

SB 245

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2006



**ENROLLED**

Committee Substitute for

SENATE BILL NO. 245

(By Senator Bowman, et al )



PASSED March 11, 2006

In Effect 90 days from Passage

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COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 245

(SENATORS BOWMAN, JENKINS, MCCABE, MINARD, PLYMALE,  
LANHAM, FOSTER, UNGER AND OLIVERIO, *original sponsors*)

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[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to repeal §8-8-1, §8-8-2, §8-8-3, §8-8-4, §8-8-5, §8-8-6, §8-8-7, §8-8-8, §8-8-9, §8-8-10, §8-8-11, §8-8-12, §8-8-13, §8-8-14, §8-8-15, §8-8-16, §8-8-17 and §8-8-18 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §7A-1-1, §7A-1-2, §7A-1-3, §7A-1-4, §7A-2-1, §7A-2-2, §7A-2-3, §7A-2-4, §7A-3-1, §7A-3-2, §7A-3-3, §7A-3-4, §7A-3-5, §7A-3-6, §7A-3-7, §7A-4-1, §7A-4-2, §7A-4-3, §7A-5-1, §7A-5-2, §7A-5-3, §7A-5-4, §7A-5-5, §7A-5-6, §7A-5-7, §7A-5-8, §7A-6-1, §7A-6-2, §7A-6-3, §7A-6-4, §7A-6-5, §7A-6-6, §7A-6-7, §7A-7-1, §7A-7-2, §7A-7-3, §7A-7-4, §7A-7-5, §7A-7-6, §7A-7-7, §7A-7-8 and §7A-8-1, all relating to creating the Consolidated Local Government Act; stating legislative findings and definitions; authorizing municipal consolidation, county consolidation and metro consolidation; setting forth powers of consolidated governments; establish-

ing powers to be construed broadly; stating local consolidated government to be treated like municipality in municipal consolidation, county in county consolidation and municipality and county in metro consolidation; limiting taxing authority in metro consolidation; addressing jurisdiction and limitations of consolidated local governments; commencing consolidation by petition from voters or resolution by governing bodies; creating charter review committees; stating powers and duties of charter review committees; allowing reimbursement of expenses for committee members; submitting charter review committee budget to governing bodies; studying consolidation; addressing territory, fiscal impact, name, seat, representation, governing body, effective date, transition of service and dissolution in charter; drafting proposed charter; providing multiple public hearings; providing for notice of hearing; approving proposed charter and submitting proposed charter to governing bodies to hold elections; providing election by fifty-five percent of the votes cast in each affected local government for municipal consolidation and county consolidation; providing election by fifty-five percent of the votes cast in the principal city and fifty-five percent of the votes cast in the county, excluding the principal city, for metro consolidation; providing for notice of election and ballot; allocating payment for cost of elections; permitting reconsideration of second proposed charter if first is defeated; leaving municipalities incorporated in metro consolidation; disallowing new consolidation effort for two years after defeat; allowing subsequent joining of local governments to consolidated local government after one year of consolidation; and permitting charter to be amended.

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

That §8-8-1, §8-8-2, §8-8-3, §8-8-4, §8-8-5, §8-8-6, §8-8-7, §8-8-8, §8-8-9, §8-8-10, §8-8-11, §8-8-12, §8-8-13, §8-8-14, §8-8-15, §8-8-16, §8-8-17 and §8-8-18 of the Code of West Virginia, 1931, as amended, be repealed; and that said code be amended by adding thereto a new chapter, designated §7A-1-1,

§7A-1-2, §7A-1-3, §7A-1-4, §7A-2-1, §7A-2-2, §7A-2-3, §7A-2-4, §7A-3-1, §7A-3-2, §7A-3-3, §7A-3-4, §7A-3-5, §7A-3-6, §7A-3-7, §7A-4-1, §7A-4-2, §7A-4-3, §7A-5-1, §7A-5-2, §7A-5-3, §7A-5-4, §7A-5-5, §7A-5-6, §7A-5-7, §7A-5-8, §7A-6-1, §7A-6-2, §7A-6-3, §7A-6-4, §7A-6-5, §7A-6-6, §7A-6-7, §7A-7-1, §7A-7-2, §7A-7-3, §7A-7-4, §7A-7-5, §7A-7-6, §7A-7-7, §7A-7-8 and §7A-8-1, all to read as follows:

