

**AN ORDINANCE AMENDING CITY CHARTER SECTION 2.12 AND ADDING A NEW SECTION 2.17 PERMITTING AUTHORIZATION OF INTERGOVERNMENTAL AGREEMENTS BY RESOLUTION RATHER THAN ORDINANCE.**

WHEREAS, pursuant to the authority granted to the City of Morgantown as a Home Rule Municipality under West Virginia Code § 8-1-5a, City Council is authorized to provide for the entry into agreements with other jurisdictions by resolution rather than by ordinance; and

WHEREAS, by authorizing the authority to enter agreements with other jurisdictions by resolution rather than by ordinance, the City shall be exempt from the provisions of West Virginia Code § 8-11-3(10); and

WHEREAS, West Virginia Code § 8-4-8 provides that whenever the governing body of a municipality shall deem it expedient to amend the charter of the City, it shall propose the amendment by ordinance; and

WHEREAS, City Council finds and determines that it would be in the best interest of the City to amend its Charter so that the City may enter agreements with other jurisdictions by resolution rather than by ordinance and thereby promote efficient governance;

NOW, THEREFORE, the City of Morgantown hereby ordains that the City Charter is amended as follows:

**SECTION 2.12. ACTION REQUIRING AN ORDINANCE.**

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget. Provide for the collection of fees of any lawful kind;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility, to the extent permitted by law;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands from the City or to the City;
- (8) Require a license to do business;
- (9) Provide for a public improvement;
- (10) Lay out or vacate a public street, avenue, road, alley or way;
- (11) Relate to planning and zoning;
- ~~(12) Provide for a contractual or other agreement with another jurisdiction;~~
- (12) ~~3~~ Adopt with or without amendment ordinances proposed under the initiative power;
- (13) ~~4~~ Change ward boundaries;

(14 5) Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VIII with respect to repeal of ordinances reconsidered under the referendum power.

**SECTION 2.17. RESOLUTIONS FOR INTERGOVERNMENTAL AGREEMENTS.**

The City Council is authorized to provide for a contractual or other agreement with another jurisdiction by resolution.

This ordinance shall become effective upon adoption, subject to the statutory requirements imposed by West Virginia Code section 8-4-8.

FIRST READING:

\_\_\_\_\_  
Mayor

ADOPTED:

FILED:

\_\_\_\_\_  
City Clerk

RECORDED: