City of Elkins

Regular Council Meeting

January 18, 2024
7:00 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Invocation and Pledge of Allegiance**
2. **Call to order and roll call**
3. **Public comment**
4. **Minutes**
    a. Proposed minutes for the meeting of December 21, 2024
5. **Correspondence, Notifications, and Recognitions**
    a. Recognition of Municipal Judge R. Jones
    b. Receive recommendation of zoning for unzoned parcel near North 12th Street
6. **Presentation**
    a. Woodlands Development & Lending
    b. Elkins Tree Board
7. **Councilor Reports**
8. **Staff reports**
    a. Treasurer's report
9. **Approval of vendor invoice payments**
    a. Vendor invoices presented for approval: December 18, 2023-January 12, 2024.

    (Available for public review in the city clerk's office two business days before this meeting, as required by W. Va. Ethics Commission Open Meetings Advisory Opinion 2012-04.)
10. **New business**
    a. Ordinance 319: Amending and Re-Enacting City Code Chapter 30.20 Et Seq.: Competitive Bidding (final reading)
    b. Ordinance 320: Consideration on first reading of an ordinance authorizing the issuance by the City of Elkins of sewer revenue bonds in an amount not to exceed $250,000 to finance the cost of design, acquisition, construction and equipping of additions, betterments and extensions to the City's sanitary sewer system (first of two readings)
    c. Resolution 1711: Appointing R. Carr to the Elkins Sanitary Board

d. Resolution 1712: Appointing V. Broughton and C. Tribble to the Elkins Building Commission

e. Resolution 1713: Approve changes to employee PEIA benefits for Fiscal Year 2025

f. Resolution 1714: Acceptance of bid for "Welcome to Elkins" signs

11. Mayor’s comments

12. Adjournment

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of December 21, 2024
Recommended By:	City Clerk
Summary:	Minutes proposed for council's December 21 meeting
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. city council - 2023_12_21 - minutes_proposed

Elkins Common Council
Regular Council Meeting
Minutes

401 Davis Avenue
Council Chamber, 2nd Floor
December 21, 2023
7:00 p.m.

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilpersons N.E. Bross-Fregonara, A.C. Carroll, R.C. Chenoweth, G.M. Hinchman, B.C. Kerns, C.C. Lowther, D.C. Parker, E. L. Plishka, L.S. Severino, and C.H. Thompson; Fire Chief S.D. Himes; Police Captain R. Belt; Operations Manager M. Kesecker; City Attorney G. S. Roberts; and City Clerk S.R. Stokes (recording secretary).

City Treasurer T. Judy and Police Chief T. Bennett were absent.

MINUTES

Lowther **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 7, 2023.** The motion carried.

APPROVAL OF VENDOR INVOICE PAYMENTS

Hinchman **MOVED APPROVAL OF THE INVOICES PRESENTED.** The motion carried.

The invoices in question were as specified on the following list, which is attached and made part of this record:

- Accounts Payable check transactions for the period December 4-15, 2023.

NEW BUSINESS

Chenoweth moved that council enter executive session under the commercial competition exemption for the agenda item "Review of bids received for Welcome to Elkins signs" and the attorney/client exemption for the agenda item "City Attorney's Update on Pending Litigation." The motion carried. The executive session began at 7:29 p.m. and ended at 7:56 p.m. The mayor announced that no decisions were made and no actions were taken.

Chenoweth **MOVED THAT THE TWO BIDS RECEIVED FOR THE WELCOME TO ELKINS SIGNS PROJECT BE REJECTED AND BIDDING BE REOPENED.** The motion carried.

Lowther **MOVED APPROVAL OF ORDINANCE 319: AMENDING AND RE-ENACTING CITY CODE CHAPTER 30.20 ET SEQ.: COMPETITIVE BIDDING (FIRST OF TWO READINGS).** The motion carried.

Chenoweth **MOVED APPROVAL OF RESOLUTION 1700: AUTHORIZING THE CITY TREASURER TO OPEN A BANK ACCOUNT FOR THE NEWLY CREATED FUND 26—OPIOID SETTLEMENT (CORRECTED).** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1705: AUTHORIZING EXECUTION OF RIGHT-OF-WAY PERMIT APPLICATION TO W. VA. DOT/DOH FOR CONSTRUCTION OF A GOLD STAR FAMILIES MEMORIAL MONUMENT ON DOH PROPERTY LEASED BY CITY OF ELKINS.** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1706: AUTHORIZING REIMBURSEMENT OF CERTAIN TAX MONIES COLLECTED FROM ALTICE (OPTIMUM).** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1707: AUTHORIZING THE OPENING OF A BANK ACCOUNT AT GRANT COUNTY BANK.** The motion carried.

Carroll **MOVED APPROVAL OF RESOLUTION 1708: APPOINTING C. FRIDDLE TO THE BOARD OF ZONING APPEALS.** The motion carried.

Bross-Fregonara **MOVED APPROVAL OF RESOLUTION 1709: ACCEPTING CONDITIONS OF CONTRACT BETWEEN DELMONTE MARKET DBA TAMMY'S FLORAL AND THE CITY OF ELKINS, AND AUTHORIZING EXECUTION OF CONTRACT.** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1710: REAPPOINTING L. HARRIS TO THE BOARD OF THE ELKINS HOUSING AUTHORITY.** The motion carried.

The meeting was adjourned at 8:10 p.m.

Approved by council at the meeting of MONTH DAY, YEAR

____
Jerry A. Marco, Mayor

Attest:

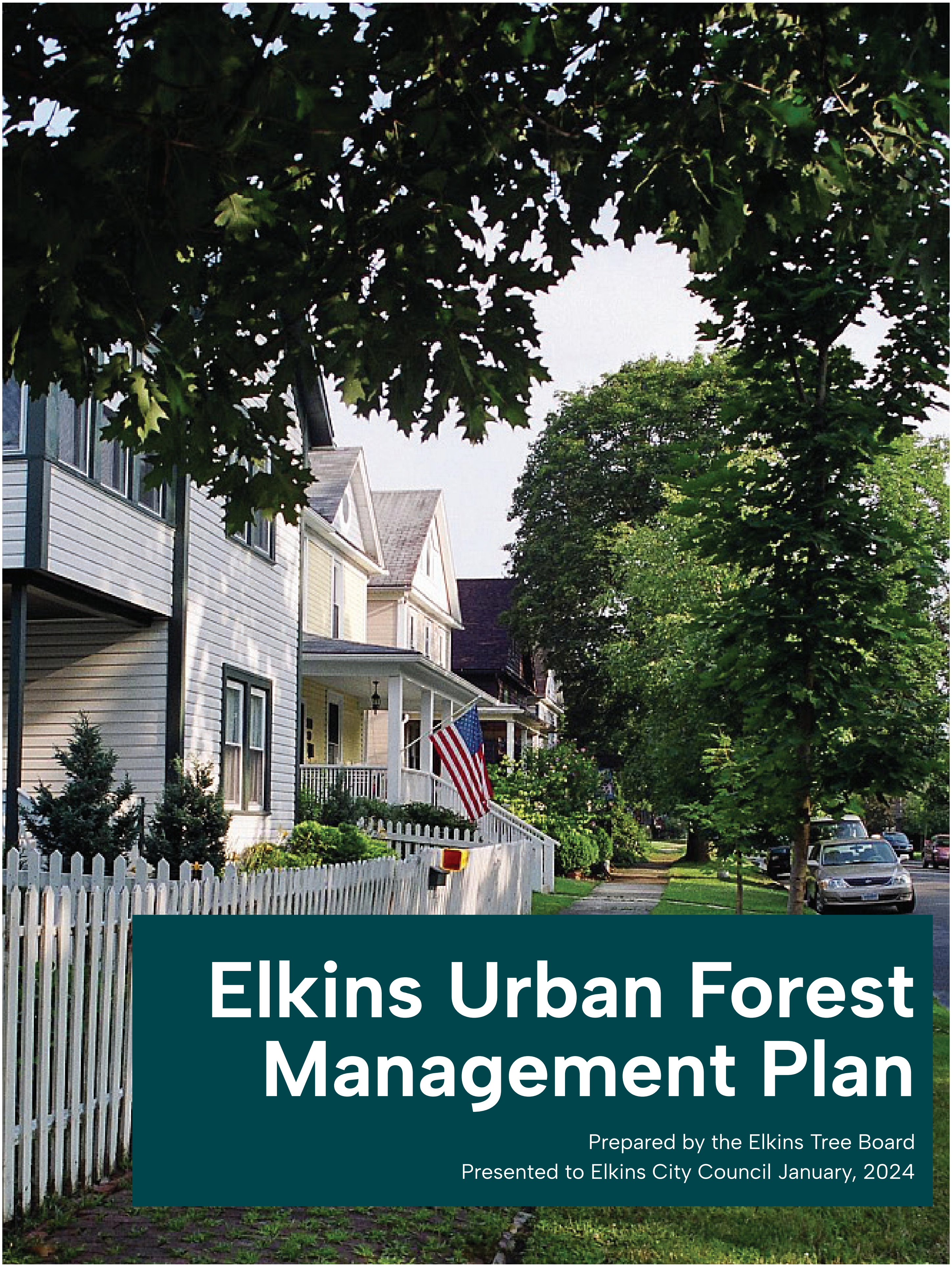
____
Sutton Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	Correspondence, Notifications, and Recognitions
Category:	Presentation
Agenda Item Name:	Recognition of Municipal Judge R. Jones
Recommended By:	
Summary:	
Fiscal Impact:	
Recommendation:	
Attachments:	None

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	Correspondence, Notifications, and Recognitions
Category:	Action Item
Agenda Item Name:	Receive recommendation of zoning for unzoned parcel near North 12th Street
Recommended By:	City Clerk
Summary:	The Planning Commission meets January 18, just prior to this council meeting. This item is on the agenda as a placeholder in case the commission issues a recommendation regarding zoning of an unzoned parcel near North 12th Street.
Fiscal Impact:	n/a
Recommendation:	If received in time for this meeting, the minutes will so record
Attachments:	None



Elkins Urban Forest Management Plan

Prepared by the Elkins Tree Board
Presented to Elkins City Council January, 2024

INTRODUCTION

In 2008, the City of Elkins formally established a City Tree Board by ordinance *(Appendix A)*. In that ordinance the duties and responsibilities of the board, as well as its membership, were outlined. Among the many sections of the ordinance, are the following requirements:

- It is the responsibility of the Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented to the Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan. Any changes to the city tree plan shall be presented to Council for its consideration.
- The Board will promote the establishment of a tree inventory for public trees. The inventory should be updated as often as practicable.
- The Board shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Board shall report the results of its investigations to Council within a reasonable time.

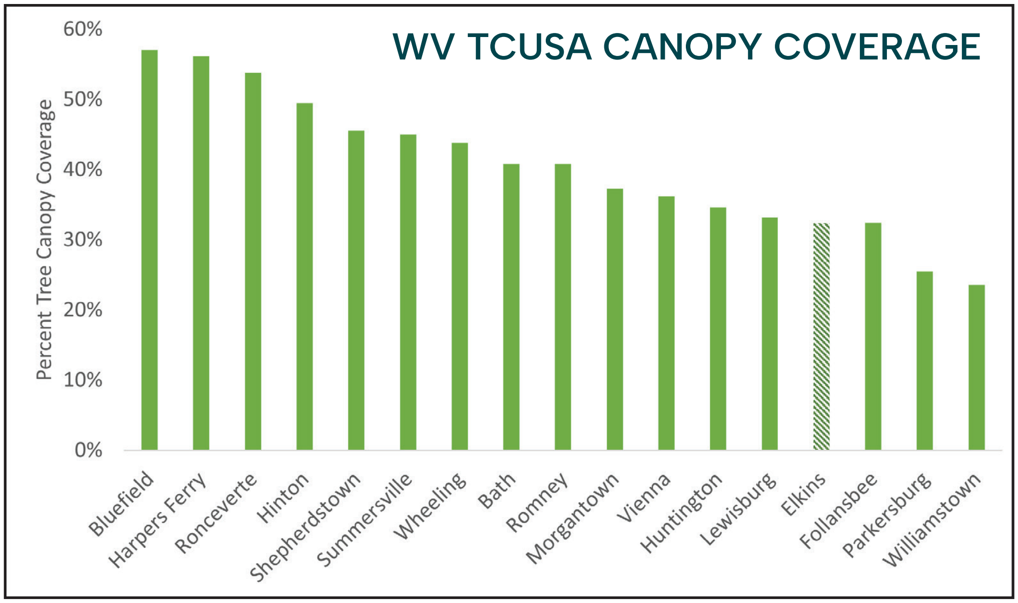
Since its inception, the Elkins Tree Board (ETB) has successfully planted hundreds of trees, promoted tree maintenance and stewardship, worked closely with other agencies to promote the urban greenscape, and sponsored workshops and annual Arbor Day events.

The ETB works closely with the Elkins Parks and Recreation Commission to increase the tree canopy in city parks as well as working on public education initiatives which include the expansion of the Toumayan Interpretive Trail signage, tree identification markers and many tree plantings at Glendale Park. In 2020, an outdoor classroom project was initiated with the guidance of ETB's AFNHA AmeriCorps member Eric Schwartz which included extensive tree plantings and stone installations.

The ETB works to maintain the historic integrity of Elkins City Park by utilizing funds for the purchase of trees and soliciting dozens of volunteers. The goal is to make sure the tree canopy at Elkins City Park continues to be healthy, diverse and long-lived. Several other tree plantings have increased the shade and beauty at other city parks, such as Glendale, Bluegrass Park and Davis Street Park. The ETB has established and maintains a tree nursery and heirloom apple orchard at the historic Kump House and has been working on protecting the wetlands forest at that site.

Most notably, the ETB spearheaded a multi-year downtown greenscape project by securing West Virginia Division of Forestry Demonstration City grants to replace out-dated tree boxes with in-ground planted trees. The trees were specifically selected for their ability to withstand the urban environment and provide cooling shade. Decorative grates were installed to protect the trees from damage. Thanks to support from the City of Elkins, the project will be completed in 2024.

The founding members of the Tree Board worked quickly on earning Tree City USA (TCUSA) status and Elkins continues to have that honor today. For the last several years, Elkins has been the only WV city to receive the TCUSA Growth Award which recognizes additional work in areas of education and administration and has been one of the top TCUSA towns for volunteer dedication.



With these past laurels, the ETB looks towards the future. It is critical for the City of Elkins to have an Urban Forest Management Plan that reflects research, public input and municipal support.

In 2017, Dr. Gregory Dahle, Associate Professor of Arboriculture and Urban Forestry, WVU Davis College of Agriculture, Natural Resources and Design, conducted a study funded by the West Virginia Division of Forestry. The goal was to quantify the ecosystem benefits provided by urban trees within Tree City USA (TCUSA) communities throughout West Virginia.

The study, *Ecosystem Benefits of Tree City USA Cities in West Virginia*[1], utilized USDA Forest Service software, i-Tree Canopy, to estimate canopy cover and calculate the ecosystem benefits of the urban forests. Results document that West Virginia's urban forests make significant contributions to communities including sequestering 2,847,190 tons of carbon providing a total benefit of $53,308,328 in stored carbon. Additional benefits involve the annual capture of 4,348,592 pounds of pollutants with an estimated value of $6,441,179 across TCUSA communities.

In Elkins, urban trees capture 82,104 tons of carbon per year—valued at $1,589,810. Overall, the tree canopy offsets an estimated $187,626 worth of pollution.