**CHAPTER 7A. CONSOLIDATED LOCAL GOVERNMENT.**

**ARTICLE 1. GENERAL PROVISIONS.**

**§7A-1-1. Short title.**

1 This chapter may be known and cited as the Consoli-  
2 dated Local Government Act.

**§7A-1-2. Legislative findings.**

1 (a) The Legislature finds that:

2 (1) The fiscal viability of municipal and county govern-  
3 ments is challenged by changing demographics and tax  
4 bases;

5 (2) With many local governments there is significant  
6 duplicity of services;

7 (3) Certain local governments are at their taxable limits  
8 and yet are facing fee increases to remain financially  
9 viable; and

10 (4) Local governments should perform at the highest  
11 level of efficiency and economy while providing the  
12 highest standards of governmental services to their  
13 citizens.

14 (b) The Legislature finds that consolidation of local  
15 governments:

16 (1) Is in the public interest;

17 (2) Would help promote economic growth and develop-  
18 ment;

19 (3) Would help local governments provide more efficient  
20 local services and more effective public administration;  
21 and

22 (4) Would keep local governments viable and provide  
23 more governing flexibility.

24 (c) Therefore, in order to attain high standards of  
25 efficiency, economy, service and flexibility and to assure  
26 the ongoing improvement in the quality of life of all  
27 citizens of the state, the Legislature hereby encourages and  
28 permits all local governments to consolidate part or all of  
29 their governmental and corporate functions.

**§7A-1-3. Definitions.**

1 For the purposes of this article, the following words have  
2 the meanings assigned unless the context indicates other-  
3 wise:

4 (1) "Affected municipality", "affected county", "affected  
5 metro government" or "affected area", or the plural, mean  
6 municipalities, counties or metro governments in the  
7 territory encompassed by the proposed charter of a  
8 consolidated local government.

9 (2) "Consolidated local government", or the plural,  
10 means a type of government that encompasses municipal  
11 consolidation, county consolidation and metro consolida-  
12 tion.

13 (3) "County consolidation" and "consolidated county"  
14 mean the consolidation of two or more counties as defined  
15 by the charter.

16 (4) "Governing body", or the plural, means the body  
17 charged with the responsibility of enacting laws and  
18 determining public policy of a municipal or county  
19 government or local consolidated government.

20 (5) "Metro consolidation" and "metro government" mean  
21 the consolidation of one or more counties and a principal  
22 city as defined by the charter.

23 (6) "Municipal consolidation" and "consolidated municipi-  
24 pality" mean the consolidation of two or more municipali-  
25 ties, including cities, towns and villages, as defined by the  
26 charter.

27 (7) "Principal city" means the municipality with the  
28 largest population in the territory encompassed by the  
29 proposed charter of the consolidated local government.

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

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

**ARTICLE 2. POWERS AND LIMITATIONS.**

**§7A-2-1. Powers and privileges of consolidated local govern-  
ment.**

1 (a) A consolidated local government has, but is not  
2 limited to, all powers and privileges of a municipality for  
3 municipal consolidation, a county for county consolidation  
4 and both a municipality and a county for metro consolida-  
5 tion under the Constitution and general laws of West  
6 Virginia: *Provided*, That in a metro consolidation, the  
7 governing body of the principal city shall have only the  
8 taxing authority granted to a municipality and the govern-  
9 ing body of the affected county shall have only the taxing  
10 authority granted to a county.

11 (b) These powers may include the authority to:

12 (1) Levy and collect taxes on all property taxable for  
13 state purposes within the territory of the consolidated  
14 local government not exempt by law from taxation and at  
15 a rate not in excess of that allowed by law;

16 (2) License, tax, charge fees and regulate privileges,  
17 occupations, trades and professions as authorized by law;

18 (3) Make appropriations for the support of the consoli-  
19 dated local government and provide for the payment of all  
20 debts and expenses of the consolidated local government  
21 and the debts and expenses of the local governments of  
22 which it is the successor;

23 (4) Issue or cause to be issued bonds and other debt  
24 instruments or enter into all other financial transactions  
25 as may be permitted by law;

26 (5) Purchase, lease, construct, maintain or otherwise  
27 acquire, hold, use and operate any property, real, personal  
28 or mixed, for any public purpose and sell, lease or other-  
29 wise dispose of any property, real, personal or mixed,  
30 belonging to a consolidated local government;

31 (6) Exercise the power of eminent domain for any public  
32 purpose subject to the limitations and exceptions pre-  
33 scribed by the Constitution and the general laws of West  
34 Virginia;

35 (7) Accept federal or state funds and other sources of  
36 revenue that are applicable to counties and municipalities;

37 (8) Pass and enforce by fines and penalties, if necessary,  
38 all ordinances, not inconsistent with law, as are expedient  
39 in maintaining the peace, safety, good government, health  
40 and welfare of the residents of the consolidated local  
41 government;

42 (9) Enforce land-use regulations; and

43 (10) Enter into contracts and agreements with other  
44 governmental entities and with private persons, firms and  
45 corporations and address cooperative compacts in exis-  
46 tence at the time of consolidation.

