

## **The Home Rule Board – Check and Balance**

The Municipal Home Rule Board has the following powers and duties:

- (1) Review, evaluate, make recommendations **and approve or reject**, by a majority vote of the board, each aspect of the written plan submitted by a municipality;
- (2) By a majority vote of the board, select, based on the municipality's written plan, new Class I, Class II, Class III and/or Class IV municipalities to participate in the Municipal Home Rule Pilot Program;
- (3) Review, evaluate, make recommendations **and approve or reject**, by a majority vote of the board, the amendments to the written plans submitted by municipalities;
- (4) Consult with any agency affected by the written plans or the amendments to the written plans; and
- (5) **Perform any other powers or duties necessary to effectuate the provisions of this section.**

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## **Without Action Home Rule Sunsets on July 1, 2019**

Without legislative action this session, the Home Rule Pilot Program will sunset, and the innovation and development that has benefited Home Rule municipalities across the state will end. The incubator for testing original solutions to problems facing West Virginia municipalities will be stifled.

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**On behalf of our membership, we ask that you support legislation making West Virginia Municipal Home Rule a permanent program for which all West Virginia municipalities may apply.**

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### **Contact Us**

If you have questions or would like more information (304) 342-5564

# WEST VIRGINIA MUNICIPAL HOME RULE



**THE WEST VIRGINIA MUNICIPAL LEAGUE**

# A Laboratory of Democracy

Municipalities in the Home Rule program are a laboratory of democracy; testing innovative government ideas that may increase efficiency and improve the quality of life for citizens of one community or may be suitable for statewide implementation for all municipal citizens.

It is the empowerment of municipal citizens to determine their own destiny. If they are not satisfied with the governing body or its actions, there will be a reckoning at the ballot box.

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*It's not just the sales tax!*

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## Home Rule municipalities have:

- Simplified the classifications for municipal business licenses to encourage business growth;
- Implemented local enterprise zones to encourage development;
- Streamlined the citation process for building code violations;
- Employed new methods for collecting delinquent fees; and
- Adopted "Bruch Bills" to help local restaurants grow their businesses.

## Statutory prohibitions

Home Rule does not municipalities to do whatever they want. There are currently 19 prohibitions on Home Rule cities. They may not implement a sales tax without reducing their B&O tax. They cannot enact ordinances contrary to:

- Federal or state criminal laws;
- The U.S. or State Constitution;
- Laws governing extraction of natural resources;
- Open Meetings Act or FOIA.

\* See §8-1-5a(i) for all restrictions.

# The Application Process

## Ordinance to Submit Application to the Board

Any municipality wishing to participate in Home Rule or amend a Home Rule plan must have a written plan containing elements required by statute. The municipality must hold a public hearing on the plan which must be advertised 30 days in advance. The written plan must be available to the public 30 days before the public hearing. After the public hearing, the municipality must pass an ordinance (2 readings) authorizing submission of the plan to the Home Rule Board.

## Presentation to the Home Rule Board

After approval by the governing body, the written plan is presented to the Home Rule Board in a public meeting. The Board may approve or deny the application in whole or in part.



## Legislation effecting approved initiatives



Any approved initiatives from the approved plan or amendment are implemented by the governing body through the legislative process.

**THERE ARE AT LEAST FIVE OPPORTUNITIES FOR PUBLIC INPUT AT AN OPEN MEETING BEFORE A HOME RULE INITIATIVE IS ENACTED.**

