight, eastern standard time, of that day or, if mailed, is postmarked before that hour. The form shall include the name of the political committee; the name of the treasurer; the mailing address, telephone number and e-mail address, if applicable, of the committee and of the treasurer if different from the committee information; the chairman of the committee; the affiliate organization, if any; type of committee affiliation, as defined in subdivisions (21) and (24), section one-a of this article, if any; and whether the committee will participate in statewide, county or municipal elections. The form shall be certified as accurate and true and signed by the chairman and the treasurer of the committee: Provided, That a change of treasurer or financial agent may be made at any time by filing a written statement with the Secretary of State.

(b) No person may act as the treasurer for any candidate for nomination or election to any statewide office, or to any office encompassing an election district larger than a county or to any legislative office unless a written statement designating that person as the treasurer or financial agent is filed with the Secretary of State at least twenty-eight days before the election at which that person is to act as a treasurer and is received by the Secretary of State before midnight, eastern standard time, of that day or if mailed, is postmarked before that hour: Provided, That a change of treasurer or financial agent may be made at any time by filing a written statement with the Secretary of State.

(c) No person may act as treasurer of any committee or as financial agent for any candidate to be nominated or elected by the voters of a county or a district therein, except legislative candidates, or as the financial agent for a candidate for the nomination or election to any other office, unless a written statement designating him or her as the treasurer or financial agent is filed with the clerk of the county commission at least twenty-eight days before the election at which he or she is to act and is received before midnight, eastern standard time, of that day or if mailed, is postmarked before that hour: Provided, That a change of treasurer may be made at any time by filing a written statement with the clerk of the county commission.

(d) Notwithstanding the provisions of subsections (a), (b) and (c) of this section, a filing designating a treasurer for a state or county political executive committee may be made anytime before the committee either accepts or spends funds. Once a designation is made by a state or county political executive committee, no additional designations are required under this section until a successor treasurer is designated. A state or county political executive committee may terminate a designation made pursuant to this section by making a written request to terminate the designation and by stating in the request that the committee has no funds remaining in the committee's account. This written request shall be filed
§ 3-8-4. Treasurers and financial agents; written designation requirements, WV ST § 3-8-4

with either the Secretary of State or the clerk of the county commission as provided by subsections (a), (b) and (c) of this section.

Credits

Formerly Code 1923, c. 5, §§ 8b(2), (4).

W. Va. Code, § 3-8-4, WV ST § 3-8-4
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-4a. Termination of political committees, WV ST § 3-8-4a

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-4a

§ 3-8-4a. Termination of political committees

Currentness

(a) A political committee may terminate by filing a written request, in accordance with the provisions of section four of this article, and by stating in the request that it will no longer receive any contributions or make any disbursements and that it has no outstanding debts or obligations. At such time, any excess funds of the committee may be transferred to a political committee established by the same candidate pursuant to the provisions of section four or five-e of this article.

(b) The provisions of this section may not be construed to eliminate or limit the authority of the secretary of state, in consultation with the state election commission, to establish procedures for: (1) The determination of insolvency with respect to any political committee; (2) the orderly liquidation of an insolvent political committee and the orderly application of its assets for the reduction of outstanding debts; and (3) the termination of an insolvent political committee after such liquidation and application of assets.

(c) Notwithstanding any other provision of this code, any political committee which has been terminated within three years prior to the effective date of the reenactment of this section during the regular session of the Legislature in the year two thousand two, pursuant to a written request made in accordance with the provisions of section four of this article, may file a written request and be authorized by the secretary of state to reestablish the political committee. Any request to reestablish a political committee pursuant to the provisions of this subsection must be filed on or before the first day of July, two thousand two. The provisions of this subsection may not be construed to increase the maximum contribution authorized during an election cycle, as provided in section twelve of this article.

Credits


W. Va. Code, § 3-8-4a, WV ST § 3-8-4a
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-5. Detailed accounts and verified financial statements required, WV ST § 3-8-5

W. Va. Code, § 3-8-5

§ 3-8-5. Detailed accounts and verified financial statements required

Effective: July 10, 2009

Currentness

(a) Every candidate, treasurer, person and association of persons, organization of any kind, including every corporation, directly, or by an independent expenditure, supporting a political committee established pursuant to paragraph (C), subdivision (1), subsection (b), section eight of this article or engaging in other activities permitted by this section and also including the treasurer or equivalent officer of the association or organization, expressly advocating the election or defeat of a clearly identified candidate for state, district, county or municipal office, and the treasurer of every political committee shall keep detailed accounts of every sum of money or other thing of value received by him or her, including all loans of money or things of value and of all expenditures and disbursements made, liabilities incurred, by the candidate, financial agent, person, association or organization or committee, for political purposes, or by any of the officers or members of the committee, or any person acting under its authority or on its behalf.

(b) Every person or association of persons required to keep detailed accounts under this section shall file with the officers hereinafter prescribed a detailed itemized sworn statement:

(1) Of all financial transactions, whenever the total exceeds $500, which have taken place before the last Saturday in March, to be filed within six days thereafter and annually whenever the total of all financial transactions relating to an election exceeds $500;

(2) Of all financial transactions which have taken place before the fifteenth day preceding each primary or other election and subsequent to the previous statement, if any, to be filed within four business days after the fifteenth day;

(3) Of all financial transactions which have taken place before the thirteenth day after each primary or other election and subsequent to the previous statement, if any, to be filed within twenty business days after the thirteenth day; and

(4) Of all financial transactions, whenever the total exceeds $500 or whenever any loans are outstanding, which have taken place before the forty-third day preceding the general election day, to be filed within four business days after the forty-third day.

(c) Every person who announces as a write-in candidate for any elective office and his or her financial agent or election organization of any kind shall comply with all of the requirements of this section after public announcement of the person's candidacy has been made.
§ 3-8-5. Detailed accounts and verified financial statements required, WV ST § 3-8-5

(d) For purposes of this section, the term "financial transactions" includes all contributions or loans received and all repayments of loans or expenditures made to promote the candidacy of any person by any candidate or any organization advocating or opposing the nomination, election or defeat of any candidate to be voted on.

(e) Candidates for the office of conservation district supervisor elected pursuant to the provisions of article twenty-one-a, chapter nineteen of this code are required to file only the reports required by subdivisions (2) and (3), subsection (b) of this section immediately prior to and after the primary election: Provided, That during the election in the year 2008, the statements required by this subsection shall be filed immediately prior to and after the general election.

Credits

Formerly Code 1923, c. 5, §§ 8b(5), (6).

W. Va. Code, § 3-8-5, WV ST § 3-8-5
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-5a. Information required in financial statement, WV ST § 3-8-5a

W. Va. Code, § 3-8-5a

§ 3-8-5a. Information required in financial statement

Effective: June 7, 2007

Currentness

(a) Each financial statement required by the provisions of this article, other than a disclosure of electioneering communications pursuant to section two-b of this article, shall contain only the following information:

(1) The name, residence and mailing address and telephone number of each candidate, financial agent, treasurer or person and the name, address and telephone number of each association, organization or committee filing a financial statement.

(2) The balance of cash and any other sum of money on hand at the beginning and the end of the period covered by the financial statement.

(3) The name of any person making a contribution and the amount of the contribution. If the total contributions of any one person in any one election cycle amount to more than two hundred fifty dollars, the residence and mailing address of the contributor and, if the contributor is an individual, his or her major business affiliation and occupation shall also be reported. A contribution totaling more than fifty dollars of currency of the United States or currency of any foreign country by any one contributor is prohibited and a violation of section five-d of this article. The statement on which contributions are required to be reported by this subdivision may not distinguish between contributions made by individuals and contributions made by partnerships, firms, associations, committees, organizations or groups.

(4) The total amount of contributions received during the period covered by the financial statement.

(5) The name, residence and mailing address of any individual or the name and mailing address of each lending institution making a loan or of the spouse cosigning a loan, as appropriate, the amount of any loan received, the date and terms of the loan, including the interest and repayment schedule, and a copy of the loan agreement.

(6) The name, residence and mailing address of any individual or the name and mailing address of each partnership, firm, association, committee, organization or group having previously made or cosigned a loan for which payment is made or a balance is outstanding at the end of the period, together with the amount of repayment on the loan made during the period and the balance at the end of the period.
(7) The total outstanding balance of all loans at the end of the period.

(8) The name, residence and mailing address of any person to whom each expenditure was made or liability incurred, including expenditures made on behalf of a candidate or political committee that otherwise are not made directly by the candidate or political committee, together with the amount and purpose of each expenditure or liability incurred and the date of each transaction.