While this is substantial, the study found that Elkins is in the lower tier of registered TCUSA cities in canopy coverage, at just over 30%. The study recommends that Elkins manage its urban forest to obtain the ultimate goal of 40% canopy coverage by budgeting for both new plantings and maintenance of existing canopy. Optimal canopy coverage for an urban area is 40% or greater (Walker et al., 2017).

TCUSA encourages cities to create and implement plans to meet these goals and recognizes that the enhancement of tree canopy cover requires a significant investment in urban forestry. The benefits are many. Managing city trees with purpose and intention will sustain a larger green mantle, providing numerous benefits to people and the planet. The urban forest makes a city more livable: from cooling shade and placemaking beauty to sequestering carbon, cleaning the air, filtering runoff, providing avian habitat and mitigating heat island effects, the urban forest is a critical, city-scaled resource that requires planning and vision. The City of Elkins five-year Urban Forest Management Plan 2024 outlines that vision.

1. Walker, Matthew; Sakazaki, Anglea, Eckenrode, Robert; and Dahle, Gregory. *Ecosystem Benefits of Tree City USA Cities in West Virginia*. Arboriculture & Urban Forestry Program Davis College, School of Natural Resources West Virginia University. 2017

VISION

The Elkins Tree Board will foster the best possible version of its urban forest – as a public resource, an environmental priority, and as a point of pride.

GOALS

1

Leverage the urban forest as a public asset through volunteerism, expanding planting & tree programs, publicizing tree data and continuing outreach

2

Manage the urban forest according to best-practice principles of right tree for the right place, while seeking to maximize tree size where possible and account for diversity

3

Promote structural pruning and tree maintenance in tandem with strategic planting efforts

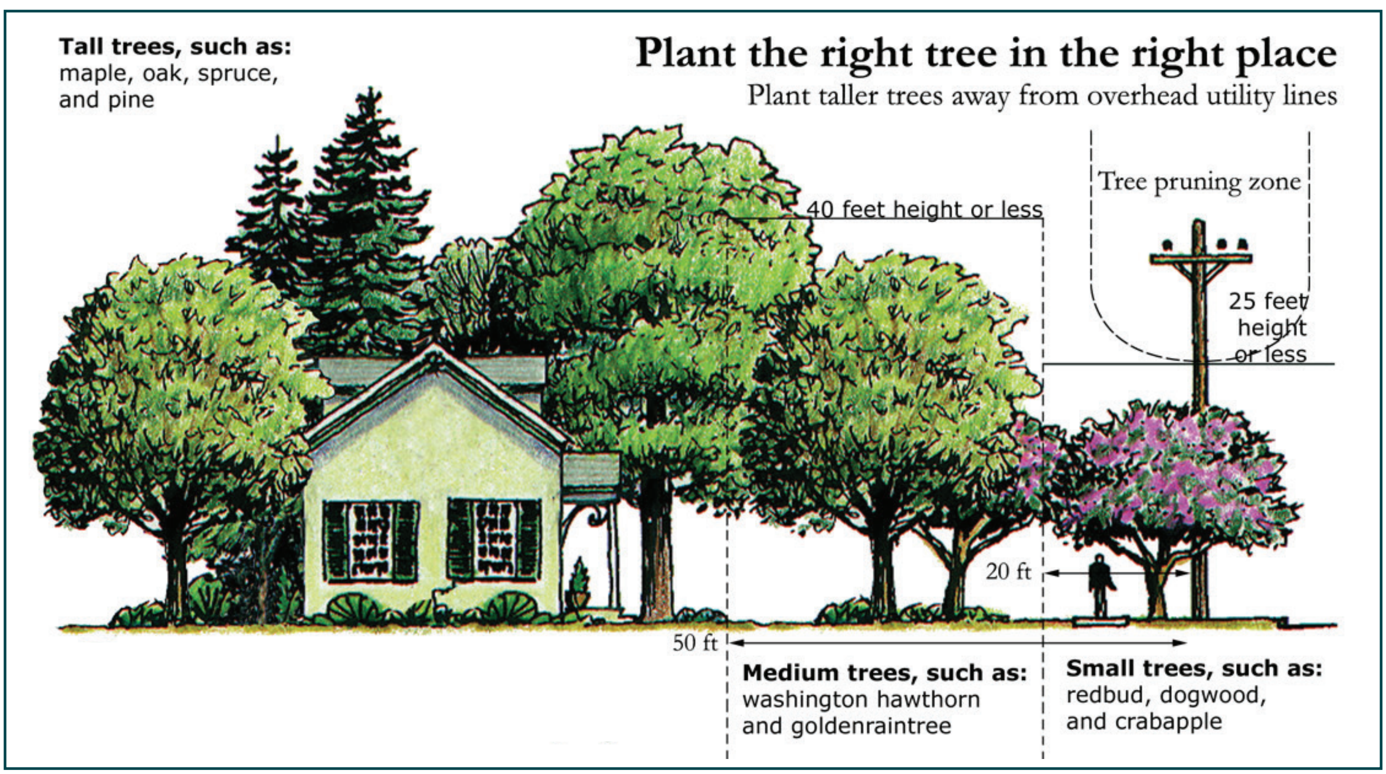
OBJECTIVES

To implement our goals, the Elkins Urban Forest Management Plan's objectives include:

- effective administration
- proper site analysis
- proper site preparation
- proper tree selection and purchase
- proper tree planting
- proper maintenance
- quality design
- adequate funding
- community education and participation
- envisioning and creating annual work plan

Strategies for Effective Administration

- The Elkins Tree Board (ETB) will maintain a tree inventory of public trees and keep it up-to-date by means of timely tree evaluations.
- The city arborist and the ETB may be consulted in the annual assessment of trees.
- An annual report will be made to Elkins City Council describing needed funding and work to be completed.
- A council member will serve on the ETB and act as a liaison to the City Council.
- An annual work plan and budget will be developed in January based on the tree inventory and tree assessments.
- The ETB will be responsible for reviewing the city tree ordinance on a regular basis to ensure its appropriateness.
- Utility representatives will be encouraged to meet with the ETB and City of Elkins Operations Department once a year to discuss needed tree pruning, removal, and planting.
- Utilities must notify the City of Elkins Operations Department if removal or pruning of trees is necessary.
- Tree protection standards and tools will be provided for all construction projects that affect street or park tree health and structure.
- To help ensure better funding and management, the ETB will work in cooperation with the West Virginia Division of Forestry and other similar agencies.
- Hazardous trees and conditions will be assessed by the city's qualified arborist using standard tree risk procedures.
- Before any public tree is planted, the following factors will be taken under consideration: climate and weather (temperature extremes); soil (type, compaction); growing space (amount of soil, space for growth, conflicts); functional desires (design themes, views); and attitudes of residents and business owners.
- Before any final decision is made about tree planting, all planting sites will be evaluated for soil conditions, safety



concerns, and growing space that is limited by utilities, sidewalks, and curbs.

- The ETB encourages the removal and replacement of trees after serving a useful lifespan. Trees in poor condition for either health or structural reasons should be removed. Depending on the location of the tree, the burden of cost would fall on private property owners or, if on city property, the City of Elkins.
- Only trained, certified, and insured professionals who follow good agricultural practices should be hired for any work on public trees. The ETB will maintain and have available, a list of tree professionals.
- Visual clearance for intersections, traffic signs, and traffic signals will be maintained.
- Requests by property owners and others will be responded to promptly by a member of the ETB.
- A course of action for the removal of hazardous trees and pruning can be developed by the city arborist, if requested.

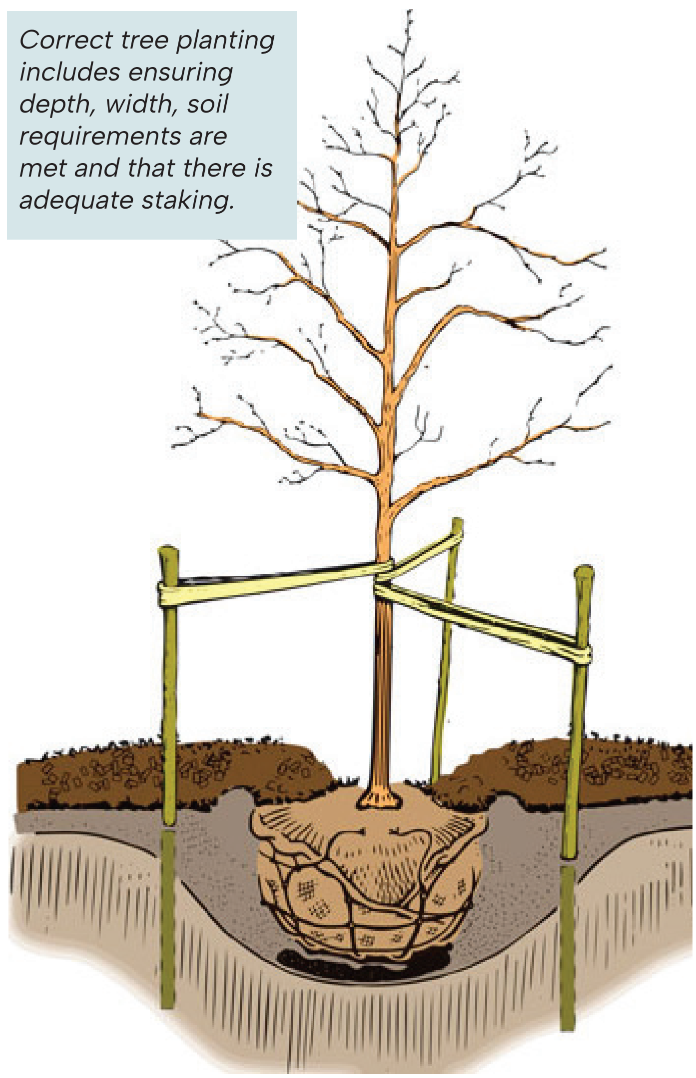
Strategies for Proper Site Preparation

- Rubble and poor soils should be removed from a planting site and replaced with appropriate soil.
- Specially designed planting pits, which increase the amount of available soil and root growing area, will be used when trees are planted in sidewalks, patios, and parking lots. These planting pits will be designed to ensure tree viability.

Strategies for Proper Tree Selection and Purchase

- Public trees to be planted will be selected using information from the West Virginia Division of Forestry, Urban Forestry program tree planting guide, recommendations from WV DOF foresters as well as the city arborist. The tree guide identifies trees for different areas such as downtown, neighborhoods and parks, and addresses utility, soil conditions and light issues.
- Planting material will conform to the latest version of the American Standard

Correct tree planting includes ensuring depth, width, soil requirements are met and that there is adequate staking.



for Nursery Stock (American National Standards Institute [ANSI] Z60.1). Trees to be planted should be of standard quality or better and should be true to name and type of their species variety.

- Trees will be purchased from reputable nurseries known for their quality of stock.

Strategies for Proper Tree Planting

- Using "right tree for the right place" strategy, the size and age of tree planted will be appropriate for the site. No trees will be planted in tree lawns less than 2 feet in width.
- Optimum weather conditions will determine to time of year for planting trees. Early spring and late fall are the most appropriate times for plantings in our area.
- The burlap and twine from balled-and-burlap trees will be removed from the tree and the tree pit. Containers will be removed and roots loosened before planting.
- Mulch will be placed around trees in a minimum 3-foot circle and 3-inch depth to protect trees from lawnmower damage and competition from turf; mulch will be kept away from tree trunks.
- Make sure there is proper visibility for signage. *(See Appendix D)*

Strategies for Proper Maintenance

- All tree maintenance will be performed in accordance with current ANSI Standards for Tree Care Operations (ANSI Z133.1) and/or current International Society of Arboriculture maintenance standards.
- Only thinning and reduction cuts will be used to prune live trees within City limits. Heading or topping should not be done.
- Newly planted trees by the ETB will be monitored weekly during droughts in the growing season for the first three years.
- Removed trees should be replaced with an appropriate tree not likely to cause any problems for which the original tree was removed.
- Public trees will be pruned in a timely manner to ensure their health and public safety.

Public vs. Private Responsibilities

DOWNTOWN STREETSCAPE DISTRICT

In accordance with a request made by the Elkins Main Street Project, the city, by committee appointed by the Mayor, shall ensure that the following guidelines are adhered to with respect to trees in the downtown *(COE Ordinance 93.091)*:

- Flowering trees shall receive pruning
- Application of organic fertilizer shall occur in spring and early fall
- Girdling of trees shall be prohibited and particular care shall be taken in circumstances where guy wire maintenance is required
- Mulching in spring shall occur
- Tree areas shall be maintained weed free
- Regular maintenance shall occur, including observation for insect infestation and disease or fungus
- Necessary watering shall occur in times of drought and close monitoring of water situation shall occur in the first three years after a tree is planted.

PUBLIC RIGHT OF WAYS/RESIDENTIAL AREAS

Participants in ETB adopt–a–tree or other tree giveaway programs are reminded that trees are living, growing things and require some ongoing care to thrive. The ETB can provide resources on tree planting and care for young trees.

To ensure a tree has the best chance of growing up healthy, residents must commit to the following actions to prepare to “adopt” or plant a new tree:

- Choose the right tree for the right place. If you have a larger space, consider planting a larger tree.
- Properly plant your tree, water every summer for 3–5 years and provide proper maintenance throughout its lifetime.
- Assume all future responsibility for maintenance, including summer watering, pruning, raking, etc.
- Take advantage of training resources on tree planting and learn about the basics of tree care to help your tree thrive.
- Call 811 to locate any utility lines, if planting in the tree lawn.

LIABILITY IN PUBLIC RIGHT OF WAYS/ RESIDENTIAL AREAS

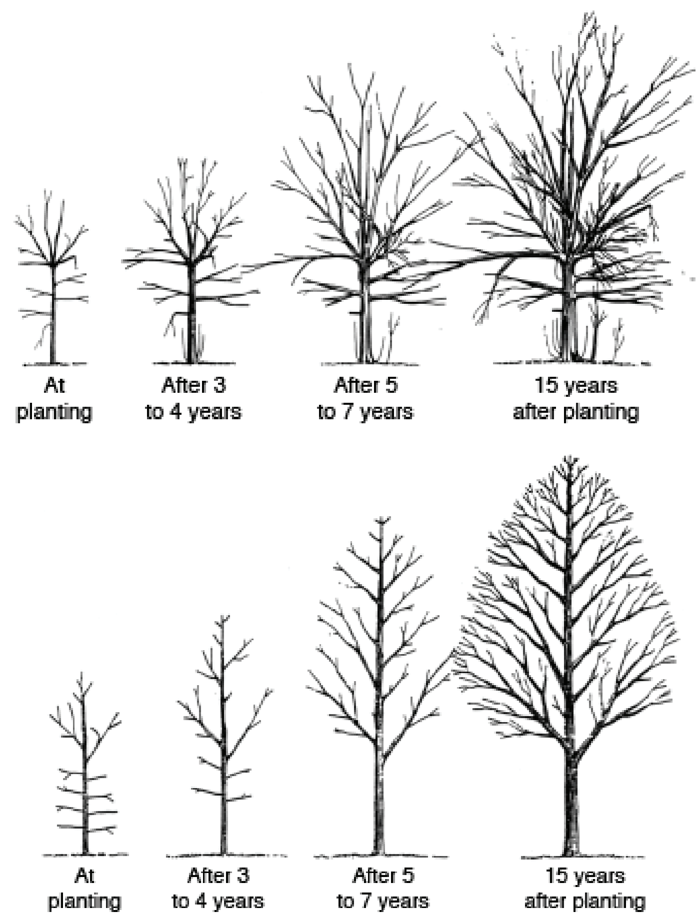
The City of Elkins is not responsible for any damage or injury that may occur as a result of planting and maintaining trees in the public right of ways or on private residential property.

