

Resolution No. 2022-__

**A RESOLUTION OPPOSING PROPOSED CONSTITUTIONAL AMENDMENT 2
THE PROPERTY TAX MODERNIZATION AMENDMENT**

PREAMBLE: During the 2022 General Election, West Virginians will be asked to vote on Amendment 2, one of the most substantial changes to West Virginia's Constitution in nearly 100 years. It is not the place of the City of Morgantown, West Virginia to tell registered voters how to vote on this issue. However, the City of Morgantown is committed to the wellbeing of its residents and visitors and, as such, seeks to inform the public of the potentially devastating and far-reaching impacts that Amendment 2 could have on public safety and local government services in Morgantown:

WHEREAS, the City of Morgantown understands that Amendment 2 would allow the West Virginia Legislature to eliminate property tax on machinery and equipment directly used by businesses and on motor vehicles owned by businesses and residents; and

WHEREAS, legislators supporting this amendment claim that cutting the state's inventory tax on machinery and equipment would attract new businesses to West Virginia; and

WHEREAS, as currently drafted, the City of Morgantown understand that there is no guarantee that personal property taxes on personal vehicles will be eliminated; and

WHEREAS, the City of Morgantown, West Virginia finds that the passage of Amendment 2 will decrease control of local levying bodies and transfer that control to the state by causing the removal of certain constitutional protections that allow these bodies to provide critical funding for law enforcement, fire protection, emergency medical services, and public education; and

WHEREAS, The City of Morgantown understands that the effect of the passage of Amendment 2 only gives a future legislature the authority to exempt tangible personal property and equipment from ad valorem property taxation by general law, but if Amendment 2 is passed the public will lose its current constitutional protections regarding this matter and will, instead, transfer this power to the legislature; and

WHEREAS, the City of Morgantown recognizes that there is a nearly universal understanding that once given this authority, the legislature will move to exempt certain tangible personal property and equipment from ad valorem property taxation without any general consensus of the West Virginia House of Delegates, the West Virginia State Senate, and the Governor of the State of West Virginia as to how the revenue reductions to be incurred by the local levying bodies would be replaced; and

WHEREAS, the City of Morgantown finds that there is no legislative plan for Amendment 2, as a plan to implement the serious changes contemplated by Amendment 2 would require the passage of new legislation that is not now in existence or available for public review;

WHEREAS, the City of Morgantown finds that estimates of the six (6) types of personal

property that are currently being considered for elimination have shown to be in excess of \$500 million dollars, providing the necessary funding for many vital county and city services and public education statewide;

WHEREAS, the loss of this stream of funds could result in less services for residents and visitors to Morgantown, including fewer police officers, emergency responders, teachers, and school personnel; and

WHEREAS, the City of Morgantown finds that, at this point, there is no clearly established plan to replace the funds for these important local services if personal property taxes upon which they rely are eliminated or reduced; and

WHEREAS, the City of Morgantown finds that the residents of the State of West Virginia, including the hardworking residents of Morgantown, will ultimately pay for the significant corporate tax cuts contemplated by the legislature in anticipation of the passage of Amendment 2, such as new sales taxes, higher real property taxes, other fees, and/or a combination that could potentially be the result of the elimination of personal property taxes; and

WHEREAS, the City of Morgantown finds that without providing a definite, alternate revenue source to replace the personal property taxes that could potentially be eliminated by Amendment 2, the loss of funds could be catastrophic for the residents of West Virginia statewide by depriving them of sufficient essential services, such as police officers, emergency responders, and educational needs.

NOW, THEREFORE, BE IT RESOLVED, that the City of Morgantown finds that the passage of Amendment 2 without a final, codified legislative plan that provides for alternate revenue sources for local governments could devastate and defund public safety and public education in Morgantown and throughout West Virginia; and

BE IT FURTHER RESOLVED, that the City of Morgantown, for the reasons set forth above, opposes the passage of Amendment 2 in order to further the safety and wellbeing of its residents and visitors; and

Adopted this _____ day of _____, 2022

Mayor

City Clerk