

Ordinance 2022-13

Creation of Substitute Members of Municipal Service Fees Appeals Board

WHEREAS, the City of Weston ("City") utilizes West Virginia Code §8-13-13 to charge fees for various services provided by the City;

WHEREAS, the City of Weston charges these fees based on a 2009 City ordinance ("city ordinance") passed on second reading on April 6, 2009;

WHEREAS, the City ordinance created a board of people ("Board" or "Board member") to hear any complaints a service user may have regarding billing issues;

WHEREAS, the 2009 City ordinance does not clearly indicate how, or if, a substitute Board member may fill-in in a situation where a Board member is unable to participate in a Municipal Fee Board hearing;

WHEREAS, the City of Weston wishes to create a method for utilizing substitute Board member(s) if the situation requires;

WHEREAS, the intent of this ordinance is to amend the City ordinance to allow for substitute Board members to be utilized when the situation requires;

The following language shall now be included in Section 8 of the 2009 City Ordinance that deals with Municipal Service Fees:

In the event a member is unable to participate in a Board hearing (whether by absence, incapacity, recusal, conflict of interest, or the like) then said Board Member shall be replaced by a substitute member.

The substitute member shall sit only during the proceeding(s) in which the Board Member is unable to participate.

Substitute members shall be chosen as follows:

- 1) The Mayor shall appoint another member of Council as substitute for the member chosen from Council per Section 8 of the 2009 City ordinance;
- 2) The Mayor shall appoint another representative of the Chamber of Commerce as substitute for the member representing the Chamber of Commerce per Section 8 of the 2009 City ordinance; the Mayor shall seek recommendations from the Chamber of Commerce as to who the substitute representative should be; the Mayor may reject the Chamber's recommendation; the intent of this method is to ensure that the Mayor and the Chamber can mutually agree on a substitute member
- 3) The City Council shall, by majority vote, appoint another City resident as substitute for the member who is a resident of the City per Section 8 of the 2009 City ordinance

This selection scheme tries to match the selection scheme utilized in the 2009 City ordinance.

The City of Weston shall notify the substitute member as soon as reasonably practical about the need to fill-in for an absent/incapacitated/recused member.

In the event any part of this ordinance is deemed deficient for any reason, the remaining portions of the ordinance shall remain in full effect.

The intent of this Ordinance is to amend an ordinance that provides "for the collection of fees of any kind" per West Virginia Code §8-11-2(1). Thus, two readings are required.

First Reading 9/19/2022

Second Reading _____

Kim Harrison-Edwards, Mayor

Judy Piercy, City Clerk