(9) The total expenditure for the nomination, election or defeat of a candidate or any person supporting, aiding or opposing the nomination, election or defeat of any candidate in whose behalf an expenditure was made or a contribution was given for the primary or other election.

(10) The total amount of expenditures made during the period covered by the financial statement.

(b) Any unexpended balance at the time of making the financial statements herein provided for shall be properly accounted for in that financial statement and shall appear as a beginning balance in the next financial statement.

(c) Each financial statement required by this section shall contain a separate section setting forth the following information for each fund-raising event held during the period covered by the financial statement:

(1) The type of event, date held and address and name, if any, of the place where the event was held.

(2) All of the information required by subdivision (3), subsection (a) of this section.

(3) The total of all moneys received at the fund-raising event.

(4) The expenditures incident to the fund-raising event.

(5) The net receipts of the fund-raising event.

(d) When any lump sum payment is made to any advertising agency or other disbursing person who does not file a report of detailed accounts and verified financial statements as required in this section, such lump sum expenditures shall be accounted
§ 3-8-5a. Information required in financial statement, WV ST § 3-8-5a

for in the same manner as provided for herein.

(e) Any contribution or expenditure made by or on behalf of a candidate for public office, to any other candidate or committee for a candidate for any public office in the same election shall be accounted for in accordance with the provisions of this section.

(f) No person may make any contribution except from his, her or its own funds, unless such person discloses in writing to the person required to report under this section the name, residence, mailing address, major business affiliation and occupation of the person which furnished the funds to the contributor. All such disclosures shall be included in the statement required by this section.

(g) Any firm, association, committee or fund permitted by section eight of this article to be a political committee shall disclose on the financial statement its corporate or other affiliation.

(h) No contribution may be made, directly or indirectly, in a fictitious name, anonymously or by one person through an agent, relative or other person so as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment of the contributor’s identity.

(i) No person may accept any contribution for the purpose of influencing the nomination, election or defeat of a candidate or for the passage or defeat of any ballot issue unless the identity of the donor and the amount of the contribution is known and reported.

(j) When any person receives an anonymous contribution which cannot be returned because the donor cannot be identified, that contribution shall be donated to the General Revenue Fund of the state. Any anonymous contribution shall be recorded as such on the candidate’s financial statement, but may not be expended for election expenses. At the time of filing, the financial statement shall include a statement of distribution of anonymous contributions, which total amount shall equal the total of all anonymous contributions received during the period.

(k) Any membership organization which raises funds for political purposes by payroll deduction, assessing them as part of its membership dues or as a separate assessment, may report the amount raised as follows:

(1) If the portion of dues or assessments designated for political purposes equals twenty-five dollars or less per member over the course of a calendar year, the total amount raised for political purposes through membership dues or assessments during the period is reported by showing the amount required to be paid by each member and the number of members.

(2) If the total payroll deduction for political purposes of each participating member equals twenty-five dollars or less over the course of a calendar or fiscal year, as specified by the organization, the organization shall report the total amount received for political purposes through payroll deductions during the reporting period and, to the maximum extent possible, the
§ 3-8-5a. Information required in financial statement, WV ST § 3-8-5a

amount of each yearly payroll deduction contribution level and the number of members contributing at each such specified level. The membership organization shall maintain records of the name and yearly payroll deduction amounts of each participating member.

(3) If any member contributes to the membership organization through individual voluntary contributions by means other than payroll deduction, membership dues, or assessments as provided in this subsection, the reporting requirements of subdivision (3), subsection (a) of this section shall apply. Funds raised for political purposes must be segregated from the funds for other purposes and listed in its report.

(l) Notwithstanding the provisions of section five of this article or of the provisions of this section to the contrary, an alternative reporting procedure may be followed by a political party committee in filing financial reports for fund-raising events if the total profit does not exceed five thousand dollars per year. A political party committee may report gross receipts for the sale of food, beverages, services, novelty items, raffle tickets or memorabilia, except that any receipt of more than fifty dollars from an individual or organization shall be reported as a contribution. A political party committee using this alternative method of reporting shall report:

(i) The name of the committee;

(ii) The type of fund-raising activity undertaken;

(iii) The location where the activity occurred;

(iv) The date of the fundraiser;

(v) The name of any individual who contributed more than fifty dollars worth of items to be sold;

(vi) The name and amount received from any person or organization purchasing more than fifty dollars worth of food, beverages, services, novelty items, raffle tickets or memorabilia;

(vii) The gross receipts of the fundraiser; and

(viii) The date, amount, purpose and name and address of each person or organization from whom items with a fair market value of more than fifty dollars were purchased for resale.
§ 3-8-5a. Information required in financial statement, WV ST § 3-8-5a

Credits


W. Va. Code § 3-8-5a, WV ST § 3-8-5a
Current with legislation of the 2018 First Extraordinary Session.

End of Document

§ 3-8-5b. Where financial statements shall be filed; filing date prescribed, WV ST § 3-8-5b

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-5b

§ 3-8-5b. Where financial statements shall be filed; filing date prescribed

Effective: June 8, 2016
Currentness

(a) The financial statements provided for in this article shall be filed, by or on behalf of candidates, with:

(1) The Secretary of State for legislative offices, circuit judge and family court judge, and for statewide and other offices to be nominated or elected by the voters of a political division greater than a county;

(2) The clerk of the county commission by candidates for offices to be nominated or elected by the voters of a single county or a political division within a single county except circuit judge and family court judge; or

(3) The proper municipal officer by candidates for office to be nominated or elected to municipal office.

(b) The statements may be filed by mail, in person, or by facsimile or other electronic means of transmission: Provided, That the financial statements filed by or on behalf of candidates for Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of Agriculture and Supreme Court of Appeals shall be filed electronically by the means of an Internet program that has been established by the Secretary of State on forms or in a format prescribed by the Secretary of State: Provided, however, That after January 1, 2018, unless a committee has been granted an exemption in case of hardship pursuant to subsection (c) of this section, all such statements required to be filed with the Secretary of State, on or behalf of a candidate for any elective office, shall be filed electronically by means of the Internet program that has been established by the Secretary of State. If through or by no fault of the candidate, the candidate is unable to file the campaign financial statement, the candidate shall then file said statement in person, via facsimile or other electronic means of transmission, or by certified mail postmarked at the first reasonable opportunity.

(c) Committees required to report electronically may apply to the State Election Commission for an exemption from mandatory electronic filing in the case of hardship. An exemption may be granted at the discretion of the State Election Commission.

(d) For purposes of this article, the filing date of a financial statement shall, in the case of mailing, be the date of the postmark of the United States Postal Service, and in the case of hand delivery or delivery by facsimile or other electronic means of transmission, the date delivered to the office of the Secretary of State or to the office of the clerk of the county commission, in accordance with the provisions of subsection (a) of this section, during regular business hours of that office.
§ 3-8-5b. Where financial statements shall be filed; filing date prescribed, WV ST § 3-8-5b

(e) The sworn financial statements required to be filed by this section with the Secretary of State shall be posted on the internet by the Secretary of State within ten business days from the date the financial statement is filed.

Credits

W. Va. Code, § 3-8-5b, WV ST § 3-8-5b
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-5d. Offenses and penalties, WV ST § 3-8-5d

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-5d

§ 3-8-5d. Offenses and penalties

Currentness

(a) Any person who makes or receives a contribution of currency of the United States or currency of any foreign country of more than fifty dollars in value is guilty of a misdemeanor, and, upon conviction, shall be fined a sum equal to three times the amount of the contribution.

(b) Notwithstanding any provision of section twenty-four, article nine of this chapter to the contrary, a criminal prosecution or civil action for a violation of this article may be commenced within five years after the violation occurred.

(c) No person required to report under this article shall be found in violation of this article if any person, firm, association or committee making a contribution has provided false information to such person: Provided, That any person, firm, association or committee who provides false information to a person required to report under this article is guilty of a misdemeanor and subject to the penalties provided in section twenty-three, article nine of this chapter.

Credits

W. Va. Code, § 3-8-5d, WV ST § 3-8-5d
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-5e. Precandidacy financing and expenditures, WV ST § 3-8-5e

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-5e

§ 3-8-5e. Precandidacy financing and expenditures

Effective: June 7, 2007

Currentness

(a) Notwithstanding any other provisions of this code, it is lawful for a person, otherwise qualified to be a candidate for any public office or position to be determined by public election, to receive contributions or make expenditures, or both, personally or by another individual acting as a treasurer, to determine the advisability of becoming such a candidate or preparing to be such a candidate: Provided, That such contributions may be received and such expenditures made only during the four years immediately preceding the term for which such person may be a candidate or during the term of office immediately preceding the term for which such person may be a candidate, whichever is less: Provided, however, That no person is disqualified from receiving contributions or making expenditures as permitted under the provisions of this section solely because such person then holds a public office or position.