47 (c) Consolidated local governments created under this  
48 chapter are entitled to all state and federal monetary  
49 assistance to the same extent a municipality or county is  
50 entitled to such assistance. A metro government has the  
51 status of a municipality and county for purposes of

52 receiving state, federal and any other monetary assistance  
53 and the population of the territory encompassed by its  
54 charter shall be used for all calculations and distributions.

55 (d) The powers of the consolidated local government  
56 shall be construed broadly in its favor. The specific  
57 reference, or failure to do so, of particular powers in this  
58 section does not limit the general or specific powers of a  
59 consolidated local government.

60 (e) A consolidated local government acquires and  
61 succeeds to all rights, obligations, duties and privileges of  
62 the governments of which it is a successor in accordance  
63 with the terms of the charter.

64 (f) Without the necessity or formality of deed, bill of sale  
65 or other instrument of transfer, the consolidated local  
66 government becomes the owner of all property, assets,  
67 contracts and franchises within the territory encompassed  
68 by the charter previously belonging to the governments of  
69 which it is a successor.

70 (g) The intent of this chapter is to promote consolidation  
71 and the provisions of this chapter shall be construed  
72 broadly to permit consolidation.

**§7A-2-2. Jurisdiction.**

1 A consolidated local government has the power and  
2 jurisdiction specified in its charter and otherwise provided  
3 by law.

**§7A-2-3. Continued existence of laws.**

1 Rules, ordinances, resolutions and other effects of law in  
2 force within an affected municipality, county or metro  
3 government at the time of consolidation that do not  
4 conflict with the charter remain in effect until superceded  
5 by specific action of the new governing body of the  
6 consolidated local government.

**§7A-2-4. Limitations of a consolidated local government.**



1 (a) Public school districts, library districts, fire districts,  
2 special taxing districts and public service districts are not  
3 affected by consolidation under this chapter.

4 (b) The adoption of a charter does not alter any right or  
5 liability of an affected municipality, county or metro  
6 government in effect at the time the charter becomes  
7 effective. Ordinances and resolutions relating to public  
8 improvements to be paid for, in whole or in part, by  
9 special assessments remain in effect until paid in full.

**ARTICLE 3. INITIATING CONSOLIDATION AND ESTABLISHING CHAR-  
TER REVIEW COMMITTEE.**

**§7A-3-1. Initiating consolidation.**

1 (a) Consolidation may be initiated by:

2 (1) A petition signed by at least twenty-five percent of  
3 the qualified voters of each affected municipality for a  
4 municipal consolidation, each affected county for a county  
5 consolidation or each affected principal city and of the  
6 entire county excluding the principal city for a metro  
7 consolidation; or

8 (2) A resolution by the governing body of each affected  
9 municipality for a municipal consolidation, each affected  
10 county for a county consolidation or each affected princi-  
11 pal city and county for a metro consolidation.

12 (b) The petition or resolution shall be submitted to the  
13 county commission of the affected county for all types of  
14 consolidation.

15 (c) Upon receipt, the county commission shall, within  
16 thirty days, verify the petition or resolution and either  
17 oversee the establishment of a charter review committee as  
18 provided in this chapter or reject the petition or resolution  
19 for insufficiency.

20 (d) If the county commission rejects the petition or  
21 resolution, the rejection shall be in writing stating how the

22 insufficiency may be corrected and that the petition or  
23 resolution may be resubmitted within ninety days.

**§7A-3-2. Municipal charter review committee.**

1 (a) A municipal charter review committee shall be  
2 established within thirty days of the county commission  
3 verifying the petition or resolution proposing consolida-  
4 tion.