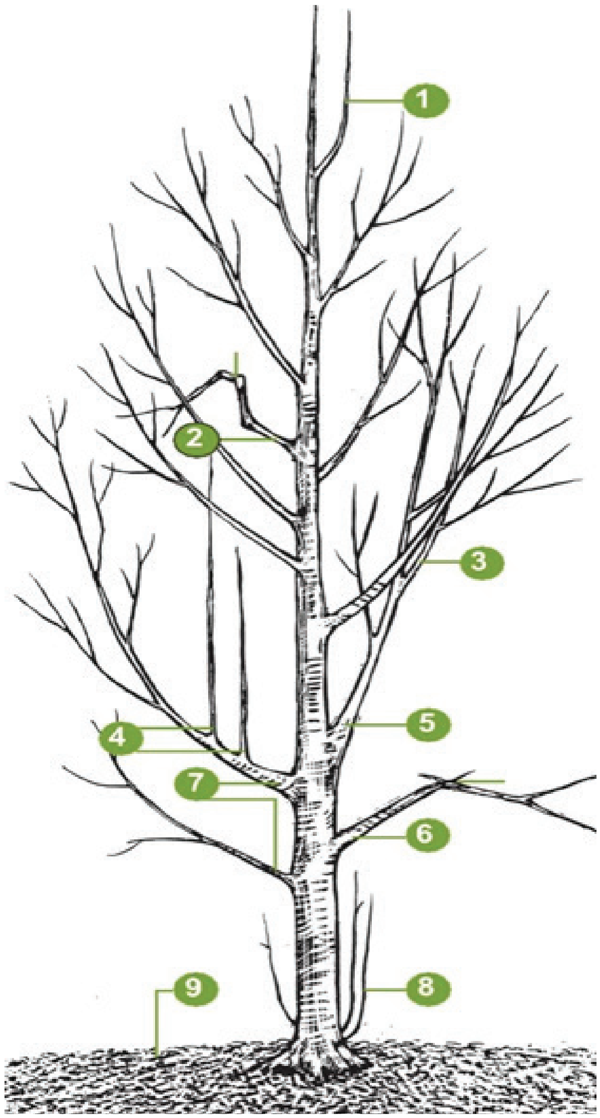
According to COE Ordinance 93.103: Nothing contained in this sub chapter shall be deemed to impose any liability upon the city, its officers, agents or employees, nor to relieve the owner of any private property from the duty to keep any tree on the owner’s property in such condition as to prevent it from constituting a hazard or impediment to travel or vision upon any street, alley or public place within the city.

The city will have the right to request the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city *(City Ordinance 93.100).*

The ETB will notify the owners of such trees in writing upon the recommendation of the city tree arborist. In the event that the private property owner takes no action following the notification, the city may, with the approval of Council, proceed to take further action if determined to be warranted to protect life and property.

Tree forms showing unmaintained (top) vs. properly pruned



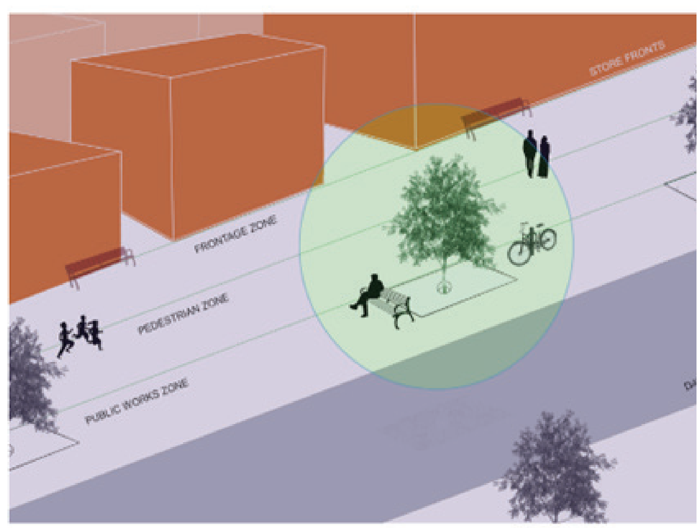


How to prune a tree

1. Remove a competing leader. Cut back the less vigorous branch to prevent the development of two leaders.
2. Remove any malformed branch.
3. Remove any crossing branch. It may rub against and damage another branch.
4. Remove water sprouts.
5. Except for trees that have naturally ascending branches, remove any branch growing at a sharp or unnatural angle.
6. Remove any broken or badly damaged branches.
7. Remove lower branches over time.
8. Remove suckers, which can take energy away from desirable growth.
9. Apply 2 to 3 inches of composted mulch to the base of the tree annually. Mulch should be kept 2 to 3 inches away from the trunk of the tree.

Strategies for Quality Design

- Important landscapes, such as business districts, neighborhoods, main entrances and exits, and city parks will be identified and considered in tree plantings.
- Traditional landscapes, such as neighborhoods with large trees, will be encouraged through tree planting support from the ETB. A positive image of the city, which includes a healthy urban forest canopy, should be encouraged through the planting of trees along streets.
- The final selection of trees for an important landscape should be made in the field while considering the elements of the landscape. The ETB will be available to assist any resident or business owner in making tree planting decisions.
- A certified arborist should be consulted when planning for tree planting in important landscapes such as downtown.
- Overall, the community forest will contain a diversity of tree species and varied ages. This diversity will be achieved by planting a variety of tree species. Upon request from the ETB, the city arborist may inspect declining or hazardous trees on public and private property.



A design plan should be in place when considering important sites. (Streetscape design created by Eric Schwartz, AFNHA)

- The tree species chosen for planting, besides meeting design criteria, must be biologically adapted to site conditions and well suited to the level of care it will receive.
- The Elkins Tree Board will utilize materials from the WV Division of Forestry for recommended species for urban plantings as well as advice from the city's certified arborist. (*See Appendix B*)
- Reduction and thinning cuts and other proper pruning standards should be used. More tree-friendly "directional pruning" is now employed to keep trees away from distribution lines. This technique is the accepted industry standard and is promoted by the National Arbor Day Foundation and the International Society of Arboriculture. Harmful topping practices should not be used.

An example of drastically pruned trees using inappropriate topping method.

Strategies for Funding

- Each January, the ETB will present an annual report and work plan to city council. The ETB will also submit a budget request needed to carry out the proposed work plan following proper City of Elkins administrative protocol.
- Grants from the WV Division of Forestry and other sources will be applied for and used for tree planting and other environmental projects.
- Local civic organizations and agencies will be contacted to discuss their participation and support of Tree Board activities.
- Community, family, and corporate foundations will be identified and considered for assistance in funding tree planting and other Tree Board activities.
- When a tree evaluation is requested by a resident or business owner, a donation request will be included with the response.

Thank you for reaching out!

The Elkins Tree Board is grateful that you reached out for advice about your trees. The City of Elkins is proud to provide the expert analysis by a licensed, certified arborist. Hopefully, the advice was useful and you were able to make an informed decision regarding its care.

A healthy urban forest canopy is essential for not only for one's neighborhood (by cooling temperatures, decreasing carbon dioxide and increasing property values) but, also for the planet as a whole.

We encourage you to become an Elkins Friends of Trees member by either showing financial support to our green efforts or becoming an active volunteer.

Every year we plant trees throughout Elkins, support Arbor Day activities, provide workshops and participate in educational outreach. The city tree nursery, located at the historic Kump House, is maintained totally by tree board volunteers. Your support greatly assists these efforts!

Giving levels:

- ☐ Acorn ($25)
- ☐ Seedling ($50)
- ☐ Oak ($100)
- ☐ Forest ($100+)
- ☐ Other (any amount!) ________

Name ____________________

Address ____________________

____

Email address (if you'd like to join Elkins Friends of Trees)

____

Make checks payable to Elkins Tree Board. Mail with this form to Elkins City Hall: 401 Davis Ave., Elkins, WV 26241.

Your gift is appreciated!

Strategies for Public Participation and Education

Volunteerism in urban forest projects play an important role in connecting the community to the work of the ETB. Simple acts of digging, planting, mulching, and watering trees creates an attachment to physical place and an appreciation for the planted tree.

Participation in the planting process creates stakeholders out of community members and can galvanize a volunteer network that provides pro bono physical labor for physical projects, thus maximizing ETB project capacity and instilling constituent support for projects.

- Residents, organizations, and schools will be offered opportunities to participate in tree plantings and other associated work projects.
- Residents and organizations will be given opportunities to learn how to maintain trees and keep them healthy.
- Educational materials concerning trees and other natural resources will be available to schools.

Tree donations and volunteer manpower have come from utility companies (such as MonPower shown here), garden clubs and private companies.

- Arbor Day will be celebrated as a reminder of the importance of the community forest, with the involvement of public officials, local schools, and other organizations as appropriate.
- News articles, releases and social media will be used to explain noteworthy activities, including planting, tree removals, pruning, and budget requests.
- Workshops and other educational programs will be sponsored by the ETB in partnership with agencies or other organizations as appropriate.
- The Elkins Friends of Trees group will serve as a volunteer base for the ETB and provide hands-on assistance and other types of support.
- Create opportunities for public input on the annual work plan goals and other aspects of the Urban Forest Management Plan.

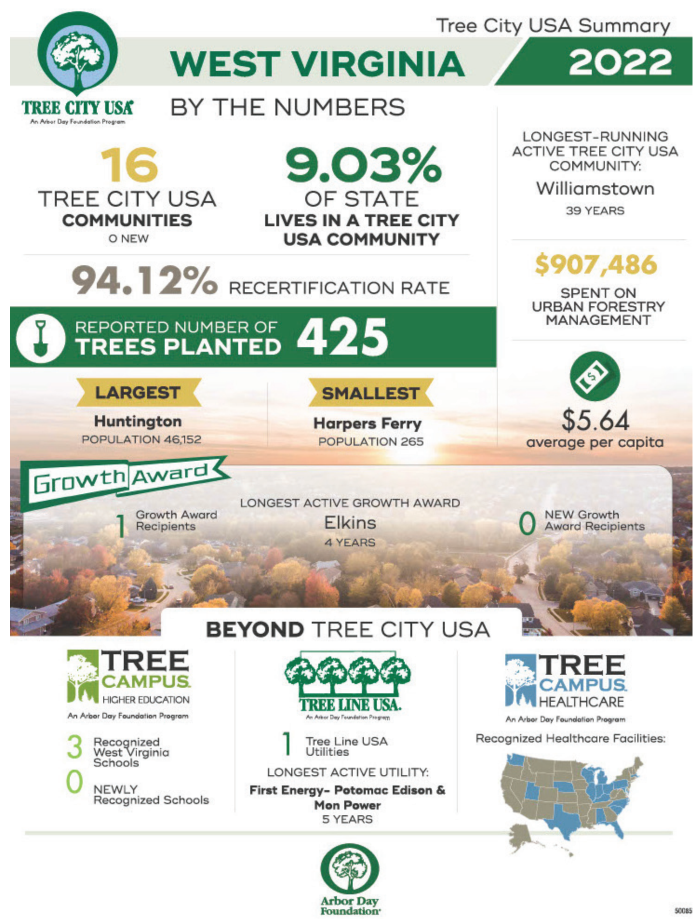
The ETB will continue to provide educational outreach at community events and offer workshops.

Strategies for Envisioning

Utilizing the long-term goals as a guide, the ETB will create an annual work plan that responds to residential and business community stakeholders. This work plan identifies what the ETB will focus on during the following year, incorporating the objectives and strategies developed in the management plan.

In 2023, the ETB conducted an online survey to receive input from city residents on issues and priorities related to trees and met with downtown business owners. This important information helped the Board more fully understand citizen perceptions as well as provide important data on how to better communicate with our constituents.

The ETB recognizes that an annual work plan can often be dependent on day-to-day realities such as funding, needs, and politics, but it will strive to reflect the objectives, goals, and vision of the management plan.



Elkins has a long tradition of being a leader in the state for its commitment to a healthy urban forest.

LONG-RANGE GOALS
2024-2029

The Elkins Tree Board is committed to achieving by the year 2030 an urban forest that is safe, healthy, diverse, pleasing to the senses and functional -- an urban forest attractive to birds and other wildlife and a place in which future generations can experience the abundant benefits of trees.

▶**Strive to increase Elkins' canopy coverage.** Elkins is in the lower tier of registered Tree City USA cities in canopy coverage, at just over 30%. Optimal canopy coverage for an urban area is 40% or greater.

▶**Advocate for a paid city landscaper/urban forester employee or contractual services.**

City foresters play an important role in ensuring the viability and continuity of urban greenscapes. They have the technical knowledge to carry out city tree policies outlined in the urban forest management plan.

▶**Create a city-wide neighborhood greenscape needs assessment.**

Inventories and evaluations are part of the foundation of planning and good management. They can provide a picture of the species and size composition of trees along the street in our community. Assessments also help identify neighborhoods and other areas needing increased canopy.

▶**Initiate a Heritage Tree program.**

Heritage trees are those that identified as important because of their great size, notable longevity, unusual form, location at the extreme of their natural growing range, or association with history. Saving heritage trees in our community extends a link across generations. It helps develop values for things beyond the material, values almost of a spiritual nature.

Communities want healthy urban forests growing in their midst because trees:

Produce oxygen — enough on each acre for 18 people every day.

Absorb carbon dioxide (CO2), a factor in global warming. Over a year, trees can absorb enough CO2 per acre to equal the amount you produce by driving 26,000 miles.

Filter particle pollutants such as dust, ash, pollen and smoke out of the air.

Cool the urban "heat island" effect of thermal energy absorbed by concrete, steel and asphalt. Research shows that urban heat islands can be 3 to 10 degrees hotter than the surrounding countryside.

Add beauty and character to urban landscapes.

Reduce stress and promote a calm frame of mind.

Enhance community economic stability by attracting businesses and tourists.

Diminish noise pollution.

Create local mini ecosystems that provide habitat and food for birds and animals, biodiversity that would otherwise be diminished or absent from urban areas.

Reduce soil erosion, stream and surface water runoff from storms. Without trees, cities would need to increase sewage and stormwater drainage channels and waste-water treatment capacities to handle increased runoff.

** Courtesy WV Division of Forestry, Urban Forestry*

2024 Elkins Tree Board Work Plan

Action	Associated Goal/ Objective	Estimated Budget	Responsible Party
Additional tree identification tags at Glendale Park	1–Public Education	$250 from National Tags	ETB
Work with Operations to complete Downtown tree grate installation project	2–Tree Planting/ Maintenance	Funds already allocated/last trees to be replaced with new grant (below)	ETB/COE
Participate with Annual Arbor Day/Earth Day and other activities	1–Public Participation/ Education	Arbor Day tree donated by WV DOF $100 Earth Day seedlings	ETB WV DOF Our Town
Institute Adopt-A-Tree Program in the Spring	2–Tree Planting	$2,000 for purchase of trees/$250 door hangers	ETB/COE Attorney approval required on application form
Apply for WV DOF Community Equi-Tree Grant for trees and nursery project	2–Administration & Tree Planting/Fundraising	No match on the part of the applicant. Will require upfront payments.	ETB/Council required to accept grant as per protocol
Investigate opportunity for D&E forestry student assistance	3–Administration (tree inventory)	$0	ETB/D&E
Host Public Talks & Workshops	1–Public Participation/ Education	$200 speaker/materials fees	ETB TV Master Naturalists Emma Scott GC
Continue working with city arborist: city trees maintenance, residential tree and species advice	3–Maintenance	Separate COE contractual services budget	COE (funding) ETB (collaboration)
Host Downtown Tree Streetscape Completion Celebration; Create a Tree Walk	1–Public Participation/ Education	$0 Possible AARP Community Challenge no match grant	ETB AARP, possibly partner with additional non-profit
Purchase/maintain equipment, tree maintenance supplies	3–Administration	$400	ETB
Complete Glendale Trees publication	1–Public Education	Copying costs this and other publications–$200	ETB
Encourage volunteerism	1–Public Participation	Supplies for volunteer workdays–$300	ETB
Review and improve current tree ordinance	3–Administration	Potential attorney fees $300	ETB and city attorney
			Estimated Budget $4,000

Appendix A: Elkins Tree Ordinances

§ 93.090 CERTAIN TREES PROHIBITED.