(b) Any person undertaking to determine the advisability of becoming or preparing to be a candidate, who desires to receive contributions before filing a certificate of candidacy, shall name himself or another individual to act as a treasurer and shall file a designation of treasurer in the manner provided in section four of this chapter before receiving any contributions permitted by this section. Any expenditures made before the filing of a designation of treasurer shall be reported in accordance with the provisions of this section, regardless of the source of funds used for such expenditures.

(c) A person who receives a contribution who is acting for and by himself or as treasurer or agent for another pursuant to the provisions of this section shall keep detailed accounts of every sum of money or other thing of value received by him, and of all expenditures and disbursements made, and liabilities incurred, in the same manner as such accounts are required by section five of this article, for the period prior to the date of filing for candidacy for the office he is considering seeking. Any person who has received contributions or made expenditures subject to the provisions of this section shall file annually on the last Saturday in March or within six days thereafter preceding the election at which the names of candidates would appear on the ballot for the public office or position which the person originally considered seeking, a detailed itemized statement setting forth all contributions received and expenditures made pursuant to the provisions of this section concerning the candidacy of that person. If the person on whose behalf such contributions are received or expenditures are made becomes a candidate for any office or position to be decided at such election then the itemized statement shall be included within the first statement required to be filed by the provisions of section five of this article. If such person does not become a candidate for any office or position to be decided at such election, then the detailed itemized statements required by this subsection shall be the only statements required to be filed by such person. Regardless of whether such person becomes a candidate as originally intended, or becomes a candidate for some office other than the office or position originally intended, or does not become a candidate, all limits on campaign contributions and campaign expenditures applicable to the candidacy of or advocacy of the candidacy of such person for the office he actually seeks, shall be applicable to and inclusive of the receipts had and expenditures made during such precandidacy period as well as after the person becomes a candidate.
Credits

W. Va. Code, § 3-8-5e, WV ST § 3-8-5e
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-5f. Loans to candidates, organizations or persons for election purposes, WV ST § 3-8-5f

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-5f

§ 3-8-5f. Loans to candidates, organizations or persons for election purposes

Currentness

(a) No candidate, financial agent, person or association of persons or organization advocating or opposing the nomination or election of any candidate or the passage or defeat of any issue or item to be voted upon may receive any money or any other thing of value as a loan toward election expenses except from the candidate, his or her spouse or a lending institution. All loans shall be evidenced by a written agreement executed by the lender, whether the candidate, his or her spouse, or the lending institution. Such agreement shall state the date and amount of the loan, the terms, including interest and repayment schedule, and a description of the collateral, if any, and the full names and addresses of all parties to the agreement. A copy of the agreement shall be filed with the financial statement next required after the loan is executed.

(b) Loans may only be made in the regular course of business by a lending institution which is a state bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits are insured by the federal deposit insurance corporation or the national credit union administration. Such loans shall be subject to the following requirements:

(1) Endorsements or guarantees of such loans may be made by the candidate or his or her spouse;

(2) Endorsements or guarantees of such loans by parties other than the candidate or his or her spouse may be made only to the extent of the contribution limits established in this article; and

(3) No other form of security shall be furnished in connection with such loans by any party other than the candidate or his or her spouse.

(c) The provisions of this section shall not be construed to prohibit a candidate or his or her spouse from lending money to the candidate or to the candidate’s political committee: Provided, That the spouse of a candidate may not borrow money from a third party other than a lending institution authorized to make loans under this section for the purposes of lending money to the candidate or the candidate’s political committee.

Credits

W. Va. Code, § 3-8-5f, WV ST § 3-8-5f
Current with legislation of the 2018 First Extraordinary Session.
End of Document
§ 3-8-6. Financial statement forms; filing; disposition, WV ST § 3-8-6

W. Va. Code, § 3-8-6

§ 3-8-6. Financial statement forms; filing; disposition

Currentness

Blank forms for all financial statements required under this article shall be provided by the state election commission. The content of the forms shall be as prescribed by legislative rule promulgated in accordance with the provisions of chapter twenty-nine-a of this code. Pending legislative approval of such legislative rule, the state election commission may by emergency rule prescribe the contents of the forms. Copies thereof, together with a copy of this article, shall be furnished through the county clerk or otherwise, as the secretary of state may deem expedient, to all treasurers of political committees, to all political financial agents, and to all candidates for nomination or election to any office, upon the filing of a petition or announcement for nomination, and to all other persons required by law to file such statements who shall apply therefor. The form shall also be furnished, at a nominal cost, on computer disc or magnetic media. All statements filed in accordance with the provisions of this article shall be received, endorsed and filed by the secretary of state and county clerks, and shall be preserved for five years, after which time they may be destroyed, if not required to be further preserved by the order of any court.

Credits

Formerly Code 1923, c. 5, § 8b(7).

W. Va. Code, § 3-8-6, WV ST § 3-8-6
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-7. Failure to file statement; delinquent or incomplete filing; criminal and civil penalties

Effective: June 12, 2015

(a) Any person, candidate, financial agent or treasurer of a political party committee who fails to file a sworn, itemized statement required by this article within the time limitations specified in this article or who willfully files a grossly incomplete or grossly inaccurate statement is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $500 or confined in jail for not more than one year, or both fined and confined. Sixty days after any primary or other election, the Secretary of State, county clerk or municipal recorder, as the case may be, shall give notice of any failure to file a sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any person, candidate, financial agent or treasurer of a political party committee and forward copies of any grossly incomplete or grossly inaccurate statement to the prosecuting attorney of the county where the person, candidate, financial agent or treasurer resides, is located or has its principal place of business.

(b)(1) Any person, candidate, financial agent or treasurer of a political party committee who fails to file a sworn, itemized statement as required in this article or who files a grossly incomplete or grossly inaccurate statement may be assessed a civil penalty by the Secretary of State of $25 a day for each day after the due date the statement is delinquent, grossly incomplete or grossly inaccurate. Sixty days after any primary or other election, the county clerk shall give notice to the Secretary of State of any failure to file a sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any person, candidate, financial agent or treasurer of a political party committee and forward copies of such delinquent, incomplete or inaccurate statements to the Secretary of State.

(2) A civil penalty assessed pursuant to this section shall be payable to the state of West Virginia and is collectable as authorized by law for the collection of debts.

(3) The Secretary of State may negotiate and enter into settlement agreements for the payment of civil penalties assessed as a result of the filing of a delinquent, grossly incomplete or inaccurate statement.

(4) The Secretary of State and county clerk may review and audit any sworn statement required to be filed pursuant to this article. The State Election Commission shall propose legislative rules for promulgation, in accordance with chapter twenty-nine-a of this code, to establish procedures for the assessment of civil penalties as provided in this section.

(c)(1) Any candidate, whether nominated by primary election or appointed by executive committee or executive committee chair, who has failed to file any sworn statement as required by this article, relating to the immediately preceding primary election for any office by the eighty-fourth day before the general election, is disqualified and may not have his or her name appear on the general election ballot. The provisions of subsection (d), section five-b of this article notwithstanding, any sworn statement filed after the deadline required by section five of this article must be received...
§ 3-8-7. Failure to file statement; delinquent or incomplete filing;... WV ST § 3-8-7

in the office indicated by subsection (a), section five-b of this article by the close of business on the eighty-fourth day before the general election.

(2) It is unlawful to issue a commission or certificate of election, or to administer the oath of office, to any person elected to any public office who has failed to file any sworn statement required by this article and no person may enter upon the duties of his or her office until he or she has filed such statement, nor may he or she receive any salary or emolument for any period prior to the filing of the statement.

(3) The vacancy on the ballot created by the disqualification in this subsection is subject to section nineteen, article five, chapter three of this code.

(d) As used in this section, “grossly” means substantive and material, and specifically includes false or misleading representations and acts of omissions.

(e) The Secretary of State shall provide by rule protocols for written notice via certified mail, return receipt requested, to the person, candidate, financial agent or treasurer of a political party committee that is not in compliance with the requirements of this section. With respect to a violation of subsection (c) of this section, the notice shall be provided sixty days after any primary or other election.

Credits

Formerly Code 1923, c. 3, § 26a(26); Code 1923, c. 5, § 8b(8).