5 (b) A municipal charter review committee consists of the  
6 following members:

7 (1) Two government officials or their designees from  
8 each affected municipality appointed by their respective  
9 governing bodies;

10 (2) One county commissioner or his or her designee  
11 appointed by the county commission from each county  
12 where the affected municipalities are located; and

13 (3) Two or three public members elected during execu-  
14 tive session by the other members to make the number of  
15 charter review committee members an odd number.

16 (c) A municipal charter review committee continues to  
17 exist until it is dissolved pursuant to the charter or the  
18 final disapproval of the charter.

**§7A-3-3. County charter review committee.**

1 (a) A county charter review committee shall be estab-  
2 lished within thirty days of the county commissions  
3 verifying the petition or resolution proposing consolida-  
4 tion.

5 (b) A county charter review committee consists of the  
6 following members:

7 (1) Two county commissioners or their designees from  
8 each affected county appointed by their respective county  
9 commissions; and

10 (2) Three public members, including one from an unin-  
11 corporated area, elected during executive session by the  
12 other charter review committee members.

13 (c) A county charter review committee continues to exist  
14 until it is dissolved pursuant to the charter or the final  
15 disapproval of the charter.

**§7A-3-4. Metro charter review committee.**

1 (a) A metro charter review committee shall be estab-  
2 lished within thirty days of the county commission verify-  
3 ing the petition or resolution proposing consolidation.

4 (b) A metro charter review committee consists of the  
5 following members:

6 (1) Two government officials or their designees from the  
7 principal city appointed by the governing body of the  
8 principal city;

9 (2) Two county commissioners or their designees from  
10 each affected county appointed by their respective county  
11 commissions;

12 (3) If the principal city is located in two counties and one  
13 is not participating in consolidation, then one county  
14 commissioner or his or her designee from the county not  
15 participating in consolidation appointed by the county  
16 commission; and

17 (4) Two or three public members, including one from an  
18 unincorporated area, elected by the other members to  
19 make the number of charter review committee members an  
20 odd number.

21 (c) A metro charter review committee continues to exist  
22 until it is dissolved pursuant to the charter or the final  
23 disapproval of the charter.

**§7A-3-5. Duties and powers of charter review committee.**

1 (a) A charter review committee shall study consolidation  
2 and the feasibility of consolidation.

3 (b) A charter review committee shall:

4 (1) Elect officers from committee members;

5 (2) Adopt rules;

6 (3) Prepare a budget; and

7 (4) Conduct public hearings;

8 (c) A charter review committee may:

9 (1) Create subcommittees and working groups to include  
10 other government officials and diverse public representa-  
11 tives;

12 (2) Prepare a written charter;

13 (3) Employ staff;

14 (4) Contract with consultants;

15 (5) Work with agencies of affected local governments;  
16 and

17 (6) Engage in other activities necessary to facilitate the  
18 intent of this chapter.

19 (d) A majority of committee members is a quorum for  
20 transaction of business and adopting the charter.

21 (e) Vacancies on the charter review committees shall be  
22 filled in the same manner as provided for in this article.

**§7A-3-6. Expenses of charter review committee.**

1 Members of a charter review committee serve without  
2 compensation, but are entitled to reimbursement by the  
3 charter review committee for necessary expenses incurred  
4 by them in the performance of their official duties.

**§7A-3-7. Budget of charter review committee.**

1 (a) A charter review committee shall submit a budget to  
2 the governing bodies of each affected municipality for a

3 municipal consolidation, each affected county for a county  
4 consolidation and each affected principal city and county  
5 for a metro consolidation. A charter review committee  
6 shall pursue public and private funds to augment its  
7 budget. The budget shall state in writing the amount each  
8 governing body shall pay, which shall be proportionately  
9 based on population.

10 (b) Within thirty days of receiving the charter review  
11 committee's budget, the governing body of each affected  
12 municipality, county and metro government shall either  
13 approve the budget or recommend written amendments to  
14 the budget.

15 (c) If amendments are recommended, then the charter  
16 review committee shall reconsider the budget and resub-  
17 mit the budget to the governing bodies for approval within  
18 thirty days.

19 (d) The governing body of each affected municipality,  
20 county and metro government shall assist the charter  
21 review committee and provide office space if needed.

**ARTICLE 4. CHARTER REVIEW COMMITTEE.**

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

1 (a) The charter review committee shall study matters  
2 relating to the feasibility of consolidation.