(A) It shall be unlawful for any person to plant or maintain upon his or her property or upon any street adjoining thereto any tree commonly known as the North Carolina poplar or any other shade tree which, by its nature, will tend to plug up or damage sewers, sidewalks, streets or other property.

(B) If any such tree be planted after the effective date of this code, it shall be the duty of the Superintendent of Streets to immediately cut down and destroy it, provided, that if the Superintendent of Streets does not have personal knowledge that such tree has been planted since that time, a notice and proceeding, shall be had before the Council; and, if it be ascertained by the Council that such tree was planted since the effective date of this code then such tree shall be declared a nuisance and the owner required to abate the nuisance.

(1991 Code, § 18-10) Penalty, see § 93.999

Statutory reference:

Authority of Council to provide for the protection of shade and ornamental trees, whether on public or private property, and for the removal of limbs of trees when in a dangerous condition, see W.Va. Code § 8-12-5(29)

§ 93.091 TREE GUIDELINES.

In accordance with a request made by the Elkins Main Street Project, the city, by committee appointed by the Mayor, shall ensure that the following guidelines are adhered to with respect to trees in the downtown:

(A) Flowering trees shall receive pruning;

(B) Application of organic fertilizer shall occur in spring and early fall;

(C) Girdling of trees shall be prohibited and particular care shall be taken in circumstances where guy wire maintenance is required;

(D) Mulching in spring shall occur;

(E) Tree areas shall be maintained weed free;

(F) Regular maintenance shall occur, including observation for insect infestation and disease or fungus; and

(G) Necessary watering shall occur in times of drought and close monitoring of water situation shall occur in the first three years after a tree is planted.

(Ord. passed 3-4-1993)

§ 93.092 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ELKINS TREE BOARD. The body which advises the city on matters affecting the urban forest.

MUNICIPALITY. The City of Elkins, Randolph County, West Virginia.

PARK. Includes all public parks, the ownership and control of which as vested in the city.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY OWNER. The person owning designated property as shown by the County Assessor's plat of the City of Elkins, as the case may be.

PUBLIC PLACES. Includes all public rights-of-way owned by the City of Elkins, Randolph County.

PUBLIC TREES. All shade and ornamental trees now or hereafter growing on any street or any public right-of-way or grounds owned or controlled by the city.

REMOVE. The cutting down, damaging or taking of public trees.

STREET or HIGHWAY. The entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right for the purpose of vehicular and pedestrian traffic, and extending from the property line to property line.

TREE ARBORIST. The person within the committee who provides technical expertise and advice to the City Tree Board.

URBAN FOREST. All trees located on city-owned or controlled property.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017)

§ 93.093 CREATION AND ESTABLISHMENT OF CITY TREE BOARD.

There is hereby created and established a City Tree Board for the city of which will consist of no less than six and no more than eight members, who are citizens and residents of Randolph County recommended by the City Tree Board, and who shall be appointed by the Mayor with the approval of the City Council. The members will come from different interest groups including, but not limited to, homeowners, tree professionals and City Council. Membership on Council does not disqualify any person for appointment to the City Tree Board, if otherwise qualified, however, not more than two members of Council may be so appointed. At least one of the members of the City Tree Board shall be a member of Council.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017; Ord. 284, passed 7-1-2021)

§ 93.094 TERM OF OFFICE.

The term of the persons to be appointed will be three years. The term of two members appointed to the first Board will be only one year and the term of two members of the first Board shall be for two years. Following the terms of the members of the first Board, the terms shall be three years. In the event that a vacancy shall occur during the term of any member, a successor may be appointed for the unexpired portion of the term. Members may serve consecutive terms without restriction. Any member who is unable or unwilling to serve on the Tree Board may be dismissed by the Board, due to continual or consecutive absences, by a majority vote of members present at any meeting. Replacement of any member who is dismissed shall be done in the same manner as provided for herein.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017)

§ 93.095 COMPENSATION.

Members of Board will serve without compensation.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017)

§ 93.096 DUTIES AND RESPONSIBILITIES.

(A) It will be the responsibility of the Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented to the Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan. Any changes to the city tree plan shall be presented to Council for its consideration.

(B) The Board will promote and supervise the establishment of a tree inventory for public trees. The inventory should be updated as often as practicable.

(C) The Board shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Board shall report the results of its investigations to Council within a reasonable time.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017)

§ 93.097 OPERATION.

The Board will choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members will be a quorum for the transaction of business.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017)

§ 93.098 TREE SPECIES TO BE PLANTED.

The City Tree Board will develop and maintain a list of desirable trees for planting along streets in three size classes based on mature height: small; medium; and large. Efforts will be made to ensure a sufficient diversity of tree species. A list of trees not suitable for planting will also be created by the Tree Board. All species of trees to be planted on public property shall be made known to the Tree Board.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017)

§ 93.099 CITY ARBOR DAY.

The City Tree Board will specify a "City Arbor Day", to be determined annually by the Tree Board, and approved by the Council.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017)

§ 93.100 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The city will have the right to request the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees upon the recommendation of the tree arborist. In the event that the private property owner takes no action following the notification, the city may, with the approval of Council, proceed to take further action if determined to be warranted to protect life and property.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017; Ord. 284, passed 7-1-2021)

§ 93.101 TREE PLANNING MEETINGS.

Property owners, business owners, neighborhood associations and any other interested parties are encouraged to attend planning meetings with the Tree Board regarding proposed planting, pruning or tree removal programs.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017; Ord. 284, passed 7-1-2021)

§ 93.102 REVIEW BY THE COUNCIL.

The Council shall have the right to review the conduct, acts and plans of the City Tree Board. The City Tree Board shall file an annual report of its actions with Council on or before December 31 of each year.

(Ord. 076, passed 7-3-2008; Ord. 235, passed 4-6-2017)

§ 93.103 LIABILITY.

Nothing contained in this subchapter shall be deemed to impose any liability upon the city, its officers, agents or employees, nor to relieve the owner of any private property from the duty to keep any tree on the owner's property in such condition as to prevent it from constituting a hazard or impediment to travel or vision upon any street, alley or public place within the city.

(Ord. 284, passed 7-1-2021)

Appendix B: Recommended Urban Trees

Small trees less than 30' high that need a tree lawn 2'X4' deep. Suitable under utility lines.

Eastern redbud *(Cercis canadensis)*
Paperbark maple* *(Acer griseum)*
Serviceberry *(Amelanchier arborea)*
Lilac tree* *(Syringa reticulata)*
Witch hazel *(Hamamelis virginiana)*
Crabapples* *(Malus sp.)*
Hawthorn *(Crataegus sp.)*
Choke Cherry *(Prunus virginiana)*
Fringetree *(Chionanthus virginicus)*
Flowering dogwood *(Cornus florida)*
American plum *(Prunus americana)*
Mountain ash *(Sorbus americana)*
Sourwood *(Oxydendrum arboreum)*
Winged sumac *(Rhus copallinum)*
Winterberry *(Ilex verticillata)*
Pawpaw *(Asimina triloba)*

EVERGREENS

American holly *(Ilex opaca)*
Arborvitae *(Thuja occidentalis)*

Medium trees 30-50 feet that need 25' from buildings and 4' tree lawn and no utility lines

American hornbeam *(Carpinus caroliniana)*
American hophornbeam *(Ostrya virginiana)*
Black gum *(Nyssa sylvatica)*
Hackberry *(Celtis occidentalis)*
Honey locust *(Gleditsia triacanthos)*
Kentucky yellowwood *(Cladrastis kentukea)*
Chinkapin Oak *(Quercus muehlenbergii)*
Red maple *(Acer rubrum)*
Black willow *(Salix nigra)*
Common Persimmon *(Diospyros virginiana)*
Carolina silver bell *(Halesia carolina)*

EVERGREENS

Eastern red cedar *(Juniperus virginiana)*
Virginia pine *(Pinus virginiana)*

Tall trees 50-90 feet that require a 8' tree lawn and no utility lines. Ideal for parks, open greenspaces

American Beech *(Fagus grandifolia)*
Cucumber Tree *(Magnolia acuminata)*
Yellow buckeye *(Aesculus flava)*
Northern red oak *(Quercus rubra)*
White oak *(Quercus alba)*
Bur oak *(Quercus macrocarpa)*
Sweetgum *(Liquidambar styraciflua)*
American elm *(Ulmus americana)*
Tulip poplar *(Liriodendron tulipifera)*
Gingko* *(Ginkgo biloba)*
Kentucky coffeetree *(Gymnocladus dioicus)*
Willow oak *(Quercus phellos)*
Shagbark hickory *(Carya ovata)*
Dawn Redwood* *(Metasequoia glyptostroboides)*
Pin oak *(Quercus palustris)*
Post oak *(Quercus stellata)*
Shumard oak *(Quercus shumardii)*
Sugar maple *(Acer saccharum)*
Shingle oak *(Quercus imbricaria)*
River Birch *(Betula nigra)*
Swamp white oak *(Quercus bicolor)*
Sycamore (*Platanus occidentalis)*
American basswood *(Tilia americana)*

EVERGREENS

Eastern white pine *(Pinus strobus)*
Southern magnolia *(Magnolia grandiflora, zone 6a only)*
Eastern hemlock *(Tsuga canadensis)*

*Those indicated with * are non-native*

Non-native Invasive Trees
The following trees are considered invasive species in our region and **should not be planted**: Callery pear (including Bradford pears), empress ("Royal Paulowina) tree, Norway maple, hybrid ("Lombardy") poplar, Tree-of-Heaven, white mulberry, mimosa, common buckthorn, Amur ("Japanese") corktree, European privet, bamboo. This is not an exhaustive list and caution should be used to avoid the introduction of potential harmful species. Use scientific names to confirm species identification when making purchases. The ETB encourages the use of native trees.

The Elkins Tree Board is available to provide advice as are urban foresters with the WV DOF.

MATERIALS

STREET TREE RECOMMENDATIONS

SPECIES SELECTION

Selecting the right tree species is an essential aspect of creating a healthy and sustainable urban forest in the City of Elkins. The ideal tree species should be well-suited to the local climate and environmental conditions, resistant to common pests and diseases, and able to thrive in urban environments. The use of tree species native to West Virginia is generally preferred, however some non-native species have shown to be appropriate selections for urban environments. Below, Figure 4.4 Street Tree Recommended Species list several street trees which may be appropriate selections for the City of Elkins.

Scientific Name	Common Name	Comments
Acer rubrum	Red Maple	Multiple cultivars available
Amelanchier spp.	Serviceberry	Small, can be used under power lines
Betula nigra	River Birch	'Hertitage' cultivar preferred
Carpinus caroliniana	American Hornbeam	
Cercis canadensis	Eastern Redbud	Small, can be used under power lines
Crataegus spp.	Hawthorn	
Diospyros virginiana	Common Persimmon	
Ilex opaca	American Holly	Evergreen
Magnolia virginiana	Sweetbay Magnolia	Small, can be used under power lines
Nyssa sylvatica	Black Gum	Salt tolerant
Plantanus occidentalus	American Sycamore	Can be weak wooded
Taxodium distichum	Bald Cypress	Tolerates wet soils, storm-water
Tilia cordata	Littleleaf Linden	

The West Virginia Division of Forestry publishes a more thorough list of street trees which should be referenced when selecting species.

TYPICAL TREE PLANTING

Proper street tree planting is essential for creating healthy and long-lasting urban forests. One key consideration is the removal of a minimum area of 24 square feet (4'x6') from the concrete sidewalk area to permit tree planting. This provides adequate space for the tree roots to grow, helping to ensure healthy and vigorous growth.

Before planting the tree, the designated area should be excavated to a minimum depth of 30 inches to provide enough space for the tree roots to expand. It is important to ensure that the area is free of any utilities or other obstructions that could interfere with root growth or cause damage to the tree.

Proper planting techniques are also important, such as backfilling the hole with a mixture of soil and organic matter and watering the tree regularly to ensure adequate moisture. Staking the tree may also be necessary to prevent wind damage during the early stages of growth. Proper street tree planting is essential for creating healthy and sustainable urban forests that provide numerous benefits, including improved air quality, reduced urban heat island effect, and increased property values.

Existing street tree in a City of Elkins branded tree grate along 3rd Street

Tree grates should be utilized on street trees which are surrounded by concrete. Tree grates help improve the overall health and longevity of a tree by providing adequate space for roots to grown and allowing water and air to reach the roots. Without tree grates, trees are more likely to be damaged by soil compacting from foot traffic or other activities.

Tree grates also provide a number of aesthetic benefits, as they can help to create a more attractive and cohesive streetscape design. The City of Elkins has a preferred tree grate design which is repeated in numerous locations throughout the project area. Additionally, tree grates can serve as a wayfinding element, directing pedestrians to safely navigate around the trees and making the overall streetscape more user-friendly.

Finally, tree grates can help to reduce maintenance costs by preventing soil erosion and reducing the need for repairs to sidewalks and other infrastructure. By protecting trees and improving their overall health, tree grates can help to ensure that street trees continue to provide numerous environmental and social benefits for years to come.

STRUCTURAL CELL SYSTEM PLANTING

A structural cell system is a modular underground framework that is used to provide adequate soil volume and support for street trees. This system consists of interlocking panels or crates that create a hollow space beneath the sidewalk, which is then filled with soil, gravel, and other materials to support healthy tree growth.

Some of the benefits of a structural cell system for planting street trees include:

- Increased soil volume: A structural cell system allows for a larger volume of soil, which promotes healthy root growth and can improve tree health and longevity.
- Improved stormwater management: The hollow space created by the structural cell system can also function as a stormwater retention area, reducing runoff and improving water quality.
- Reduced damage to sidewalks: Traditional tree planting methods can cause damage to sidewalks as roots grow and expand. A structural cell system can prevent this damage by containing the roots.
- Enhanced pedestrian safety: By preventing sidewalk damage and uneven pavement caused by root growth, a structural cell system can improve pedestrian safety and reduce trip hazards.
- Improved utility conditions: Structural cell systems can be modified as they are installed to work around existing utilities. This reduces the risk of a tree root impacting a vital utility such as a sanitary line or gas line.

Overall, a structural cell system for planting street trees can provide numerous benefits to communities, including improved tree health, reduced sidewalk damage, and enhanced stormwater management.