W. Va. Code, § 3-8-7, WV ST § 3-8-7
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-8. Corporation contributions forbidden; exceptions; penalties; promulgation of rules; additional powers of State Election Commission

W. Va. Code, § 3-8-8

Effective: June 11, 2010
Currentness

(a) An officer, agent or person acting on behalf of any corporation, whether incorporated under the laws of this or any other state or of a foreign country, may not pay, give, lend or authorize to be paid, any money or other thing of value belonging to the corporation to any candidate or candidate's campaign for nomination or election to any statewide office or any other elective office in the state or any of its subdivisions.

(b) A person may not solicit or receive any payment, contribution or other thing from any corporation or from any officer, agent or other person acting on behalf of the corporation to any candidate or candidate's campaign for nomination or election to any statewide office or any other elective office in the state or any of its subdivisions.

(c)(1) The provisions of this section do not prohibit a corporation from soliciting, through any officer, agent or person acting on behalf of the corporation, contributions to a separate segregated fund to be used for political purposes. Any separate segregated fund is considered a political action committee for the purpose of this article and is subject to all reporting requirements applicable to political action committees;

(2) It is unlawful for:

(A) A corporation or separate segregated fund to make a primary or other election contribution or expenditure by using money or anything of value secured: (i) By physical force, job discrimination or financial reprisal; (ii) by the threat of force, job discrimination or financial reprisal; or (iii) as a condition of employment;

(B) Any person soliciting a stockholder or executive or administrative personnel and members of their families for a contribution to a corporation or separate segregated fund to fail to inform the person solicited of the political purposes of the separate segregated fund at the time of the solicitation;

(C) Any person soliciting any other person for a contribution to a corporation or separate segregated fund to fail to inform the person solicited at the time of the solicitation of his or her right to refuse to contribute without any reprisal;

(D) A separate segregated fund established by a corporation: (i) To solicit contributions to the fund from any person other than the corporation's stockholders and their families and its executive or administrative personnel and their families; or (ii) to contribute any corporate funds;
(E) A separate segregated fund established by a corporation to receive contributions to the fund from any person other than the corporation's stockholders and their immediate families and its executive or administrative personnel and their immediate families;

(F) A corporation to engage in job discrimination or to discriminate in job promotion or transfer because of an employee's failure to make a contribution to the corporation or a separate segregated fund;

(G) A separate segregated fund to make any contribution, directly or indirectly, in excess of $1,000 in connection with or on behalf of any campaign for nomination or election to any elective office in the state or any of its subdivisions, or in connection with or on behalf of any committee or other organization or person engaged in furthering, advancing, supporting or aiding the nomination or election of any candidate for any such office;

(H) A corporation to pay, give or lend or to authorize payment, giving or lending of any moneys or other things of value belonging to the corporation to a separate segregated fund for the purpose of making a contribution to a candidate or a candidate's committee. This provision does not prohibit a separate segregated fund from using the property, real or personal, facilities and equipment of a corporation solely to establish, administer and solicit contributions to the fund, subject to the rules of the State Election Commission as provided in subsection (d) of this section: Provided, That any such corporation shall also permit any group of its employees represented by a bona fide political action committee to use the real property of the corporation solely to establish, administer and solicit contributions to the fund of the political action committee, subject to the rules of the State Election Commission promulgated in accordance with said subsection.

(3) For the purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary rather than hourly basis and who have policy-making, managerial, professional or supervisory responsibilities.

(d) Any person or corporation violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $10,000. A corporation may not reimburse any person the amount of any fine imposed pursuant to this section.

(e) To ensure uniform administration and application of the provisions of this section and of those of the Federal Election Campaign Act Amendments of 1976 relating to corporate contributions, the State Election Commission shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this section consistent, insofar as practicable, with the rules and regulations promulgated by the Federal Election Commission to carry out similar or identical provisions of 2 U.S.C. § 441b.

(f) In addition to the powers and duties set forth in article one-a of this chapter, the State Election Commission has the following powers and duties:

(1) To investigate, upon complaint or on its own initiative, any alleged violations or irregularities of this article.

(2) To administer oaths and affirmations, issue subpoenas for the attendance of witnesses, issue subpoenas duces tecum to compel the production of books, papers, records and all other evidence necessary to any investigation.
§ 3-8-8. Corporation contributions forbidden; exceptions; penalties;,..., WV ST § 3-8-8

(3) To involve the aid of any circuit court in the execution of its subpoena power.

(4) To report any alleged violations of this article to the appropriate prosecuting attorney having jurisdiction, which prosecuting attorney shall present to the grand jury such alleged violations, together with all evidence relating thereto, no later than the next term of court after receiving the report.

(g) The Attorney General shall, when requested, provide legal and investigative assistance to the State Election Commission.

(h) Any investigation, either upon complaint or initiative, shall be conducted in an executive session of the State Election Commission and shall remain undisclosed except upon an indictment by a grand jury.

(i) Any person who discloses the fact of any complaint, investigation or report or any part thereof, or any proceedings thereon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $1,000, nor more than $5,000, and shall be confined in jail not less than six months nor more than one year.

(j) The amendments to this section enacted during the second extraordinary session of 2008 are intended to conform to the existing proscription to constitutionally permissible limits and not to create a new offense or offenses.

(k) The effective date of the amendments to this section enacted during the second extraordinary legislative session of 2008 is October 1, 2008.

Credits

Formerly Code 1923, c. 5, § 8(b).

W. Va. Code, § 3-8-8, WV ST § 3-8-8
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-9. Lawful and unlawful election expenses; public opinion polls; limitation upon expenses; use of advertising agencies and reporting requirements; delegation of expenditures

Effective: June 5, 2007

Currentness

(a) No financial agent or treasurer of a political committee shall pay, give or lend, either directly or indirectly, any money or other thing of value for any election expenses, except for the following purposes:

(1) For rent, maintenance, office equipment and other furnishing of offices to be used as political headquarters and for the payment of necessary clerks, stenographers, typists, janitors and messengers actually employed therein;

(2) In the case of a candidate who does not maintain a headquarters, for reasonable office expenses, including, but not limited to, filing cabinets and other office equipment and furnishings, computers, computer hardware and software, scanners, typewriters, calculators, audio visual equipment, the rental of the use of the same, or for the payment for the shared use of same with the candidate's business and for the payment of necessary clerks, stenographers and typists actually employed;

(3) For printing and distributing books, pamphlets, circulars and other printed matter and radio and television broadcasting and painting, printing and posting signs, banners and other advertisements, including contributions to charitable, educational or cultural events, for the promotion of the candidate, the candidate's name or an issue on the ballot;

(4) For renting and decorating halls for public meetings and political conventions, for advertising public meetings and for the payment of traveling expenses of speakers and musicians at such meetings;

(5) For the necessary traveling and hotel expenses of candidates, political agents and committees and for stationery, postage, telegrams, telephone, express, freight and public messenger service;

(6) For preparing, circulating and filing petitions for nomination of candidates;

(7) For examining the lists of registered voters, securing copies thereof, investigating the right to vote of the persons listed therein and conducting proceedings to prevent unlawful registration or voting;

(8) For conveying voters to and from the polls;
(9) For securing publication in newspapers and by radio and television broadcasting of documents, articles, speeches, arguments and any information relating to any political issue, candidate or question or proposition submitted to a vote;

(10) For conducting public opinion poll or polls. For the purpose of this section, the phrase “conducting of public opinion poll or polls” shall mean and be limited to the gathering, collection, collation and evaluation of information reflecting public opinion, needs and preferences as to any candidate, group of candidates, party, issue or issues. No such poll shall be deceptively designed or intentionally conducted in a manner calculated to advocate the election or defeat of any candidate or group of candidates or calculated to influence any person or persons so polled to vote for or against any candidate, group of candidates, proposition or other matter to be voted on by the public at any election: Provided, That nothing herein shall prevent the use of the results of any such poll or polls to further, promote or enhance the election of any candidate or group of candidates or the approval or defeat of any proposition or other matter to be voted on by the public at any election;

(11) For legitimate advertising agency services, including commissions, in connection with any campaign activity for which payment is authorized by subdivisions (3), (4), (5), (6), (7), (9) and (10) of this subsection;

(12) For the purchase of memorials, flowers or citations by political party executive committees or political action committees representing a political party;

(13) For the purchase of nominal noncash expressions of appreciation following the close of the polls of an election or within thirty days thereafter;

(14) For the payment of dues or subscriptions to any national, state or local committee of any political party;

(15) For contributions to a county party executive committee, state party executive committee or a state party legislative caucus political committee; and

(16) For contributions to a candidate committee: Provided, That a candidate committee may not contribute to another candidate committee except as otherwise provided by section ten of this article.