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

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

11 (2) The fiscal impact of the proposed consolidation on  
12 the affected municipalities, counties and metro govern-  
13 ments including:

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

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

19 (C) Projected economies of scale resulting from consoli-  
20 dation;

21 (3) The name of the proposed consolidated local govern-  
22 ment;

23 (4) The seat of the proposed consolidated local govern-  
24 ment;

25 (5) The representation plan based upon population for  
26 the territory encompassed by the consolidation consistent  
27 with state and federal law to include consideration of  
28 under represented areas and minorities;

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

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

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

45 (9) The method by which a consolidated local govern-  
46 ment may dissolve after existing for a minimum of six  
47 years.

48 (c) The charter review committee shall complete its study  
49 and draft a proposed charter within one year from the date  
50 of its organizational meeting.

**§7A-4-2. Public hearings.**

1 (a) The charter review committee shall hold a public  
2 hearing within three months of the organizational meeting  
3 or reconvening, a public hearing within six months of its  
4 organizational meeting or reconvening and a public  
5 hearing within eleven months of its organizational meeting  
6 or reconvening prior to finalizing its draft of the proposed  
7 charter. The committee is authorized to hold additional  
8 public hearings.

9 (b) The date, time, place and agenda of the public  
10 hearings shall be published as a Class II legal advertisement  
11 in a newspaper of general circulation in the affected areas.

**§7A-4-3. Approval of proposed charter and submission to governing bodies.**

1 (a) Following its final public hearing, the charter review  
2 committee shall vote on the proposed charter.

3 (b) Once approved by a majority vote of the charter  
4 review committee, the proposed charter shall be submitted  
5 within ten days to the governing bodies of the affected  
6 municipalities, counties and metro governments to be  
7 voted upon by the electorate.

**ARTICLE 5. MUNICIPAL CONSOLIDATION ELECTION.**

**§7A-5-1. Expenses for election.**

1 The governing body of each affected municipality is  
2 responsible for the expenses of holding an election on the  
3 question of municipal consolidation.

**§7A-5-2. Notice for election.**

1 (a) At least sixty days prior to the election on the ques-  
2 tion of municipal consolidation, the governing body of

3 each affected municipality shall make copies of the  
4 proposed charter available to the public.

5 (b) At least fourteen days prior to the election on the  
6 question of municipal consolidation, the governing bodies  
7 of the affected municipalities shall publish the proposed  
8 charter and provide notice of the election, as a Class II  
9 legal advertisement, in a newspaper of general circulation  
10 in the affected areas. The affected municipalities may  
11 share the expense of publication.

**§7A-5-3. Election and ballots for municipal consolidation.**

1 (a) After receiving the proposed charter from the municipi-  
2 pal charter review committee, the governing bodies of the  
3 affected municipalities shall hold an election on the  
4 question of consolidation at the next primary or general  
5 election in accordance with applicable election laws and  
6 section two of this article.

7 (b) The ballots for the election on consolidation shall be  
8 as follows:

9 [ ] For (name of consolidated municipality)

10 [ ] Against (name of consolidated municipality)

**§7A-5-4. Approval of municipal consolidation and charter.**

1 If at least fifty-five percent of the legal votes cast by the  
2 qualified voters of each of the affected municipalities  
3 approve consolidation, then consolidation becomes  
4 effective pursuant to the charter.

**§7A-5-5. Rejection of charter and reconsideration process.**

1 (a) If less than fifty-five percent of the legal votes cast by  
2 the qualified voters of any of the affected municipalities  
3 approve consolidation, then consolidation is defeated. The  
4 charter review committee may reconvene for up to one  
5 year to adopt a second proposed charter.



6 (b) When the second proposed charter is adopted by the  
7 municipal charter review committee, then the governing  
8 bodies of the affected municipalities shall hold another  
9 election on the second proposed charter at the next  
10 primary or general election in accordance with applicable  
11 election laws and section two of this article.

12 (c) The ballots for the election on the second proposed  
13 charter shall be as follows:

14  For (name of consolidated municipality)

15  Against (name of consolidated municipality)

16 (d) If the second proposed charter is not approved by at  
17 least fifty-five percent of the legal votes cast by the  
18 qualified voters of the affected municipalities, then the  
19 proposed consolidation is defeated. A new municipal  
20 charter review committee cannot be established for at  
21 least two years after the second proposed charter is  
22 defeated.

**§7A-5-6. Filing charter.**

1 After the charter has been approved by at least fifty-five  
2 percent of the legal votes cast by the qualified voters of the  
3 affected municipalities, the charter shall be filed with the  
4 Secretary of State and recorded in the applicable county  
5 clerk's office.