3D Visualization of a structural cell system used for street tree planting

Appendix D: Tree Setback Recommendations

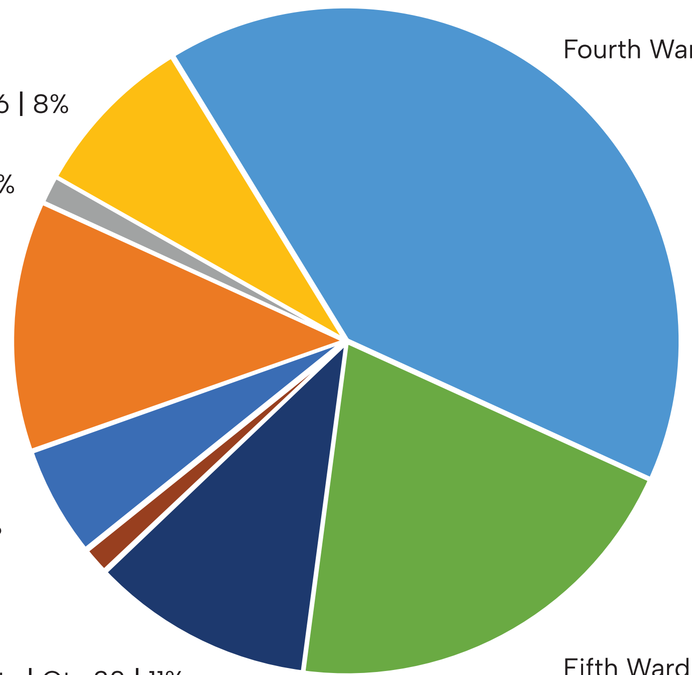
Please note that street signage must be clearly visible when planting a tree in the public right of way. Street signage includes regulatory, warning, transit, and other City or state DOH installed signs.

Vegetation planted in the right-of-way should not obstruct sight of signs or sight distance at corners in order to clearly view pedestrians and traffic. This can usually be accomplished by ensuring trees are planted the proper distance from the corner and meet vertical clearance requirements, and ensuring that vegetation other than trees be kept at a height of three feet or lower, depending on the geography of the location.

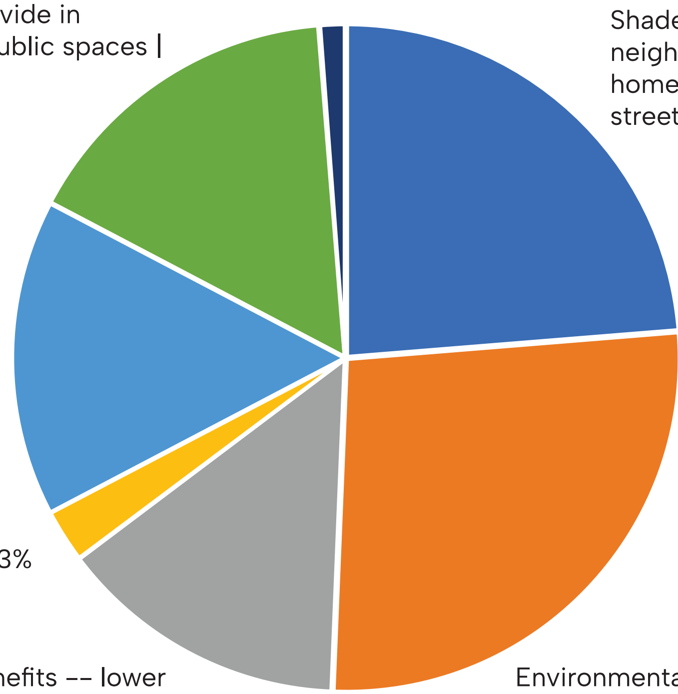
Minimum Tree Placement Setback Checklist	Distance (in feet)
Center Line of Tree to Center Line of:	
Street Corner	25
Stop and Yield Signs	25
Utility Poles	15
Other Traffic Control Signs	5
Center Line of Tree to Edge of:	
Driveways	5
Face of Curb	2.5
Pavement	2
Edge of Tree to Edge of:	
Utility Worker Access Lids	5
Gas Shutoff Valves	5
Fire Hydrant and Hydrant Branches	10
Water Meter, Water Services and Water Mains	5
Storm Inlets, Catch Basins and Manholes	5

Appendix E: Management Plan Public Survey

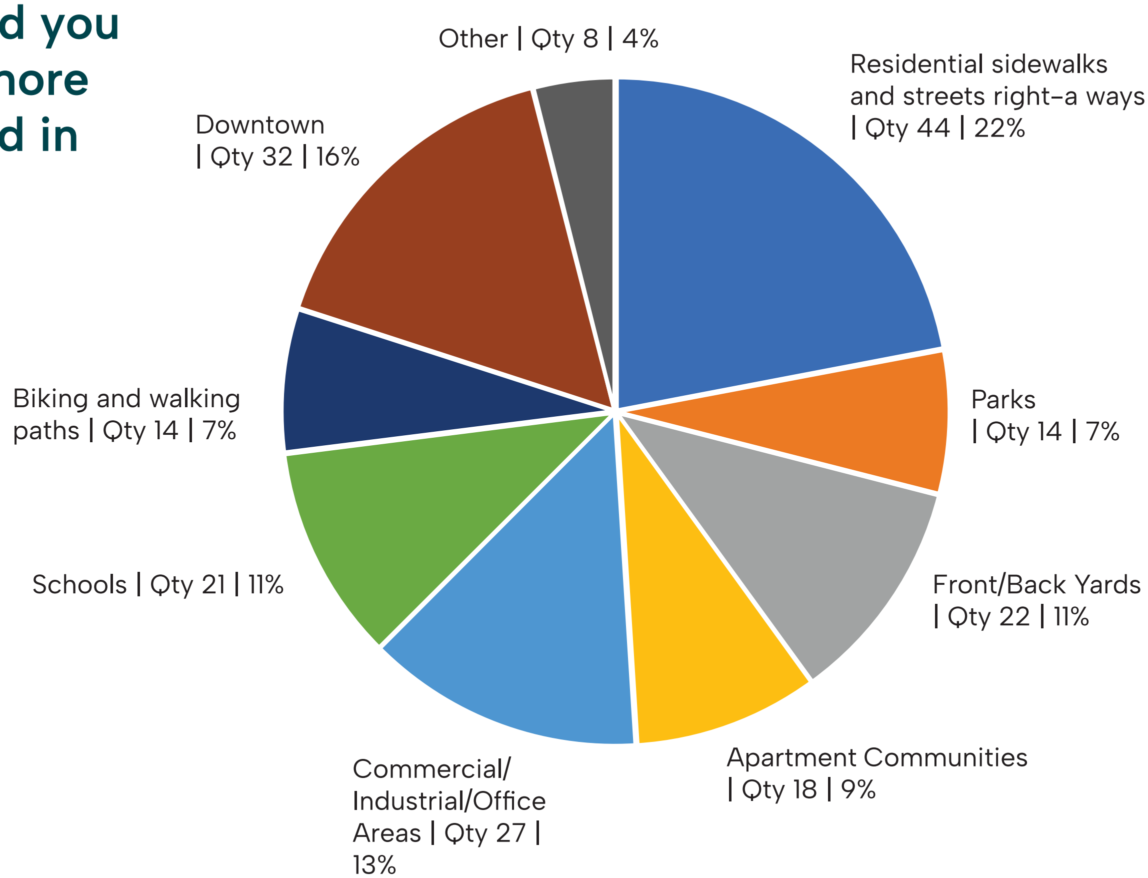
Where do you live?



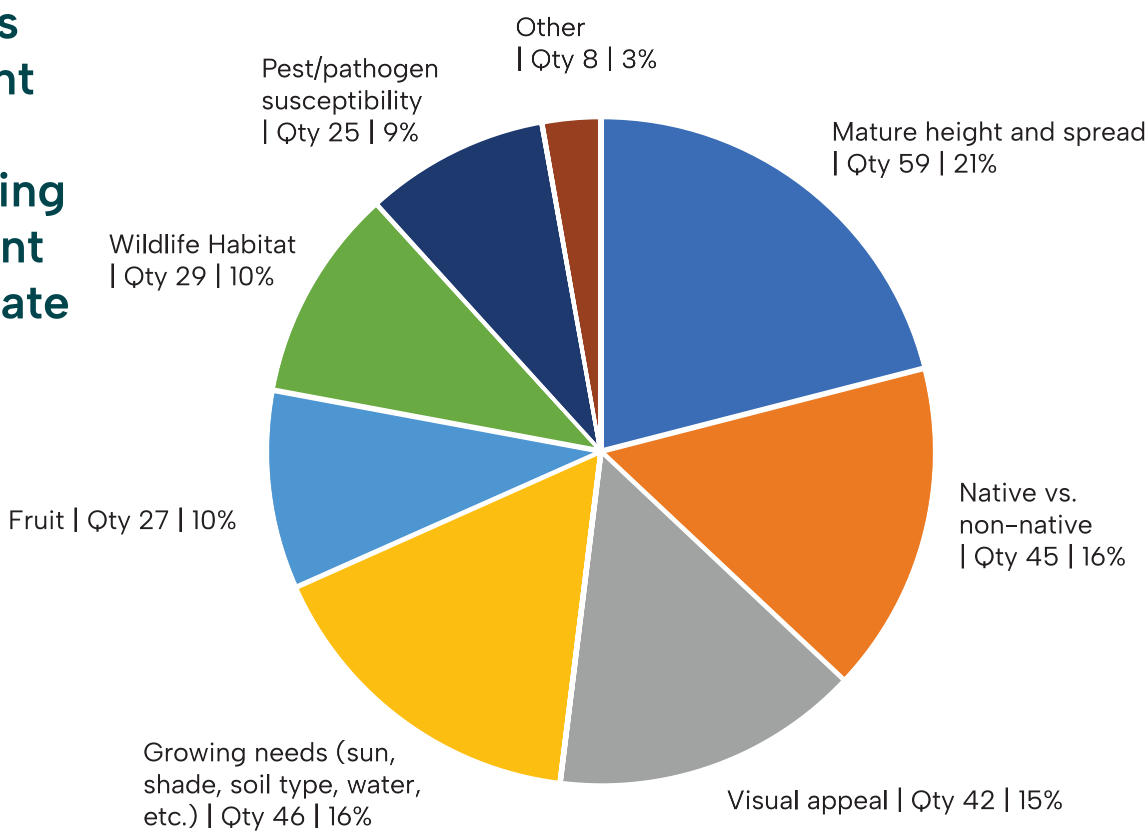
Trees provide many benefits to our everyday lives. Which two are most important to you?



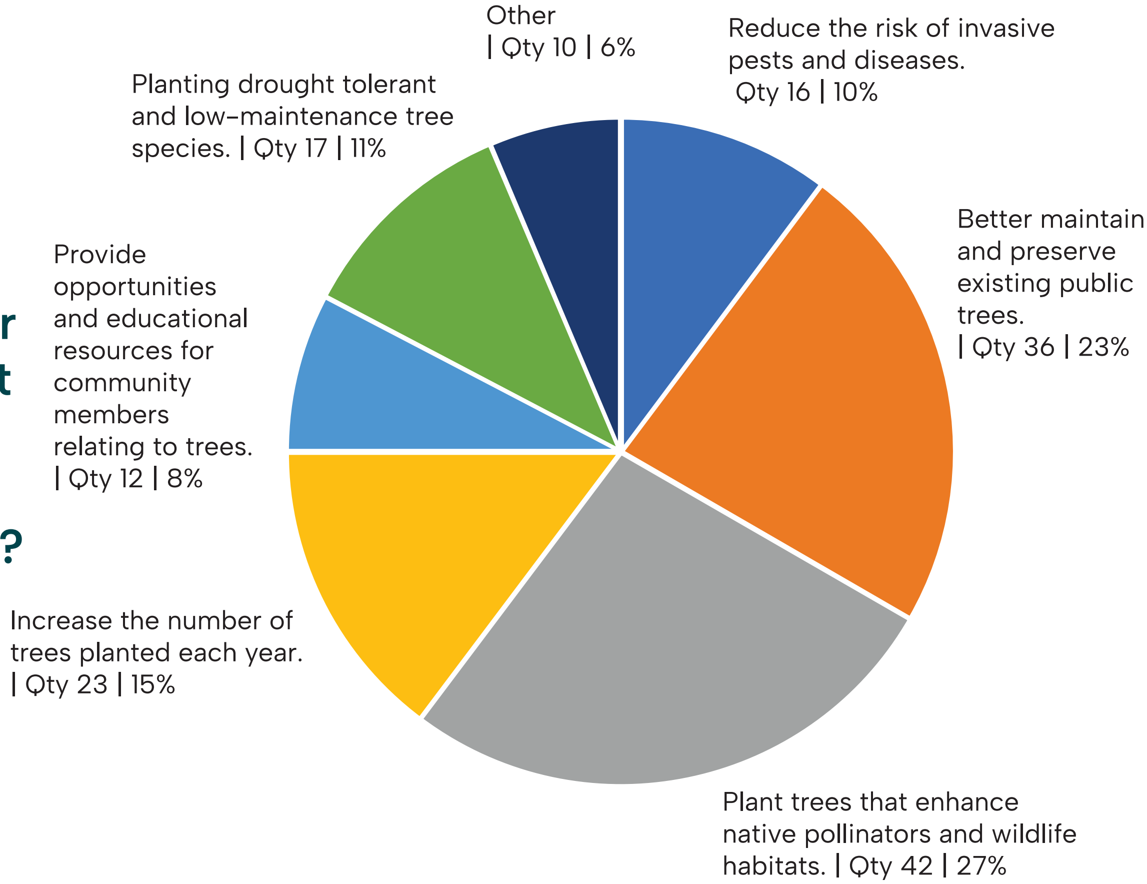
Where would you like to see more trees planted in Elkins?



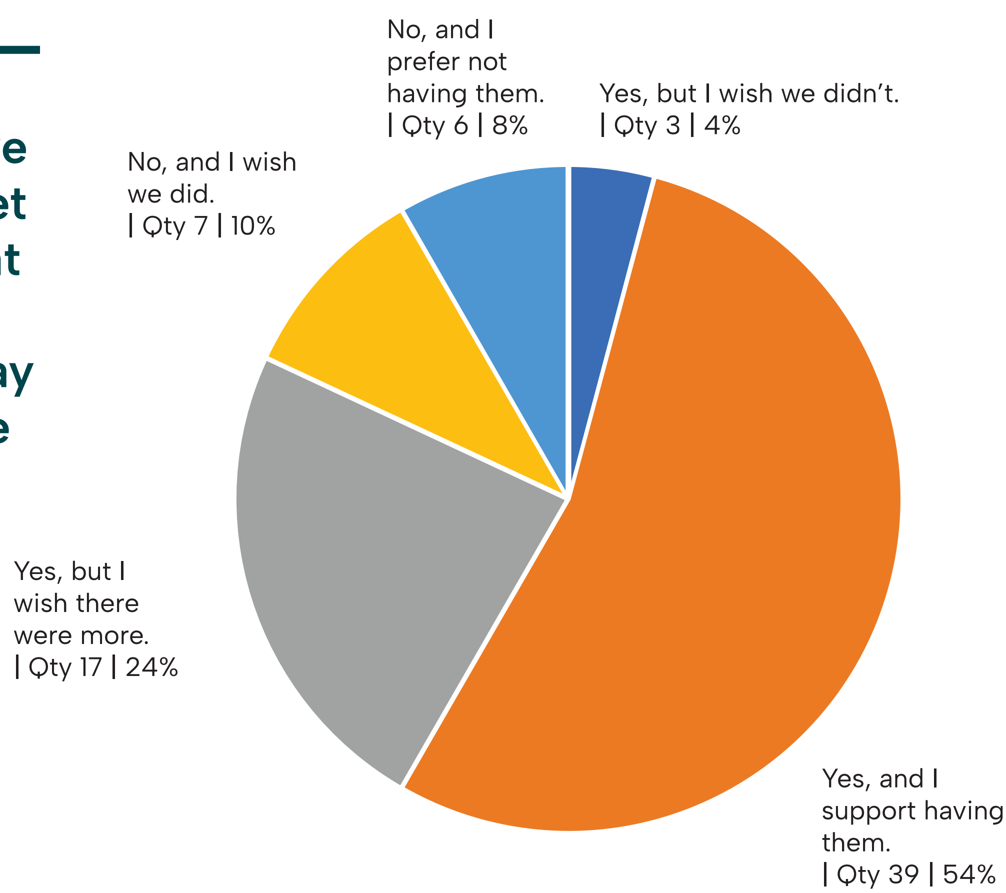
What factors are important to consider when selecting a tree to plant on your private property?