(b) A political action committee may not contribute to another political action committee or receive contributions from another political action committee: Provided, That a political action committee may receive contributions from its national affiliate, if any.

(c) Every liability incurred and payment made shall be for the fair market value of the services rendered.

(d) Every advertising agency subject to the provisions of this article shall file, in the manner and form required by section five-a of this article, the financial statements required by section five of this article at the times required therein and include therein, in itemized detail, all receipts from and expenditures made on behalf of a candidate, financial agent or treasurer of a political party committee.
§ 3-8-9. Lawful and unlawful election expenses; public opinion polls..., WV ST § 3-8-9

(e) Any candidate may designate a financial agent by a writing duly subscribed by him which shall be in such form and filed in accordance with the provisions of section four of this article.

Credits

Formerly Code 1923, c. 5, § 8b(10).

W. Va. Code, § 3-8-9, WV ST § 3-8-9
Current with legislation of the 2018 First Extraordinary Session.

End of Document
§ 3-8-10. Use of certain contributions, WV ST § 3-8-10

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-10

§ 3-8-10. Use of certain contributions

Currentness

(a) Notwithstanding any provision of this code to the contrary, amounts received by a candidate as contributions that are in excess of any amount necessary to defray his or her expenditures may be:

(1) Used by the candidate to defray any usual and customary expenses incurred in connection with his or her duties as a holder of public office; and

(2) Contributed by the candidate, after the general election, to:

(A) Any charitable organization or subsequent campaign by the same candidate, without limitation;

(B) Any national committee in accordance with federal requirements;

(C) Any state party executive committee or state party legislative caucus committee, in an amount not to exceed fifteen thousand dollars in a calendar year; or

(D) Any local committee of any political party or any other candidate for public office, in accordance with the existing limitations on contributions.

(b) The State Election Commission shall promulgate emergency and legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, to establish guidelines for the administration of this section.

Credits

W. Va. Code, § 3-8-10, WV ST § 3-8-10
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-11. Specific acts forbidden; penalties, WV ST § 3-8-11

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-11

§ 3-8-11. Specific acts forbidden; penalties

Currentness

(a) Any person who shall, directly or indirectly, by himself, or by any other person on his behalf, make use of, or threaten to make use of, any force, violence or restraint, or inflict, or threaten to inflict, any damage, harm or loss, upon or against any person, or by any other means attempt to intimidate or exert any undue influence, in order to induce such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who shall, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the suffrage by any elector, or shall thereby compel, induce or prevail upon any elector either to vote or refrain from voting for or against any particular candidate or measure; or

(b) Any person who, being an employer, or acting for or on behalf of any employer, shall give any notice or information to his employees, containing any threat, either express or implied, intended or calculated to influence the political view or actions of the workmen or employees; or

(c) Any person who shall, knowingly, make or publish, or cause to be made or published, any false statement in regard to any candidate, which statement is intended or tends to affect any voting at any election whatever; or

(d) Any person who shall pay any owner, publisher, editor or employee or any newspaper or other periodical, to advocate or oppose editorially, any candidate for nomination or election, or any political party, or any measure to be submitted to the vote of the people; or any owner, publisher, editor or employee, who shall solicit or accept such payment:

Is guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than ten thousand dollars, or confined in jail for not more than one year, or, in the discretion of the court, shall be subject to both such fine and imprisonment.

Credits
Acts 1905, c. 43; Acts 1908, c. 22; Acts 1915, c. 27, § 12; Acts 1963, c. 64; Acts 1995, c. 101, eff. 90 days after March 10, 1995.

Formerly Code 1923, c. 3, § 100; Code 1923, c. 5, § 8b(12).

W. Va. Code, § 3-8-11, WV ST § 3-8-11
Current with legislation of the 2018 First Extraordinary Session.

W. Va. Code § 3-8-12

§ 3-8-12. Additional acts forbidden; circulation of written matter; newspaper advertising; solicitation of contributions; intimidation and coercion of employees; promise of employment or other benefits; limitations on contributions; public contractors; penalty

Effective: June 11, 2010

Currentness

(a) A person may not publish, issue or circulate, or cause to be published, issued or circulated, any anonymous letter, circular, placard, radio or television advertisement or other publication supporting or aiding the election or defeat of a clearly identified candidate.

(b) An owner, publisher, editor or employee of a newspaper or other periodical may not insert, either in its advertising or reading columns, any matter, paid for or to be paid for, which tends to influence the voting at any election, unless directly designating it as a paid advertisement and stating the name of the person authorizing its publication and the candidate in whose behalf it is published.

(c) A person may not, in any room or building occupied for the discharge of official duties by any officer or employee of the state or a political subdivision of the state, solicit orally or by written communication delivered within the room or building, or in any other manner, any contribution of money or other thing of value for any party or political purpose, from any postmaster or any other officer or employee of the federal government, or officer or employee of the State, or a political subdivision of the State. An officer, agent, clerk or employee of the federal government, or of this state, or any political subdivision of the state, who may have charge or control of any building, office or room, occupied for any official purpose, may not knowingly permit any person to enter any building, office or room, occupied for any official purpose for the purpose of soliciting or receiving any political assessments from, or delivering or giving written solicitations for, or any notice of, any political assessments to, any officer or employee of the state, or a political subdivision of the state.

(d) Except as provided in section eight of this article, a person entering into any contract with the state or its subdivisions, or any department or agency of the state, either for rendition of personal services or furnishing any material, supplies or equipment or selling any land or building to the state, or its subdivisions, or any department or agency of the state, if payment for the performance of the contract or payment for the material, supplies, equipment, land or building is to be made, in whole or in part, from public funds may not, during the period of negotiation for or performance under the contract or furnishing of materials, supplies, equipment, land or buildings, directly or indirectly, make any contribution to any political party, committee or candidate for public office or to any person for political purposes or use; nor may any person or firm solicit any contributions for any purpose during any period.

(e) A person may not, directly or indirectly, promise any employment, position, work, compensation or other benefit provided for, or made possible, in whole or in part, by act of the Legislature, to any person as consideration, favor or reward for any political activity for the support of or opposition to any candidate, or any political party in any election.
§ 3-8-12. Additional acts forbidden; circulation of written matter;... WV ST § 3-8-12

(f) Except as provided in section eight of this article, a person may not, directly or indirectly, make any contribution in excess of the value of $1,000 in connection with any campaign for nomination or election to or on behalf of any statewide office, in connection with any other campaign for nomination or election to or on behalf of any other elective office in the state or any of its subdivisions, or in connection with or on behalf of any person engaged in furthering, advancing, supporting or aiding the nomination or election of any candidate for any of the offices.

(g) A political organization (as defined in Section 527(c)(1) of the Internal Revenue Code of 1986) may not solicit or accept contributions until it has notified the Secretary of State of its existence and of the purposes for which it was formed. During the two-year election cycle, a political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) may not accept contributions totaling more than $1,000 from any one person prior to the primary election and contributions totaling more than $1,000 from any one person after the primary and before the general election.

(h) It is unlawful for any person to create, establish or organize more than one political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) with the intent to avoid or evade the contribution limitations contained in subsection (g) of this section.

(i) Notwithstanding the provisions of subsection (f) of this section to the contrary, a person may not, directly or indirectly, make contributions to a state party executive committee or state party legislative caucus committee which, in the aggregate, exceed the value of $1,000 in any calendar year.

(j) The limitations on contributions contained in this section do not apply to transfers between and among a state party executive committee or a state party's legislative caucus political committee from national committees of the same political party: Provided, That transfers permitted by this subsection may not exceed $50,000 in the aggregate in any calendar year to any state party executive committee or state party legislative caucus political committee: Provided, however, That the moneys transferred may only be used for voter registration and get-out-the-vote activities of the state committees.

(k) A person may not solicit any contribution, other than contributions to a campaign for or against a county or local government ballot issue, from any nonelective salaried employee of the state government or of any of its subdivisions: Provided, That in no event may any person acting in a supervisory role solicit a person who is a subordinate employee for any contribution. A person may not coerce or intimidate any nonelective salaried employee into making a contribution. A person may not coerce or intimidate any nonsalaried employee of the state government or any of its subdivisions into engaging in any form of political activity. The provisions of this subsection may not be construed to prevent any employee from making a contribution or from engaging in political activity voluntarily without coercion, intimidation or solicitation.