**§7A-5-7. Constitutional consideration.**

1 In preparing the charter, municipalities with excess  
2 levies or general obligation bond indebtedness shall fully  
3 comply with section nine, article X of the Constitution.

**§7A-5-8. Subsequent joining of municipality to consolidated  
municipality.**

1 (a) After a consolidated municipality has been in exis-  
2 tence for at least one year, a municipality may request to  
3 join the consolidated municipality by submitting:

4 (1) A petition signed by at least fifteen percent of the  
5 qualified voters in the municipality; or

6 (2) A resolution by the governing body of the municipal-  
7 ity.

8 (b) Within thirty days of receipt of the petition or  
9 resolution, the governing body of the consolidated munic-  
10 ipality shall vote to accept or reject the municipality  
11 requesting to join.

12 (c) If the governing body of the consolidated municipal-  
13 ity votes to accept the municipality, then the municipality  
14 shall hold an election on consolidation at the next primary  
15 or general election in accordance with applicable election  
16 laws and section two of this article.

17 (d) The ballots for the election on consolidation shall be  
18 as follows:

19 [ ] For (name of consolidated municipality)

20 [ ] Against (name of consolidated municipality)

21 (e) If at least fifty-five percent of the legal votes cast by  
22 the qualified voters of the municipality approve consolida-  
23 tion, then consolidation becomes effective pursuant to the  
24 charter.

25 (f) If consolidation is not approved by at least fifty-five  
26 percent of the legal votes cast by the qualified voters of the  
27 municipality, then the consolidation is defeated and  
28 cannot be voted upon for one year.

**ARTICLE 6. ELECTIONS ON COUNTY CONSOLIDATION.**

**§7A-6-1. Expenses for election.**

1 The governing body of each affected county is responsi-  
2 ble for its expenses of holding an election on the question  
3 of consolidation.

**§7A-6-2. Notice for election.**

1 (a) At least sixty days prior to the election on the ques-  
2 tion of county consolidation, the governing body of each  
3 affected county shall make copies of the proposed charter  
4 available to the public.

5 (b) At least fourteen days prior to the election on the  
6 question of county consolidation, the governing bodies of  
7 the affected counties shall publish the proposed charter  
8 and provide notice of the election, as a Class II legal  
9 advertisement, in a newspaper of general circulation in the  
10 affected area. The affected counties may share the ex-  
11 pense of publication.

**§7A-6-3. Election and ballots for county consolidation.**

1 (a) After receiving the proposed charter from the county  
2 charter review committee, the governing bodies of the  
3 affected counties shall hold an election on the question of  
4 consolidation at the next primary or general election in  
5 accordance with applicable election laws and section two  
6 of this article.

7 (b) The ballots for the election on consolidation shall be  
8 as follows:

9 [ ] For (name of consolidated county)

10 [ ] Against (name of consolidated county)

**§7A-6-4. Approval of county consolidation and charter.**

1 If at least fifty-five percent of the legal votes cast by the  
2 qualified voters of each of the affected counties approve  
3 consolidation, then consolidation becomes effective  
4 pursuant to the charter.

**§7A-6-5. Rejection of charter and reconsideration process.**

1 (a) If less than fifty-five percent of the legal votes cast by  
2 the qualified voters of any of the affected counties approve  
3 consolidation, then consolidation is defeated. The county

4 charter review committee may reconvene for up to one  
5 year to adopt a second proposed charter.

6 (b) When the second proposed charter is adopted by the  
7 county charter review committee, then the governing  
8 bodies of the affected counties shall hold another election  
9 on the second proposed charter at the next primary or  
10 general election in accordance with applicable election  
11 laws and section two of this article.

12 (c) The ballots for the election on the second proposed  
13 charter shall be as follows:

14 [ ] For (name of consolidated county)

15 [ ] Against (name of consolidated county)

16 (d) If the second proposed charter is not approved by at  
17 least fifty-five percent of the legal votes cast by the  
18 qualified voters of the affected counties, then the proposed  
19 consolidation is defeated. A new county charter review  
20 committee cannot be established for at least two years  
21 after the second proposed charter is defeated.

**§7A-6-6. Filing charter.**

1 After the charter has been approved by at least fifty-five  
2 percent of the legal votes cast by the qualified voters of the  
3 affected counties, the charter shall be filed with the  
4 Secretary of State and recorded in all of the applicable  
5 county clerk's offices.

