

ENROLLED**Senate Bill No. 435**

(By Senators Bowman, Bailey, Barnes, Boley, Foster, Jenkins, Kessler, McCabe, Minard, Stollings, Sypolt, White and Yoder)

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

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. GENERAL PROVISIONS.**§7A-1-4. Authority to consolidate.**

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

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

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

- (a) The charter review committee shall study matters relating to the feasibility of consolidation.
- (b) The charter review committee shall further address in the charter the powers and authority of the proposed consolidated local government, including, but not limited to:
 - (1) The territory encompassed by the consolidated local government, including all affected municipalities, counties and metro governments, or parts thereof, to be included in the boundaries of the consolidated local government;
 - (2) The fiscal impact of the proposed consolidation on the affected municipalities, counties and metro governments including:
 - (A) The cost of providing services by the consolidated local government;
 - (B) Projected revenues available to the consolidated local government based upon proposed classifications and tax structures; and
 - (C) Projected economies of scale resulting from consolidation;
 - (3) The name of the proposed consolidated local government;
 - (4) The seat of the proposed consolidated local government;
 - (5) The representation plan based upon population for the territory encompassed by the consolidation consistent with state and federal law to include consideration of under represented areas and minorities;
 - (6) The creation of the governing body of the proposed consolidated local government, including an odd number of governing officers of not less than five, their qualifications for holding office, titles, powers, duties, terms of office, manner of election, compensation, method of removal, role of constitutional officers in new government and other pertinent matters consistent with state and federal law;
 - (7) The effective date of the charter once consolidation is approved by the electorate;
 - (8) A procedure for the efficient and timely transition of specified services, functions and responsibilities from each affected municipality, county and metro government and its respective departments and agencies to the consolidated local government to occur within two years from the date the charter becomes effective; and
 - (9) The method by which a consolidated local government may dissolve after existing for a minimum of six years.
- (c) The charter review committee shall complete its study and draft a proposed charter within two years from the date of its organizational meeting.
- (d) With regard to a proposed metro consolidation, the metro charter review committee may utilize one of the plans for organizing a municipal government described in section two, article three, chapter eight of this code in the charter for the metro government, but is not limited to these forms of government.

ARTICLE 7. ELECTIONS ON METRO GOVERNMENT.

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

Municipalities, other than the principal city, are not automatically consolidated into the metro government. Upon the approval by voters of metro consolidation, municipalities within the territory

of the metro government remain incorporated and continue to perform their functions as permitted by law unless dissolved or consolidated pursuant to section eight of this article.