(l) A person may not solicit a contribution from any other person without informing the other person at the time of the solicitation of the amount of any commission, remuneration or other compensation that the solicitor or any other person will receive or expect to receive as a direct result of the contribution being successfully collected. Nothing in this subsection may be construed to apply to solicitations of contributions made by any person serving as an unpaid volunteer.

(m) A person may not place any letter, circular, flyer, advertisement, election paraphernalia, solicitation material or other printed or published item tending to influence voting at any election in a roadside receptacle unless it is: (1) Approved
§ 3-8-12. Additional acts forbidden; circulation of written matter;..., WV ST § 3-8-12

for placement into a roadside receptacle by the business or entity owning the receptacle; and (2) contains a written acknowledgment of the approval. This subdivision does not apply to any printed material contained in a newspaper or periodical published or distributed by the owner of the receptacle. The term “roadside receptacle” means any container placed by a newspaper or periodical business or entity to facilitate home or personal delivery of a designated newspaper or periodical to its customers.

(n) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or confined in jail for not more than one year, or, both fined and confined.

(o) The provisions of subsection (k) of this section, permitting contributions to a campaign for or against a county or local government ballot issue shall become operable on and after January 1, 2005.

(p) The limitations on contributions established by subsection (g) of this section do not apply to contributions made for the purpose of supporting or opposing a ballot issue, including a constitutional amendment.

Credits

Formerly Code 1923, c. 5, § 8b(13).

W. Va. Code, § 3-8-12, WV ST § 3-8-12
Current with legislation of the 2018 First Extraordinary Session.
§ 3-8-13. Parties liable and subject to penalties, WV ST § 3-8-13

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-13

§ 3-8-13. Parties liable and subject to penalties

Currentness

In all cases of violation of the provisions of this article by any partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing or controlling heads thereof, who knowingly and willingly participate in such violation, shall be subject to the penalties and punishments provided herein.

Credits
Acts 1941, c. 41; Acts 1963, c. 64.

W. Va. Code, § 3-8-13, WV ST § 3-8-13
Current with legislation of the 2018 First Extraordinary Session.

§ 3-8-14. Effective date of certain criminal offenses, WV ST § 3-8-14

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-14

§ 3-8-14. Effective date of certain criminal offenses

Currentness

The criminal offenses created in sections two, seven and twelve of this article by the provisions of Enrolled Committee Substitute for House Bill No. 402 during the fourth extraordinary session, two thousand five, shall be effective ninety days from passage.

Credits

W. Va. Code, § 3-8-14, WV ST § 3-8-14
Current with legislation of the 2018 First Extraordinary Session.

End of Document

§ 3-8-15. Disclosure of contributions during legislative session, WV ST § 3-8-15

West's Annotated Code of West Virginia
Chapter 3. Elections
Article 8. Regulation and Control of Elections

W. Va. Code, § 3-8-15

§ 3-8-15. Disclosure of contributions during legislative session

Effective: July 5, 2017

Currentness

(a) In addition to other reporting required under this article, any member, or any candidate committee for a member of the Legislature who is a candidate for legislative office, who has a fund-raising event while the Legislature is in session, shall disclose the existence of the event and the receipt of all contributions, including the source and amounts, within five business days after the fund-raising event.

(b) The reporting requirements under this section also apply to former candidates or candidate committees for legislative office who are still holding any legislative office and who use a fund-raising event to retire or pay-off debt of a campaign account while the Legislature is in session.

(c) The reporting requirements of this section do not relieve a candidate or candidate's committee from reporting contributions received and disclosed in conformity with this section from reporting them as required by the regular reporting requirements as contained in section five of this article.

(d) The Secretary of State shall prepare a form for disclosure of these contributions and publish the information on the Secretary of State's website within forty-eight hours of the Secretary of State receiving the completed form: Provided, That as an alternative, the Secretary of State is authorized to establish a means for electronic filing and disclosure.

(e) Pursuant to article three, chapter twenty-nine-a of this code, the Secretary of State may propose rules and emergency rules for legislative approval relating to procedures and policies consistent with this section.

Credits

W. Va. Code, § 3-8-15, WV ST § 3-8-15
Current with legislation of the 2018 First Extraordinary Session.
EXHIBIT 2
§ 8A-4-2. Contents of subdivision and land development ordinance, WV ST § 8A-4-2

West's Annotated Code of West Virginia
Chapter 8A. Land Use Planning
Article 4. Subdivision and Land Development Ordinance

W. Va. Code, § 8A-4-2

§ 8A-4-2. Contents of subdivision and land development ordinance

Effective: March 11, 2010

Currentness

(a) A subdivision and land development ordinance shall include the following provisions:

(1) A minor subdivision or land development process, including criteria, requirements and a definition of minor subdivision;

(2) The authority of the planning commission and its staff to approve a minor subdivision or land development;

(3) A major subdivision or land development process, including criteria and requirements;

(4) The authority of the planning commission to approve a major subdivision or land development;

(5) The standards for setback requirements, lot sizes, streets, sidewalks, walkways, parking, easements, rights-of-way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, storm water management and water and wastewater facilities;

(6) Standards for flood-prone or subsidence areas;

(7) A review process for subdivision or land development plans and plats by the planning commission;

(8) An approval process for subdivision or land development plans and plats by the planning commission, including the authority to approve subdivision or land development plans and plats with conditions;

(9) A process to amend final approved subdivision or land development plans and plats;

(10) A requirement that before development of the land is commenced, subdivision and land development plans and plats must be approved by the applicable planning commission, in accordance with the comprehensive plan, if a comprehensive plan has been adopted;
§ 8A-4-2. Contents of subdivision and land development ordinance, WV ST § 8A-4-2

(11) A requirement that after approval of the subdivision or land development plat by the planning commission and before the subdivision or development of the land is commenced, the subdivision and land development plat shall be recorded in the office of the clerk of the county commission where a majority of the land to be developed lies;

(12) A schedule of fees to be charged which are proportioned to the cost of checking and verifying proposed plats;

(13) The process for granting waivers from the minimum standards of the subdivision and land development ordinance;

(14) Improvement location permit process, including a requirement that a structure or development of land is prohibited without an improvement location permit;

(15) The acceptable methods of payment to cover the cost of the water and sewer service infrastructure, which can include, but are not limited to, bonds, impact fees, escrow fees and proffers;

(16) The process for cooperating and coordinating with other governmental agencies affected by the subdivision and land development and use; and

(17) Penalties for violating the subdivision and land development ordinance.

(b) A subdivision and land development ordinance may include the following provisions:

(1) Establishing a board of subdivision and land development appeals with the same powers, duties and appeals process as set out for the board of zoning appeals under the provisions of article eight of this chapter;

(2) Requirements for green space, common areas, public grounds, walking and cycling paths, recreational trails, parks, playgrounds and recreational areas;

(3) Encourage the use of renewable energy systems and energy-conserving building design;

(4) Vested property right, including requirements;

(5) Exemptions of certain types of land development from the subdivision and land development ordinance requirements, including, but not limited to, single-family residential structures and farm structures; and

(6) Any other provisions consistent with the comprehensive plan the governing body considers necessary.

(c) All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to this section that require the performance of any action within a certain time period for any subdivision or land development plan or plat
§ 8A-4-2. Contents of subdivision and land development ordinance, WV ST § 8A-4-2

valid under West Virginia law and outstanding as of January 1, 2010, shall be extended until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.

Credits

W. Va. Code, § 8A-4-2, WV ST § 8A-4-2
Current with legislation of the 2018 First Extraordinary Session.
New Business
ORDINANCE NO. _____________

AN ORDINANCE AMENDING THE CITY'S PLANNING AND ZONING CODE, SECTION 1345.07 AS IT RELATES TO FENESTRATION PERFORMANCE STANDARDS IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT.

The City of Morgantown hereby ordains that the City's Planning and Zoning Code is amended as follows (deleted matter struck-through, new matter underlined):

1345.07 PERFORMANCE STANDARDS.

(D) Configuration:

(1) Two wall materials may be combined horizontally on one facade. The heavier material shall be below and should not extend above the first floor.

(2) Skylights shall be flat (non-bubble.)

(3) Street-level windows shall be non-tinted.

(4) Windows shall be of square or vertical proportion, unless they are transom windows.

(5) Front facades shall have a fenestration ratio of not less than sixty (60) percent. The ground floor of the principal facade(s) of nonresidential buildings between three (3) feet and eight (8) feet in height shall have a minimum fenestration ratio of sixty percent (60%), comprised of clear windows that allow views of indoor nonresidential component space and/or product display areas.

This ordinance shall be effective upon date of adoption.