**§7A-6-7. Subsequent joining of county to consolidated county.**

1 (a) After a consolidated county has been in existence for  
2 at least one year, a county may request to join the consoli-  
3 dated county by submitting:

4 (1) A petition signed by at least fifteen percent of the  
5 qualified voters in the county; or

6 (2) A resolution by the governing body of the county.

7 (b) Within thirty days of receipt of the petition or  
8 resolution, the governing body of the consolidated county  
9 shall vote to accept or reject the county requesting to join.

10 (c) If the governing body of the consolidated county  
11 votes to accept the county, then the county shall hold an  
12 election on consolidation at the next primary or general  
13 election in accordance with applicable election laws and  
14 section two of this article.

15 (d) The ballots for the election on consolidation shall be  
16 as follows:

17 [ ] For (name of consolidated county)

18 [ ] Against (name of consolidated county)

19 (e) If at least fifty-five percent of the legal votes cast by  
20 the qualified voters of the county approve the consolida-  
21 tion, then consolidation becomes effective pursuant to the  
22 charter.

23 (f) If consolidation is not approved by at least fifty-five  
24 percent of the legal votes cast by the qualified voters of the  
25 county, then the consolidation is defeated and cannot be  
26 voted upon for one year.

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

**§7A-7-1. Expenses for election.**

1 The governing body of the affected county is responsible  
2 for the expenses of holding an election on the question of  
3 consolidation.

**§7A-7-2. Notice for election.**

1 (a) At least sixty days prior to the election on the ques-  
2 tion of metro consolidation, the governing bodies of the  
3 principal city and affected county shall make copies of the  
4 proposed charter available to the public.

5 (b) At least fourteen days prior to the election on the  
6 question of metro consolidation, the governing body of the  
7 affected county shall publish the proposed charter and  
8 provide notice of the election, as a Class II legal advertise-  
9 ment, in a newspaper of general circulation in the affected  
10 county.

**§7A-7-3. Election and ballots for metro government.**

1 (a) After receiving the proposed charter from the metro  
2 charter review committee, the governing body of the  
3 affected county shall hold an election on the question of  
4 consolidation at the next primary or general election in  
5 accordance with applicable election laws and section two  
6 of this article.

7 (b) The ballots for the election on consolidation shall be  
8 as follows:

9 [ ] For (name of metro government)

10 [ ] Against (name of metro government)

**§7A-7-4. Approval of metro government and charter.**

1 If at least fifty-five percent of the legal votes cast by the  
2 qualified voters of the principal city and fifty-five percent  
3 of the legal votes cast by the qualified voters of the  
4 affected county, excluding the principal city, approve  
5 consolidation, then metro government becomes effective  
6 pursuant to the charter.

**§7A-7-5. Rejection of charter and reconsideration process.**

1 (a) If less than fifty-five percent of the legal votes cast by  
2 the qualified voters of the principal city and less than  
3 fifty-five percent of the legal votes cast by the qualified  
4 voters of the affected county, excluding the principal city,  
5 approve consolidation, then consolidation is defeated. The  
6 metro charter review committee may reconvene for up to  
7 one year to adopt a second proposed charter.

8 (b) When the second proposed charter is adopted by the  
9 metro charter review committee, then the governing body  
10 of the affected county shall hold another election on the  
11 second proposed charter at the next primary or general  
12 election in accordance with applicable election laws and  
13 section two of this article.

14 (c) The ballots for the election on the second proposed  
15 charter shall be as follows:

16 [ ] For (name of metro government)

17 [ ] Against (name of metro government)

18 (d) If the second proposed charter is not approved by at  
19 least fifty-five percent of the legal votes cast by the  
20 qualified voters of the principal city and fifty-five percent  
21 of the legal votes cast by the qualified voters of the  
22 affected county, excluding the principal city, then the  
23 proposed consolidation is defeated. A new metro charter  
24 review committee cannot be established for at least two  
25 years after the second proposed charter is defeated.

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

1 Upon the approval by voters of metro consolidation,  
2 municipalities within the territory of the metro govern-  
3 ment, other than the principal city, remain incorporated  
4 and continue to perform their functions as permitted by  
5 law unless dissolved or consolidated pursuant to section  
6 eight of this article.

