

**A PRELIMINARY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG, WEST VIRGINIA SUSPENDING THE CITY MANAGER FOR THIRTY (30) DAYS IN ANTICIPATION OF TERMINATION AND APPOINTING AN INTERIM CITY MANAGER**

**WHEREAS**, it is resolved by the Council of the City of Clarksburg, West Virginia that four (4) or more members having voted in the affirmative to adopt a preliminary resolution removing the City Manager, Martin Howe, from office effective August 12, 2019; and

**WHEREAS**, it is further resolved by the Council of the City of Clarksburg, West Virginia that four (4) or more members having voted in the affirmative, that the City Manager, Martin Howe, shall be suspended for thirty (30) days, with pay, beginning on July 12, 2019 and that the City Clerk, Annette Wright, is hereby designated to perform the duties of the City Manager during the period of his suspension; and

**WHEREAS**, the Council finds that the three (3) major categories of reasons for said removal of the City Manager, both separately and collectively, are as follows: (1) Urban Decay; (2) Misappropriation of Funds; and (3) Unprofessionalism. These categories are more fully described below:

**Urban Decay**

During the City Manager's fourteen (14) year tenure:

1. The City has a staggering increase in homelessness;
2. The Police Department is understaffed;
3. Crime is on the rise and has risen significantly;
4. Buildings and houses in Clarksburg are rapidly decaying;
5. The population of the town has decreased by approximately 10%;
6. Businesses are leaving the City at an exponential rate, such as United Hospital Center, Steptoe & Johnson, Dominion Gas and Chase Bank;
7. The City's budget has declined by \$1.6 million since 2011, after adjusting inflation;
8. City Manager's budget has increased approximately 100% since 2011;
9. Budgets for departments such as Engineering and Code Enforcement have declined by approximately 40% since 2011.

### **Misappropriation of Funds**

Upon information and belief, City funds have been misappropriated by the City Manager and/or one or more subordinates, at least some of which personally benefited the City Manager. These misappropriations include, but are not limited to, exchanging vacation time for a monetary payment in excess of City policy established by Council and failure to properly verify overtime of employees. Further, upon information and belief, the City Manager has committed one or more violations of state Purchase Card policies including, but not limited to, seeking reimbursement for non-itemized receipts. These allegations warrant further investigation during the suspension of the City Manager.

### **Unprofessionalism**

Upon information and belief, the City Manager has violated the West Virginia Freedom of Information Act by (1) disclosing non-public information not subject to FOIA; (2) failing to disclose of information subject to FOIA and/or (3) failing to apply the fee schedule for documents produced from FOIA requests in a content-neutral and non-discriminatory fashion. These allegations warrant further investigation during the suspension of the City Manager.

The City Manager has disrespected members of Council.

For reasons stated above, and those which are later discovered during the aforesaid investigation, Council has lost confidence in the leadership, executive, and administrative abilities of the City Manager, removes and suspends him as stated above, and designates City Clerk Annette Wright as the person hereby designated to perform the duties of the City Manager during the period of his suspension.

PASSED by the Council of the City of Clarksburg, this \_\_\_\_\_ day of July, 2019.

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Ryan Kennedy, Mayor

ATTEST:

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Annette M. Wright, City Clerk

APPROVED AS TO FORM:

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James V. Cann, City Attorney