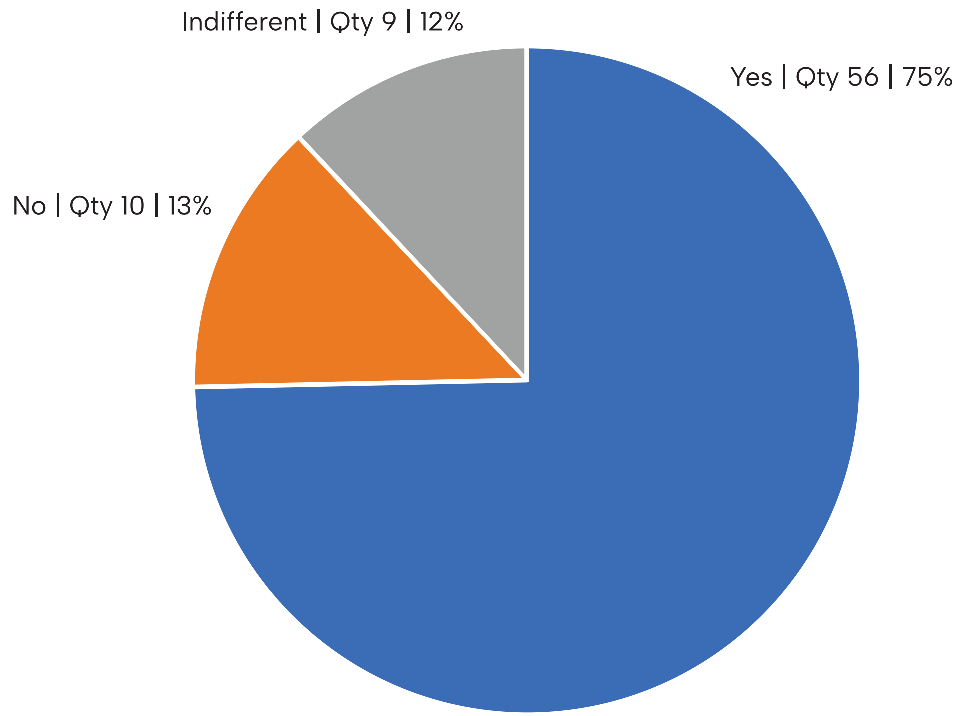
Elkins' Urban Forest Management Plan will be a comprehensive guide for the City's tree management for the future. What would you like to see the Tree Board prioritize?



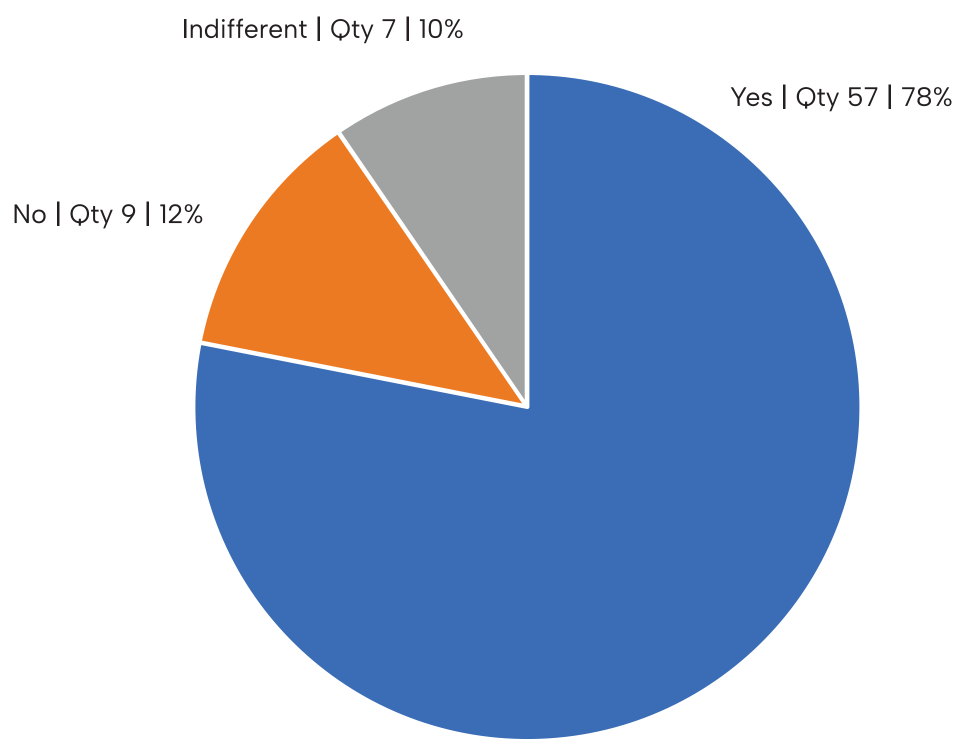
Does your neighborhood have street trees? Street trees are trees that are planted in the public right-of-way near and along the roadways which shade and grow over the road.



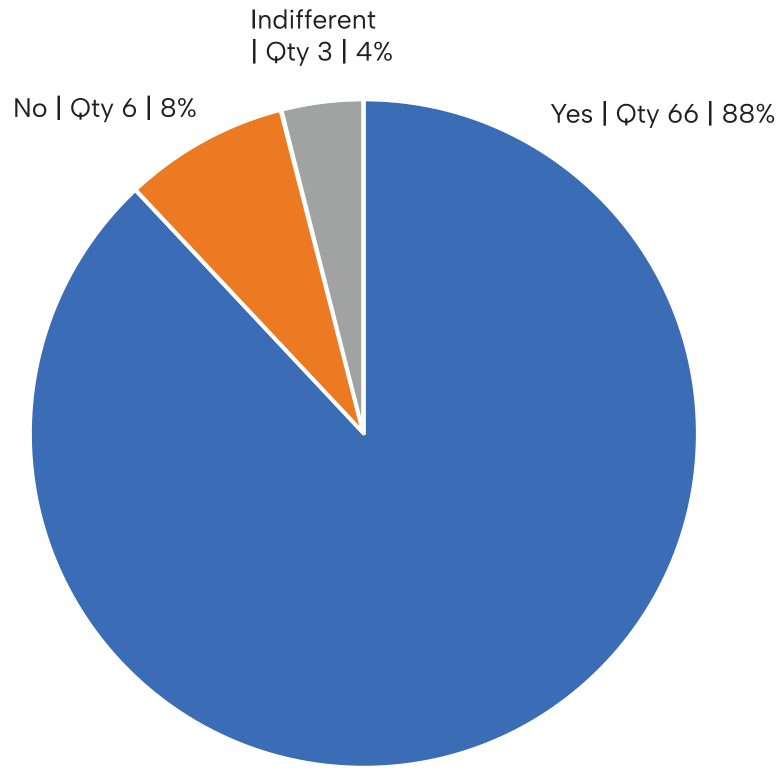
Are trees on a property or in the neighborhood important to you when choosing (buy or rent) a residence?



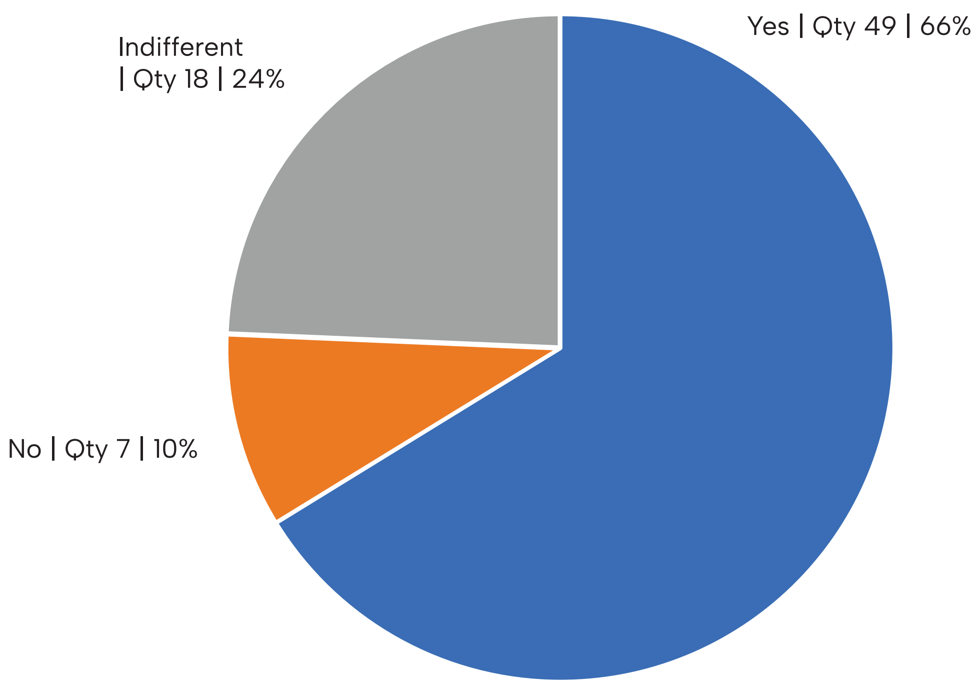
Would you support regulations designed to encourage tree plantings and maintenance by builders and developers?



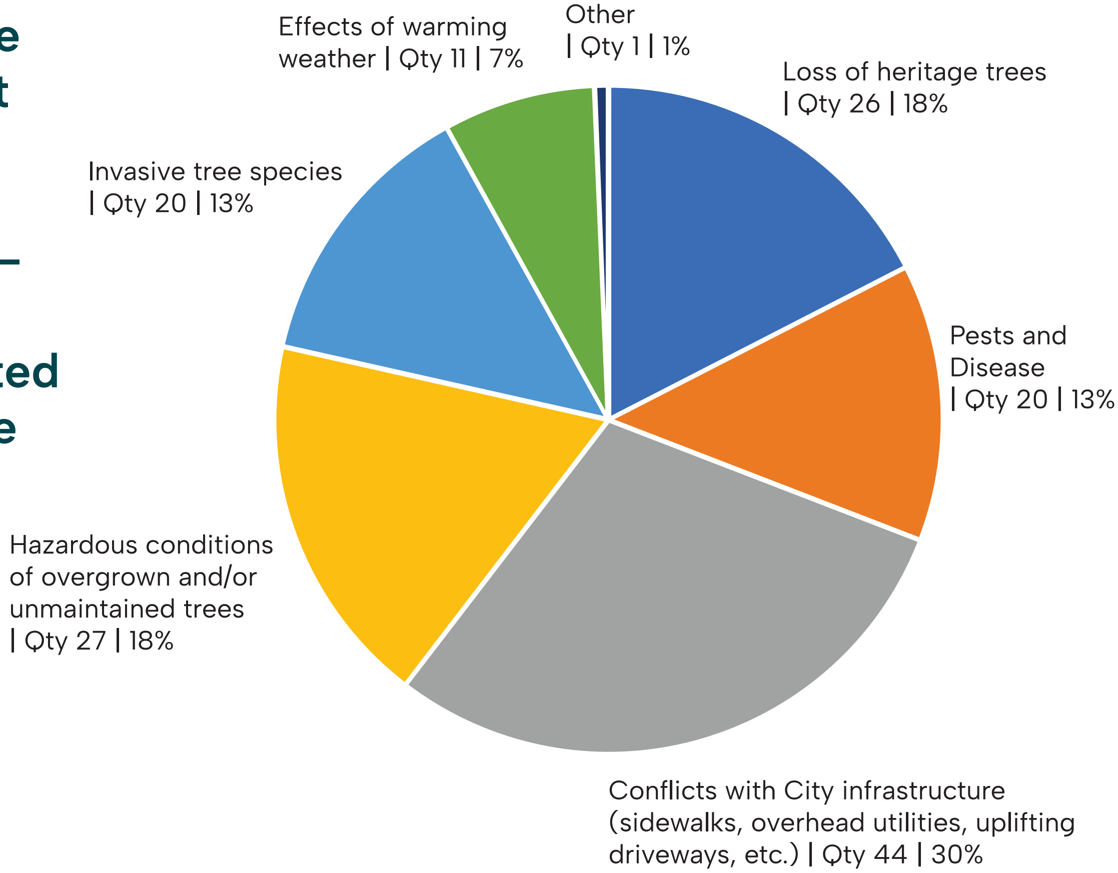
Do you support continued municipal funding to maintain and improve the urban forest on public property?



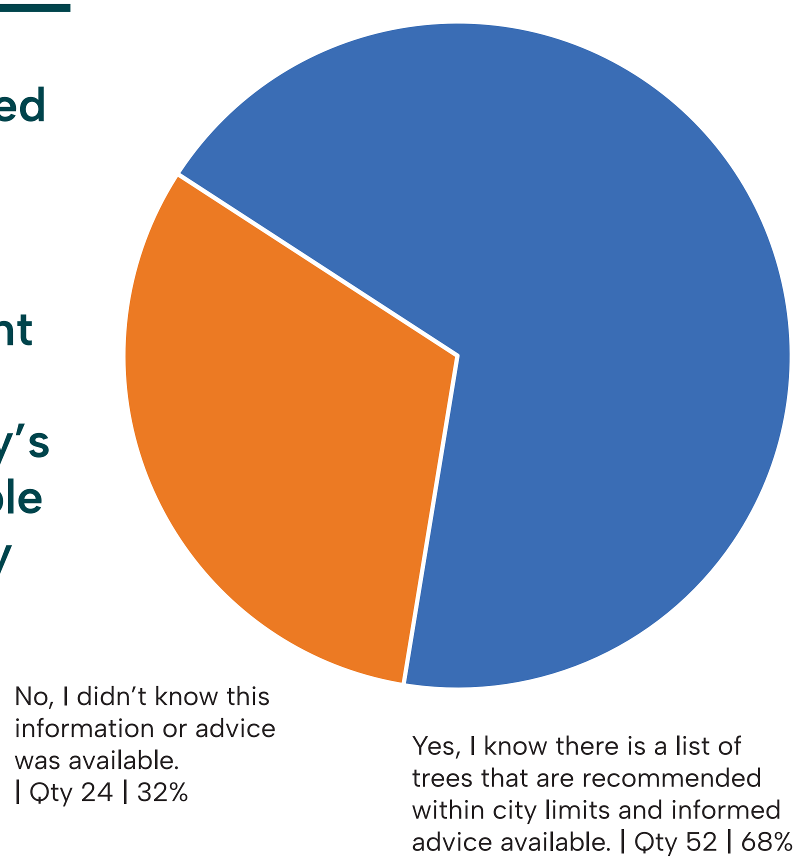
Would you like to see greater dissemination of information of trees, their value and management?