**§7A-7-7. Filing charter.**

1 After the charter has been approved by at least fifty-five  
2 percent of the legal votes cast by the qualified voters of the  
3 affected county, the charter shall be filed with the Secre-  
4 tary of State and recorded in the applicable county clerk's  
5 offices.

**§7A-7-8. Subsequent joining of municipality, county or metro government to metro government.**

1 (a) After a metro government has been in existence for at  
2 least one year, a municipality, county or metro government  
3 may request to join the metro government by submitting:

4 (1) A petition signed by at least fifteen percent of the  
5 qualified voters in the municipality, county or metro  
6 government; or

7 (2) A resolution by the governing body of the municipal-  
8 ity, county or metro government.

9 (b) Within thirty days of receipt of the petition or  
10 resolution, the governing body of the metro government  
11 shall vote to accept or reject the municipality, county or  
12 metro government requesting to join.

13 (c) If the governing body of the metro government votes  
14 to accept the municipality, county or metro government,  
15 then the municipality, county or metro government shall  
16 hold an election on consolidation at the next primary or  
17 general election. The election shall be held in accordance  
18 with applicable election laws and section two of this  
19 article.

20 (d) The ballots for the election on consolidation shall be  
21 as follows:

22 [ ] For the (name of metro government)

23 [ ] Against the (name of metro government)

24 (e) If at least fifty-five percent of the legal votes cast by  
25 the qualified voters of the municipality, county or metro  
26 government approve consolidation, then consolidation  
27 becomes effective pursuant to the charter.

28 (f) If consolidation is not approved by at least fifty-five  
29 percent of the legal votes cast by the qualified voters of the  
30 municipality, county or metro government, then the



31 consolidation is defeated and cannot be voted upon for one  
32 year.

**ARTICLE 8. CHARTER AMENDMENT.**

**§7A-8-1. Charter amendment.**

1 (a) If a charter is adopted, it may be amended by one of  
2 the following methods:

3 (1) The governing body of the consolidated local govern-  
4 ment may submit a proposed amendment by resolution to  
5 the voters at the next primary or general election. Notice  
6 of the election and the proposed amendment shall be  
7 published as a Class II legal advertisement in a newspaper  
8 of general circulation in the affected areas. If a majority  
9 of the legal votes cast by the qualified voters of the  
10 consolidated local government approve the amendment,  
11 then the amendment becomes effective as permitted by  
12 law;

13 (2) The governing body of the consolidated local govern-  
14 ment may amend the charter by ordinance. However, if a  
15 petition signed by at least ten percent of the qualified  
16 voters of the consolidated local government is filed with  
17 the governing body within thirty days following publica-  
18 tion of the ordinance, the governing body shall submit the  
19 charter amendment to the voters at the next primary or  
20 general election. Notice of the election and the proposed  
21 amendment shall be published as a Class II legal advertise-  
22 ment in a newspaper of general circulation in the affected  
23 areas. If a majority of the legal votes cast by the qualified  
24 voters of the consolidated local government approve the  
25 amendment, then the amendment becomes effective as  
26 permitted by law; or

27 (3) If a petition, signed by ten percent of the qualified  
28 voters in the consolidated local government, is filed with  
29 the governing body of the consolidated local government  
30 proposing an amendment to the charter, then the govern-  
31 ing body shall submit the proposed amendment to the

32 voters at the next primary or general election. Notice of  
33 the election and the proposed amendment shall be pub-  
34 lished as a Class II legal advertisement in a newspaper of  
35 general circulation in the affected areas. If a majority of  
36 the legal votes cast by the qualified voters of the consoli-  
37 dated local government approve the amendment, then the  
38 amendment becomes effective as permitted by law.

39 (b) If an election is held, then the governing body shall  
40 submit each proposed amendment generally in the follow-  
41 ing form:

42 Should the amendment described below be adopted for  
43 the charter of (name of consolidated local government)?

44 [ ] Yes

45 [ ] No

46 The ballot shall contain a summary of the proposed  
47 amendment.

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

  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.

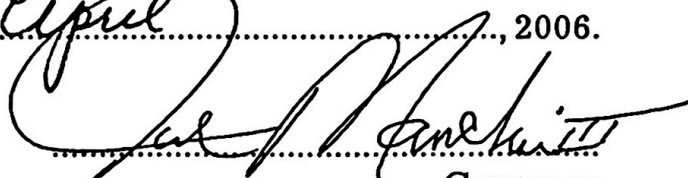
  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within is approved this the 4th  
Day of April, 2006.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2006

Time 11:10 am