FIRST READING: ____________________________

ADOPTED: Mayor

FILED: ____________________________

RECORDED: City Clerk

Page 1 of 1
AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN EMPIRE 2000, LLC AND THE CITY OF MORGANTOWN FOR LAND TO BE DESIGNATED AS "EATON PARK"

The City of Morgantown hereby ordains that the City Manager is authorized to execute the attached lease agreement, which is incorporated in this Ordinance by reference, leasing property to be designated as "Eaton Park" located in the second ward, Tax Map 29, Parcel 407.

This ordinance shall be effective upon date of adoption.

FIRST READING: ________________________________

ADOPTED: Mayor

FILED: ________________________________

RECORDED: City Clerk
Lease Agreement

This lease agreement (the “Agreement”) is made as of the ____ day of ____, 2018 by and between Empire 2000, LLC, a West Virginia limited liability company (“lessor”), and The City of Morgantown, West Virginia, a municipal corporation (“lessee”):

Lessor, in consideration of the rent later specified to be paid by lessee, and the covenants and agreements set forth in this Agreement, hereby leases to the lessee those certain Premises in the City of Morgantown, County of Monongalia, State of West Virginia, described on Exhibit A (the “Premises”) which exhibit is attached and incorporated into this Agreement by reference, upon the following terms and conditions:

Term:

The term of this lease shall be five years, beginning on the 1st day of __________ 2018, and ending on the 30th day of __________ 2023, except as otherwise subsequently provided. Unless terminated pursuant to the provisions of this Agreement, the Agreement shall automatically renew for an additional one-year term at the expiration of each prior term.

Rental:

Lessee agrees to pay to lessor as rent for the Premises the sum of one dollar, for the full term, which rental shall be paid on the first day of each term. Lessor represents and warrants that lessor is the owner of the real property subject of this Agreement and has authority to lease the Premises as described in this Agreement.

Purpose:

Those Premises described on Exhibit A shall be used by the Lessee for the sole purpose of public recreation and for no other purpose without the prior written consent of lessor.

Buildings and Improvements:

Lessee may not, without lessor’s prior written consent, make any changes, alterations, or improvements to the Premises. Any improvements to the Premises shall remain the property of lessee, unless such improvements are not removed by lessee within one hundred eighty (180) days of termination of this Agreement and delivery of written notice to remove such improvements, in which case such improvements shall become the property of the lessor upon termination of this Agreement, free and clear of any liens or encumbrances whatsoever; provided, however, that any equipment, signs and other personal property of lessee not permanently affixed to the leased Premises shall remain the property of lessee and shall so remain unless the lessee shall fail, following the termination of this Agreement and following thirty (30) days’ written notice, to remove such personal property, in which event, at the option of lessor, title to same shall vest in lessor, at no cost to lessor. Removal of such personal property shall be done in such a manner as not to injure or damage the Premises or lessor’s surrounding property.

Lessee will erect one or more signs designating the Premises “Eaton Park” and additionally recognize the contributions of Richard Eaton, predecessor in interest to Lessor, to the park. The sign(s) required by this paragraph shall be subject to the approval of Lessor, which shall not be unreasonably withheld, and shall be installed at the Premises within six months of the beginning of the initial term of this Lease.
Taxes:

Lessee shall pay all taxes levied and assessed upon any personal property, buildings, fixtures and improvements belonging to lessee and located upon the demised Premises, and all leasehold and possessory interest taxes levied or assessed by any proper taxing authority.

Repairs and Maintenance:

Lessee represents that lessee has inspected and examined the Premises and accepts them in their present condition, and agrees that lessor shall not be required to make any improvements or repairs upon the Premises demised or any part of them. Lessee agrees to make all improvements and repairs at lessee’s sole cost and expense, and agrees to keep the Premises safe and in good order and condition at all times during the term, and upon expiration of this lease, or at any sooner termination, the lessee will quit and surrender possession of the Premises peaceably and in as good order and condition as the Premises were at the commencement of the term, reasonable wear, tear and damage by the elements excepted; lessee further agrees to leave the Premises free from all nuisance and dangerous and defective conditions.

Lessee agrees to prepare the adjacent sidewalk on Park Street for safety improvements recommended by the City by breaking up and removing the existing concrete in non-compliant and mutually agreed upon sections. Lessee will then finish the sidewalk improvements in these areas to meet recommended compliance standards.

Assignment and Mortgage:

Neither the Premises nor any portion of them shall be sublet, nor shall this lease, or any interest in it be assigned, hypothecated or mortgaged by lessee without the written consent of lessor, and any attempted assignment, subletting, hypothecation or mortgaging of this lease without such written consent shall be of no force or effect, and shall confer no rights upon any assignee, sublessee, mortgagee or pledgee.

In the event that lessee shall become incompetent, bankrupt, or insolvent, or should a guardian, trustee, or receiver be appointed to administer lessee’s business or affairs, neither this lease nor any interest here shall become an asset of the guardian, trustee or receiver, and in the event of the appointment of any guardian, trustee, or receiver, this lease shall immediately terminate and end.

Liability:

Lessee shall procure insurance coverage naming as additional insured the lessor and its officers, agents, representatives and employees for any claims, demands, actions, suits, or judgments relating to the Premises, including any claim, demand, action, suit, or judgment arising by reason of the injury or death of any person or damage to or loss of any property, and including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney fees, court costs and expert fees), and of any nature whatsoever arising out of or incidental to this Agreement, lessee’s use or occupancy of the Premises, or the acts or omissions of invitees, regardless of where the injury, death, loss or damage may occur, unless such injury, death, loss or damage is caused by the sole negligence of lessor. The insurance coverage required of lessee under this section shall be the primary policy providing coverage to lessor with respect to any claim covered hereby. Lessor shall give lessee reasonable notice of any such claims or actions. Lessee shall provide proof of coverage upon demand.

Termination by Lessor:

Lessor may terminate this lease at any time by serving upon lessee in the manner subsequently provided, a written notice of
its election so to terminate, which notice shall be served at least thirty days prior to the date in the notice named for such termination.

Default:

In the event that lessee shall be in default of any payment of any rent or in the performance of any of the terms or conditions agreed to be kept and performed by lessee, then in that event, lessor may terminate and end this lease, immediately, and lessor may enter upon the Premises and remove all persons and property, and lessee shall not be entitled to any money paid or any part of that money.

Holding Over:

In the event that lessee holds over and remains in possession of the demised Premises with the consent of lessor, that holding over shall be deemed to be from month to month only, and upon all of the same rents, terms, covenants and conditions as contained here.

Notices:

Any notices that are required here, or which either lessor or lessee may desire to serve upon the other, shall be in writing and shall be deemed served when delivered personally, or when deposited in the United States mail, postage-prepaid, return receipt requested, addressed to

(1) Lessee at City Manager, 389 Spruce Street, Morgantown, WV 26505  
(2) Lessor at Barbara Parsons, 233 Park Street, Morgantown, WV 26505  
(3) Lessor at Adelheid Fredrika Schaupp, 108 Marcus Dr., Morgantown, WV 26501

Either party may change the notice recipient by service of a notice in accordance with this Section.

Waiver:

Waiver by lessor or lessee of any default in performance of any of the terms, covenants, or conditions contained here, shall not be deemed a continuing waiver of that default or any subsequent default.

Compliance with Laws:

Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Premises and their use.

Lessor May Enter:

Lessee agrees that lessor, its agents or employees, may enter upon the Premises at any time during the term or any extension of it for the purpose of inspection, digging test holes, making surveys, taking measurements, and doing similar work necessary for the preparation of plans for construction of buildings or improvements on the Premises, or for the purposes of showing the Premises to prospective tenants, purchasers, or developers, with the understanding that the work will be performed in such a manner as to cause a minimum of interference with the use of the property by lessee.
Successors in Interest:

All of the terms, covenants and conditions contained here shall continue, and bind all successors in interest of lessee.

General Provisions:

If any term, clause or provision of this Agreement shall be adjudged by any court or government agency to be invalid or contrary to any applicable law or regulation or prevent financial or other assistance to the lessor by any federal or state government agency, such invalidation or determination shall not affect the validity and enforceability of the remaining portions of Agreement; and, to this end, the terms, clauses and provisions of this Agreement are hereby agreed to be severable.

The parties acknowledge and agree that this document contains the entire agreement between the parties and that they have not relied upon any statements, representations, agreements or warranties, except such as are expressed herein, and that no amendment or modification of this lease shall be valid or binding unless expressed in writing and executed by the parties hereto in the same manner as the execution of this Agreement.