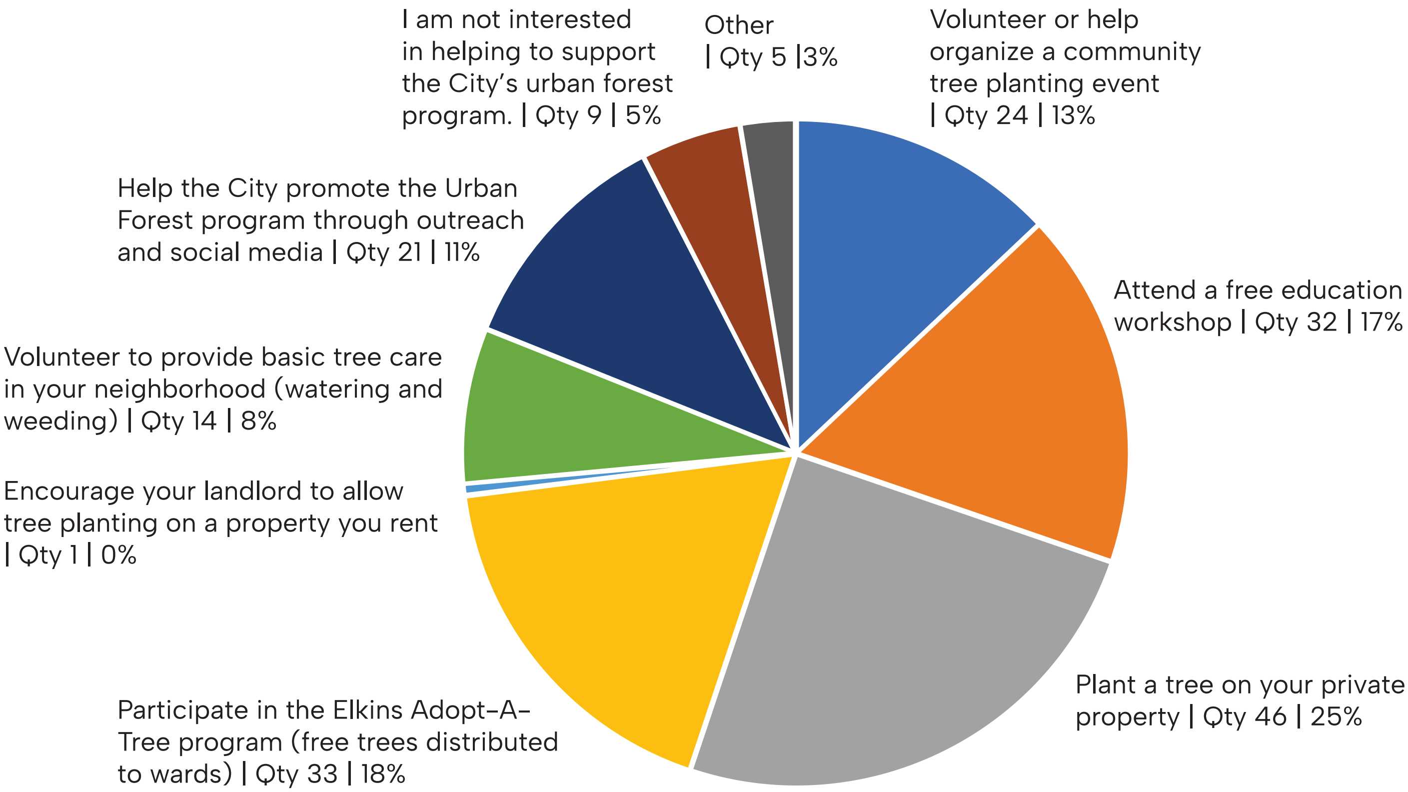
There are many threats that face the urban forest in a changing environment. Which two tree-related threats are you interested in learning more about?



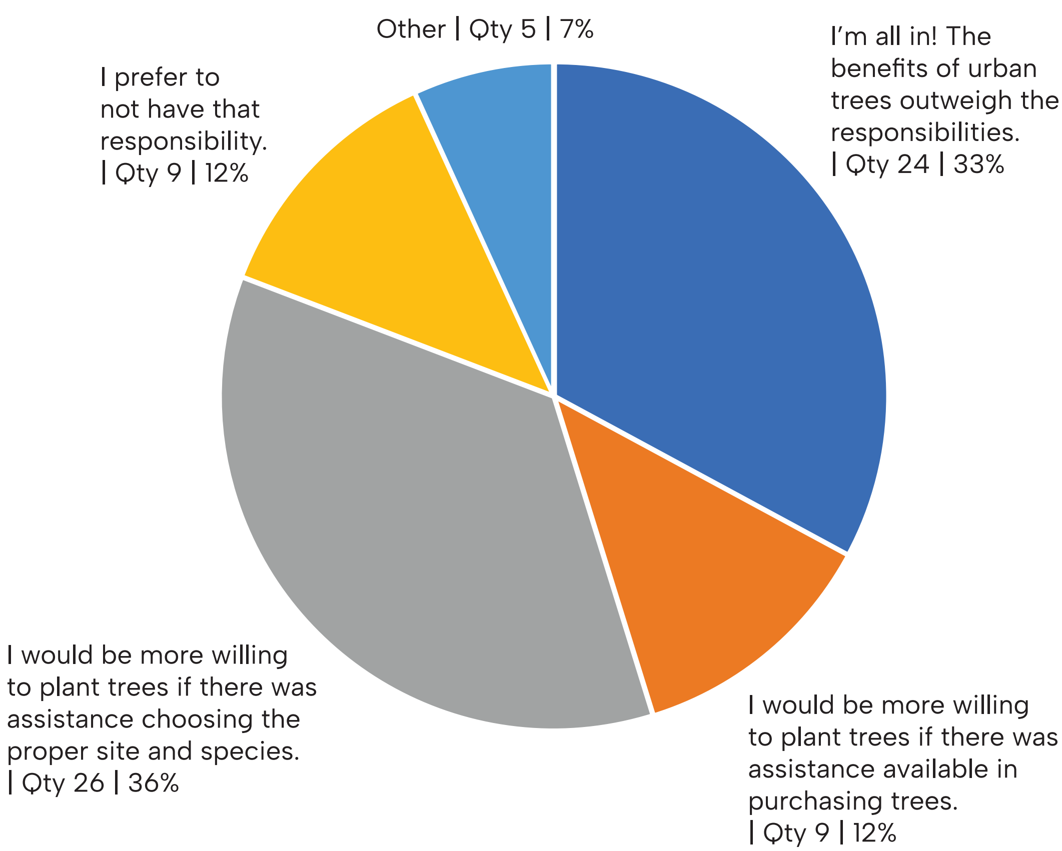
Did you know that Elkins utilizes guidelines established by the West Virginia Division of Forestry when considering tree plantings within city limits on city right of ways. Additionally, Tree Board members and the city's certified arborist are available to provide assistance to city residents when making tree planting decisions.



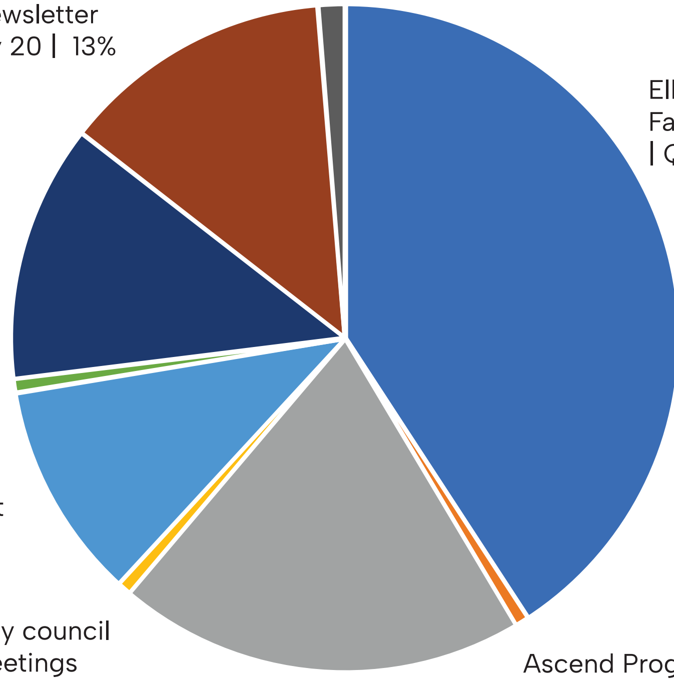
Do you love your City's urban forest? Which of the following activities would you be willing to participate in?



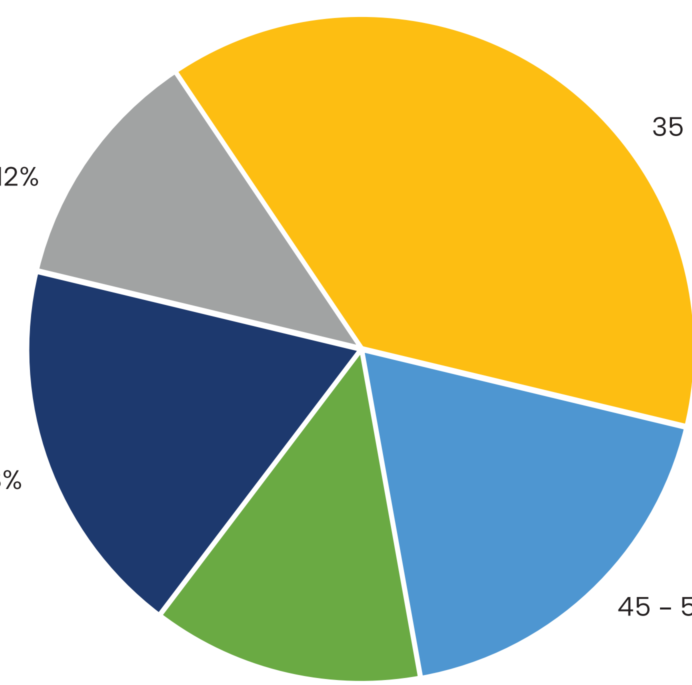
Owning and maintaining a tree comes with many responsibilities. Please choose your most accurate response to that statement.



How do find out about city initiatives that matter to you?



What is your age?



Please share any additional comments or insight for the Urban Forest team to consider in the development of the Elkins Urban Forest Management Plan.

Several dead trees on Elm st. Very dangerous. Why has property owner not been cited?

Replant street trees and maintain them where they have been taken down, plant trees that are designated as street trees, plant big enough trees that will not need to be replaced when they do not make it due to being too small when planted.

If a City resident would like to plant a tree, such as a sugar maple, can you buy it from the Kump Nursery?

Some of the trees in the tree lawns throughout the Wards are diseased, or dying and need to be removed so that new trees can take their places. We would have gladly adopted new trees this year if we had the means to remove the box elder tree in our tree lawn.

I'd like to see more trees downtown and also in areas throughout the city where there are few trees.

Downtown trees block vision at intersections. Especially at Davis Ave/Fourth St in front of City Hall. Many trees have low branches and are in the way when walking on downtown sidewalks. Trees are also in the way when getting out of passenger side of parked cars. (Along with benches) Some tree grates are not flush with sidewalks and cause tripping. And the circle in tree grates have become ashtrays and trash cans. Not appealing.

Enforce or offer free removal service for dead/dying trees on right of ways that endanger cars and compromise street/neighborhood aesthetic.

1) I don't like that we cut down trees in the downtown so regularly--they appear to be healthy trees. I would rather we grow a large canopy downtown. I would rather we cut the sidewalk to expand the planting beds and include complementary pollinator gardens. 2) I would also like to see an educational tree mini-forest at the Forest Service building and at Glendale Park. 3) I would like support on tree maintenance. 4) I would love to see a free orchard with fruiting bushes and herbs near the depot and at Glendale.

Downtown trees need low branches trimmed so they don't scratch cars and poke people as they walk on the sidewalks. Low branches don't grow higher, they just get thicker. Choose trees that can be maintained in the chosen space without needing to be removed in 5 years. Choose trees that their roots won't upheave the sidewalk, curbs and pavement.

If you put trees on your so called easements, then city of elkins should be responsible for root damage to sidewalks, driveways etc.... Not the landowner or business owner

Let the trees in town grow!!!!!

Stop planting red maples everywhere. They're junk and experience top death and dead limbs frequently. Sugar maple is a better alternative. Local tree genetics should be taken into account – we shouldn't be using an out of state seed source because the genetics can be much different than what we have here. Seed (or seedlings) could be collected and grown to planting size to keep genetics local.

Many of the main thoroughfares (Randolph & Harrison Avenues) are hideous as far as (no or very limited number of) trees and landscaping. These main roads – along with Third and Davis – are NOT aesthetically appealing to visitors or locals. They look unkempt and like the city doesn't care much about providing a pleasing visual experience. They look like they were once possibly great streets but over time older trees have been cut down and never replaced and no one cares about anything except pouring more concrete. There's certainly is not shade or benches to make anything inviting to travel these streets much less stop and visit the businesses along them.

Pick trees more suitable for an urban sidewalk project instead of having to dig them up and replace them every 5 years. That is a waste of time and resources.

I wish my neighbors took care of pruning their trees and shrubs. Their place is a mess and hazard.

I am so thankful for this program and the work you are doing to help out town.

Thanks for all that the tree board is doing for our community! Elkins High School might benefit from new or additional trees on the campus.

We need more trees and native wildflowers

Keep up the good work! You are making a difference. (I have 20 trees on my property).

The Elkins Tree Board is grateful for the guidance provided by *"Community Tree Plans: A Guide for Tree Commissions and Environmental Advisory Councils,"* by Bill Elmendorf, Assistant Professor of Community Forestry. Prepared by Penn State with assistance from the Pennsylvania Urban and Community Forestry Council and support from the Pennsylvania DCNR Bureau of Forestry.

Members of the 2024 Elkins Tree Board and year appointed

Marilynn Cuonzo, Chair, 2014
Linda Burke, Vice Chair, 2019
Aira Burkhart, Secretary, 2022
Linda Silva, Treasurer, 2014
Nanci Bross-Fregonara, Communications, 2019
Iris Allen, 2023
Sam Golston, 2018

From left to right: Linda Burke, Iris Allen, Marilynn Cuonzo, Nanci Bross-Fregonara, Sam Golston, Linda Silva and Aira Burkhart.

Urban Forest Management Plan contributors also include:

Eric Schwartz, AFNHA AmeriCorps member, 2020

West Virginia Division of Forestry, Urban Forestry program

Arboriculture & Urban Forestry Program, Davis College, School of Natural Resources, West Virginia University

Cover photo by Roberta Dye for The Wees Neighborhood Historic District Plan

2023 ANNUAL REPORT

Elkins Tree Board Members

Marilyn Cuonzo (Chair); Linda Burke (Vice Chair); Aira Burkhart (Secretary); Linda Silva (Treasurer); Nanci Bross-Fregonara (Communications); Sam Golston and Iris Allen

The Elkins Tree Board (ETB) was responsible for more than 100 trees being planted in our community as part of the city's Adopt-a-Tree program, seedling plantings at the ETB nursery, Arbor Day, and the downtown streetscape project. We continue to work closely with Friends of Trees, Our Town, the Emma Scott Garden Club and WV Master Naturalist program to mutually support green-related initiatives. Support from the City of Elkins, especially the Street and Operations departments and Parks and Recreation; the West Virginia Division of Forestry; and the community, continues to be inspiring.

Actions and Accomplishments 2023

January 2023

- Tree City Recertification and Growth Award applications submitted to WV Division of Forestry (WV DOF). Both were successfully received and awarded. Grant for fourth and final WV DOF Demonstration City program also approved.

February 2023

- The ETB hosted its first Winter Walk Tree ID and Birding event at Glendale Park. Over 50 residents attended the event.

March 2023

- Work begins on the final stages of the Demonstration City Grant-funded downtown tree planting project. The City of Elkins removing more tree boxes and trees at nine locations and new trees replaced by Mitchell Tree Services. Four trees were also planted at City Park. Outside of the grant, the ETB funded two trees planted at the Highlands Trail bike path overlook. Downtown and Darden Garden trees were pruned as part of the grant thereby enhancing their health and shape.
- The ETB joined Our Town's Spring event in The Atrium. ETB had a booth with hands-on activities and tree planting information, and hosted a well-attended Fruit Tree Pruning Workshop at the Kump House afterwards.