This agreement shall be deemed to have been made in and construed in accordance with the laws of the State of West Virginia. Any action to enforce or interpret the provisions of this Agreement, or in any way arising out of this Agreement, shall be brought in the Circuit Court of Monongalia County, West Virginia

[Signature Page Follows]
LESSOR: Empire 2000, LLC

By ______________________
    Adelheid Fredrika Schaupp
    Member

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, TO-WIT:

The foregoing instrument was acknowledged before me this ____ day of __________, 2018, by Adelheid Fredrika Schaupp, Member, on behalf of Empire 2000, LLC.

My commission expires: _____________________.

_____________________________________
    Notary Public in and for
    said State and County

LESSOR: Barbara Parsons
233 Park St.
Morgantown, WV 26501

By ______________________
    Barbara Parsons

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, TO-WIT:

The foregoing instrument was acknowledged before me this ____ day of __________, 2018, by Barbara Parsons, individual.

My commission expires: _____________________.

_____________________________________
    Notary Public in and for
    said State and County
LESSEE: The City of Morgantown

By ____________________________
   Paul J. Brake, ICMA-CM, C. Ec.D.
   City Manager

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, TO-WIT:

The foregoing instrument was acknowledged before me this ___ day of __________, 2018, by Paul J. Brake, City Manager.

My commission expires: _________________________.

__________________________
Notary Public in and for
   said State and County
Exhibit A

Description of Leased Premises in the City of Morgantown, West Virginia

Parcel 407 of Tax Map 29, 2nd Ward. Parcel ID 10 29040700000000 (10-29-407)

All of Lots 1, 2, and 3, Block “H,” of the Brown Addition, as is shown on a plat of said Addition recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 58, at page 108. Said lots are more particularly described as being a vacant lot with three sides, one of which sides fronts 149.7 feet on Morris Street, another which side fronts 120 feet on Park Street, and other which extends from Morris Street to Park Street for a distance of 100 feet.

Being the same real estate conveyed to Empire 2000, LLC by Richard B. Eaton by deed dated March 20, 2018 and of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia at Deed Book 1617, page 345.

The City of Morgantown hereby ordains:

That the FY 2018-2019 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the revised budget (Revision 02) attached hereto and made a part of this ordinance.

First Reading:

Adopted: Mayor

Filed:

Recorded: City Clerk
# CITY OF MORGANTOWN

## GENERAL FUND - REVISION 02

### FY 2018-2019

<table>
<thead>
<tr>
<th>ACCT NO</th>
<th>REVENUES</th>
<th>ADOPTED FY18</th>
<th>PROPOSED REV 01</th>
<th>AMENDED FY19</th>
<th>EXPLANATION OF PROPOSED ADJUSTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>350</td>
<td>Refuse Collection</td>
<td>- 1,300,000</td>
<td>1,300,000</td>
<td>Customer billing completed by MUB</td>
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</tr>
<tr>
<td>304</td>
<td>Excise Tax on Utilities</td>
<td>1,077,000</td>
<td>25,000</td>
<td>1,102,000</td>
<td>Excise tax on refuse collection</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,325,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ACCT NO</th>
<th>EXPENDITURES</th>
<th>ADOPTED FY18</th>
<th>PROPOSED REV 01</th>
<th>AMENDED FY19</th>
<th>EXPLANATION OF PROPOSED ADJUSTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>699</td>
<td>Contingency</td>
<td>363,611</td>
<td>(66,181)</td>
<td>297,430</td>
<td>Excess of total revenues to total expenses, up to 10% of General Fund budget allowed to be carried as Contingency amount</td>
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<tr>
<td>417</td>
<td>City Manager</td>
<td>769,455</td>
<td>12,000</td>
<td>781,455</td>
<td>Consultant for Blue Zone study</td>
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<tr>
<td>414</td>
<td>Finance</td>
<td>988,684</td>
<td>10,500</td>
<td>999,184</td>
<td>Office furniture</td>
</tr>
<tr>
<td>416</td>
<td>Municipal Court</td>
<td>302,160</td>
<td>2,160</td>
<td>304,320</td>
<td>Temporary intern to scan citations and files</td>
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<tr>
<td>417</td>
<td>City Attorney</td>
<td>362,679</td>
<td>25,000</td>
<td>387,679</td>
<td>To cover settlement payment</td>
</tr>
<tr>
<td>436</td>
<td>Code</td>
<td>1,233,484</td>
<td>21,870</td>
<td>1,255,354</td>
<td>Temporary full-time employee to cover for employee on extended leave</td>
</tr>
<tr>
<td>439</td>
<td>IT</td>
<td>306,542</td>
<td>36,900</td>
<td>343,442</td>
<td>Increase in overtime and related payroll taxes and benefits</td>
</tr>
<tr>
<td>444</td>
<td>Transfers - MM MPO</td>
<td>5,447,035</td>
<td>7,751</td>
<td>5,454,786</td>
<td>City match for updating the area Bicycle and Pedestrian Plan</td>
</tr>
<tr>
<td>800</td>
<td>Garbage Department</td>
<td>-</td>
<td>1,275,000</td>
<td>1,275,000</td>
<td>Charges from Republic Services</td>
</tr>
</tbody>
</table>

|         |            |              |              |              | 1,325,000 |
**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

<table>
<thead>
<tr>
<th>GOVERNMENT ENTITY</th>
<th>369 Spruce Street</th>
<th>STREET OR PO BOX</th>
<th>Morgantown</th>
<th>26508</th>
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<tbody>
<tr>
<td>Municipality</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government Type</td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**REVENUES:** (net each acct.)

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY</th>
<th>REVISED</th>
</tr>
</thead>
<tbody>
<tr>
<td>350</td>
<td>Revenue Collection (Garbage and Trash Fees)</td>
<td>1,300,000</td>
<td>1,300,000</td>
</tr>
<tr>
<td>304</td>
<td>Excise Tax on Utilities</td>
<td>1,077,000</td>
<td>1,102,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

**NET INCREASE/(DECREASE) Revenues (ALL PAGES):**

1,325,000

**EXPENDITURES:** (net each account category)

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY</th>
<th>REVISED</th>
</tr>
</thead>
<tbody>
<tr>
<td>800</td>
<td>Garbage Department</td>
<td>1,275,000</td>
<td>1,275,000</td>
</tr>
<tr>
<td>699</td>
<td>Contingencies*</td>
<td>363,611</td>
<td>297,430</td>
</tr>
<tr>
<td>412</td>
<td>City Manager's Office</td>
<td>769,455</td>
<td>781,455</td>
</tr>
<tr>
<td>414</td>
<td>Finance Office</td>
<td>988,684</td>
<td>999,184</td>
</tr>
<tr>
<td>416</td>
<td>Police Judge's Office</td>
<td>302,160</td>
<td>304,320</td>
</tr>
<tr>
<td>417</td>
<td>City Attorney</td>
<td>362,679</td>
<td>387,679</td>
</tr>
<tr>
<td>436</td>
<td>Building Inspection</td>
<td>1,233,484</td>
<td>1,256,354</td>
</tr>
<tr>
<td>439</td>
<td>Data Processing</td>
<td>306,542</td>
<td>343,442</td>
</tr>
<tr>
<td>444</td>
<td>Contributions / Transfers to Other Funds</td>
<td>5,447,035</td>
<td>5,454,786</td>
</tr>
<tr>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

**NET INCREASE/(DECREASE) Expenditures:**

1,325,000

**APPROVED BY THE STATE AUDITOR**

**AUTHORIZED SIGNATURE**

**APPROVAL DATE**

Deputy State Auditor, Local Government Services Division
City Manager's Report
City Manager's Report for City Council Meeting on November 7, 2018

New Business:

1. Letter of Support for Combating Opioid Overdose through Community-Level Intervention

The City has received a request from the West Virginia Peers: Enhancing Education, Recovery, and Survival (WV PEERS). This organization is an initiative between West Virginia Sober Living, Inc. and WVU Health Science Center. WV PEERS is a network of certified peer recovery coach in the community working to help connect individual to the services they need to live a healthier and a more fulfilling life.

The organization has requested a letter of support for its application for the Combating Opioid Overdose through Community-level Intervention, Subaward from the University of Baltimore (funded through the Office of National Drug Control Policy, CFDA# 95.007). The underlying goal of this endeavor is to increase the entry of individuals afflicted with opioid/opiate use disorder into appropriate treatment and recovery programs.

A motion is needed to authorize the City Manager to submit a letter of support for this critical comprehensive local effort.

Paul J. Brake, ICMA-CM, CECd
City Manager, Morgantown, WV