April 2023

- Arbor Day 2023 celebrations began on Earth Day at the Elkins City Park at which the ETB handed out 50 red spruce seedlings and manned an information booth. This was a shared event with Elkins Women's Club and other agencies.
- On the actual Arbor Day, there were three tree plantings: ETB's at City Park, Emma Scott Garden Club's at the Elkins Library and two trees donated by Kroger at Glendale Park.

Winter Tree ID Walk at Glendale Park

Fruit tree pruning workshop at heirloom apple orchard, Kump House

Arbor Day 2023 commemorations: Glendale Park, Elkins City Park and Elkins City Library

New trees planted on the Highlands Trail

May 2022

- Two ETB members traveled to Vienna, WV to see an example of a grant-funded, multi-format interpretive panels and urban walks system.
- Created and installed tree ID tags for the new Kump House Arboretum.
- Purchased Friends of Trees ornaments for National Christmas Tree.

June-August 2023

- Monthly maintenance continued at the Kump House ETB tree nursery and orchard. Projects included fence repair, weeding and pruning of heirloom apple trees and planting seedings. WV Master Naturalists, Friends of Trees and Mountain School volunteers assisted with efforts.

September 2023

- ETB produces and conducts survey about urban trees as part of creating the city's first Urban Forest Management Plan.

October 2023

- Adopt-A-Tree fall event held with donated to homeowners to help green the City. Several large trees were also provided to Elkins Parks and Recreation for Glendale Park. ETB hosted a tree planting workshop before tree give-away.
- ETB participates in D&E volunteer day by supervising the lacrosse team in the Darden Garden clean-up.

November 2023

- Work begins on gathering ideas for new no-match WV DOF Equi-City grant program designed at the federal level to increase tree canopies.
- ETB participates in D&E volunteer day by supervising the lacrosse team in the Darden Garden clean-up.

December 2023

- Fourth WV DOF Demonstration City Grant nears completion with tree beds expanded with assistance of private contractor.

LOOKING AHEAD FOR 2024

- Present the ETB-created Elkins Urban Forest Management Plan to City Council
- Successfully apply for a WV DOF Equi-City grant for downtown and Glendale Park tree plantings and extensive improvements to the city Tree Nursery
- Continue and expand collaborative projects to increase public education
- Update/expand City of Elkins tree ordinance

Clockwise, from left to right: ETB members visited Vienna, WV, for inspiration and participated in Earth Day 2023. AmeriCorps members work on a project to improve the Kump House wetlands using tree nursery stock.

101
trees planted

More than
700
volunteer hours donated to Elkins' urban forest

New sign placed at Tree Nursery

ETB Darden Garden flower project

Girls State volunteers mulch trees

Adopt-a-tree recipient in 4th Ward

ETB assists with D&E Community Service Day event with lacrosse team

ETB participated in several community events including Sprout into Spring

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	Staff reports
Category:	Presentation
Agenda Item Name:	Treasurer's report
Recommended By:	City Treasurer
Summary:	The attached report from the City Treasurer includes: • General Fund Revenue Detail report showing: December revenues, YTD revenues, and YTD actual revenues as percentage of budgeted revenues (for reference, December 31 was the midway or 50% point of FY 2024) • Bank account balances • Budget control summary • Annual leave donation report • InvoiceCloud report • Total interest received during 2023 on each fund's pooled cash deposits
Fiscal Impact:	n/a
Recommendation:	For review, no action required
Attachments:	1. Treasurer's Report - 2024_01_18

General Fund Revenue Detail

	December Revenues	YTD Revenues	Percent of Revenues Collected Per Budget	Percent of Yr. Completed 50.00
Unassigned Fund Balance				384,359.00
County Tax	$9,823.62	$785,780.26	66.13%	1,188,238.00
B & O Tax	$5,299.61	$802,400.76	56.91%	1,410,000.00
Hotel/Motel Tax	$14,281.38	$147,202.51	75.49%	195,000.00
Gas & Oil Severance Tax	$0.00	$70,881.19	283.52%	25,000.00
2% City Utility Tax	$6,910.24	$41,785.10	59.69%	70,000.00
Utility Excise Tax	$13,544.99	$141,840.37	47.28%	300,000.00
Liquor Tax	$0.00	$43,360.76	47.13%	92,000.00
Police	$1,051.44	$4,150.01	17.29%	24,000.00
Municipal Court	$2,377.52	$13,599.52	21.93%	62,000.00
Code Enforcement	$2,796.12	$15,065.93	58.62%	25,700.00
Business License	$895.00	$8,705.00	30.02%	29,000.00
Intergovernmental	$76,889.99	$315,214.25	172.75%	182,471.00
Franchise/IRP Fees	$4,842.63	$65,387.54	46.71%	140,000.00
Phil Gainer Community Center	$2,370.00	$27,353.00	70.14%	39,000.00
Misc. Revenue	$15,004.61	$81,250.86	77.19%	105,260.00
Municipal Sales Tax	$0.00	$720,429.20	51.46%	1,400,000.00
TOTAL	**$156,087.15**	**$3,284,406.26**	**57.91%**	5,672,028.00

Bank Account Name	Balance as of 12/31/2023
ARPA	$794,267.93
Elkins Building Comm. Sinking Fund	$0.00
Elkins Municipal Building Comm.	$0.00
Financial Stabilization	$939,261.45
Fire Pension Fund	$2,638,434.46
Firemen's Pension & Relief Fund	$0.00
Landfill Access Escrow	$1,839,525.42
Landfill Post Closure	$48,711.84
Payroll	$7,504.87
Police Forfeitures	$1,850.36
Police Pension Fund	$4,471,052.87
Police Seizures	$26,645.75
Policemen's Pension & Relief Fund	$0.00
Pooled Cash-Coal Severance Fund	$168,839.73
Pooled Cash-Fire Fund	$392,089.07
Pooled Cash-General Fund	$1,592,951.25
Pooled Cash-Landfill Fund	$125,291.92
Pooled Cash-Parks Fund	$894,622.96
Pooled Cash-Sanitation Fund	$994,326.92
Pooled Cash-Sewer Fund	$44,173.25
Pooled Cash-Water Fund	$431,992.35
Sewer Depreciation	$207,001.08
Sewer O&M	$419,428.46
Sewer Project	$49.84
Water Depreciation	$162,726.02
Water O&M	$395,210.84

FY2024 Budget Control Summary

General Fund

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	YTD TOTALS
Revenues	$854,865.33	$331,004.66	$543,271.68	$1,092,594.27	$306,583.17	$156,087.15	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$588,323.13	$3,284,406.26
Expenses	$443,738.72	$412,330.24	$403,541.70	$533,790.34	$461,580.57	$441,101.56	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$2,696,083.13

Sanitation Fund

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	YTD TOTALS
Revenues	$122,635.34	$129,954.36	$112,998.62	$126,649.07	$130,951.32	$125,731.84	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	-$220,727.89	$748,920.55
Expenses	$375,747.22	$112,032.55	$128,365.08	$150,347.04	$120,339.07	$82,817.48	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$969,648.44

Sewer Fund

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	YTD TOTALS
Revenues	$216,491.85	$207,080.31	$217,303.75	$243,124.25	$248,104.41	$215,667.43	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	-$82,091.61	$1,347,772.00
Expenses	$244,836.96	$222,640.35	$240,905.73	$230,264.95	$307,902.19	$183,313.43	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$2,139,198.04

Water Fund

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	YTD TOTALS
Revenues	$364,356.67	$405,886.10	$373,182.41	$458,593.81	$458,864.24	$412,638.19	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$306,988.27	$2,473,521.42
Expenses	$337,627.28	$355,984.86	$421,200.69	$399,733.39	$327,790.72	$324,196.21	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$2,166,533.15

Fire Fund

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	YTD TOTALS
Revenues	$38,221.11	$80,333.83	$156,435.78	$50,400.39	$79,747.35	$77,326.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	-$70,797.03	$482,464.46
Expenses	$90,744.77	$70,132.37	$84,702.51	$125,866.17	$87,272.30	$94,543.37	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$553,261.49

Landfill Fund

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	YTD TOTALS
Revenues	$5,921.54	$6,126.90	$6,122.09	$5,838.48	$7,482.12	$8,425.33	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$38,533.14	$39,916.46
Expenses	$1,019.07	$6.95	$168.69	$6.97	$11.14	$170.50	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00		$1,383.32

Tracy Judy

From: Wendy Williams
Sent: Wednesday, January 10, 2024 10:41 AM
To: Tracy Judy
Subject: RE: Donated Leave Report

Tracy,

There was no donated time in 2023.

Have a good day.

Wendy

From: Tracy Judy <tjudy@cityofelkinswv.com>
Sent: Wednesday, January 3, 2024 2:19 PM
To: Wendy Williams <wendywilliams@cityofelkinswv.com>
Subject: Donated Leave Report

Good afternoon Wendy,

I will need the 2023 donated leave report for council by Jan. 16th.

Thank you,

Tracy R. Judy
City Treasurer
City of Elkins
401 Davis Ave.
Elkins, WV 26241
304-636-1414, Ext 1317
304-635-7135 Fax

Tracy Judy

From: no-reply=invoicecloud.com@mg.invoicecloud.com on behalf of InvoiceCloud <no-reply@invoicecloud.com>
Sent: Sunday, December 31, 2023 10:17 AM
To: Tracy Judy
Subject: InvoiceCloud Daily Management Report

CAUTION: This email originated from outside the organization. Do not click links or open attachments or reply unless you recognize the sender and know the content is safe. Contact Help Desk for assistance.

InvoiceCloud

City of Elkins WV:

Daily Management Report for 12/31/2023:

Invoice Type	YTD #	YTD $	MTD #	MTD $	Day #	Day $	Paperless #	AutoPay #
Utility	7,551	$923,983.58	2,021	$232,093.37	24	$2,481.01	1,052	313
Non Utility Payments	142	$21,689.91	22	$3,208.29	0	$0.00	891	0

Powered By InvoiceCloud

Please consider the environment before printing this email

2023 Pooled Cash Interest Received by Fund Name

	General	Coal Severance	Parks	Fire	Water	Sewer	Sanitation	Landfill	
23-Jan	$4,868.44	$515.66	$2,896.79	$1,607.64	$121.33	$1,152.65	$3,624.78	$379.16	
23-Feb	$4,211.29	$580.87	$2,613.92	$1,597.40	$580.87	$1,161.74	$3,340.01	$435.66	
23-Mar	$4,334.20	$508.03	$3,159.30	$1,825.74	$460.41	$1,158.95	$4,032.51	$396.90	
23-Apr	$5,293.63	$449.45	$2,896.54	$1,498.18	$299.64	$749.09	$3,495.63	$299.64	
23-May	$6,606.11	$600.56	$4,003.71	$2,001.85	$400.37	$800.74	$5,204.82	$400.37	
23-Jun	$4,988.56	$516.07	$3,612.44	$1,720.21	$516.07	$516.07	$4,816.59	$516.07	
23-Jul	$5,767.22	$508.87	$3,731.73	$1,526.62	$678.40	$339.25	$3,901.35	$508.97	
23-Aug	$5,423.40	$699.79	$3,673.92	$1,749.49	$874.74	$349.90	$4,198.77	$524.85	
23-Sep	$5,530.09	$670.32	$3,351.58	$1,843.37	$837.89	$167.58	$3,854.31	$502.74	
23-Oct	$7,858.19	$574.99	$3,449.94	$1,533.30	$1,149.98	$383.33	$3,833.26	$383.32	
23-Nov	$7,389.67	$568.44	$3,410.61	$1,515.83	$1,326.35	$378.96	$3,789.57	$568.43	
23-Dec	$6,307.87	$720.90	$3,424.28	$1,441.80	$1,622.03	$180.23	$3,784.73	$540.68	
Total	**$68,578.67**	**$6,913.95**	**$40,224.76**	**$19,861.43**	**$8,868.08**	**$7,338.49**	**$47,876.33**	**$5,456.79**	**$205,118.50**

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	Approval of vendor invoice payments
Category:	Action Item
Agenda Item Name:	Vendor invoices presented for approval: December 18, 2023-January 12, 2024. *(Available for public review in the city clerk's office two business days before this meeting, as required by W. Va. Ethics Commission Open Meetings Advisory Opinion 2012-04.)*
Recommended By:	City Treasurer
Summary:	Accounts payable transactions dated December 18-January 12
Fiscal Impact:	Report details $1,172,507.33 in transactions from all funds.
Recommendation:	Consider for approval
Attachments:	1. AP Check Report - 2024_01_18

VENDOR SET: 01 Elkins

BANK: ARPA America Rescue Plan Act

DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02047	Cybertech Automation USA Inc							
I-12957	WWTP Ignition Migration	R	1/03/2024	31,378.80		000110		
I-12958	WWTP PLC Upgrade	R	1/03/2024	20,590.20		000110		51,969.00

* * T O T A L S * *	NO			INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1			51,969.00	0.00	51,969.00
HAND CHECKS:	0			0.00	0.00	0.00
DRAFTS:	0			0.00	0.00	0.00
EFT:	0			0.00	0.00	0.00
NON CHECKS:	0			0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS	0.00			
		VOID CREDITS	0.00	0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: ARPA TOTALS:	1	51,969.00	0.00	51,969.00
BANK: ARPA TOTALS:	1	51,969.00	0.00	51,969.00

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02417	US Bank Corporate Payment Syst							
I-VisaNFPmt 113023	Visa NonFleet Stmt Pmt 113023	D	12/20/2023	112,846.04		005473		112,846.04
00741	Great-West Trust Company LLC							
I-VF 202312261606	Voya	D	12/26/2023	595.00		005474		
I-VF2202312261606	Voya AT	D	12/26/2023	100.00		005474		695.00
00792	WV Consolidated Retirement Boa							
I-RTD202311281600	Retirement	D	12/26/2023	7,075.04		005475		
I-RTD202312121602	Retirement	D	12/26/2023	7,101.51		005475		
I-RTD202312261606	Retirement	D	12/26/2023	6,977.92		005475		
I-RTD202312261607	Retirement	D	12/26/2023	140.56		005475		21,295.03
00952	WV Consolidated Retirement Boa							
I-RTF202311281600	Retirement	D	12/26/2023	2,864.24		005476		
I-RTF202312121602	Retirement	D	12/26/2023	2,395.24		005476		
I-RTF202312261606	Retirement	D	12/26/2023	2,454.16		005476		
I-RTN202311281600	Retirement	D	12/26/2023	3,897.38		005476		
I-RTN202312121602	Retirement	D	12/26/2023	3,349.34		005476		
I-RTN202312261606	Retirement	D	12/26/2023	3,815.20		005476		18,775.56
00993	WV Consolidated Retirement Boa							
I-RT6202311281600	Retirement 6%	D	12/26/2023	9,279.15		005477		
I-RT6202311281601	Retirement 6%	D	12/26/2023	611.76		005477		
I-RT6202312121602	Retirement 6%	D	12/26/2023	9,250.93		005477		
I-RT6202312261606	Retirement 6%	D	12/26/2023	9,392.70		005477		
I-RT6202312261607	Retirement 6%	D	12/26/2023	284.30		005477		28,818.84
00741	Great-West Trust Company LLC							
I-VF 202401091609	Voya	D	1/09/2024	595.00		005478		
I-VF2202401091609	Voya AT	D	1/09/2024	100.00		005478		695.00
02417	US Bank Corporate Payment Syst							
I-VisaFleet 123123	Visa Fleet Stmt Pmt 123123	D	1/11/2024	14,537.60		005488		14,537.60
00047	Truist Governmental Finance							
I-00005 122423	9948000234-05 122423	R	12/20/2023	2,596.05		014637		
I-00006 122723	9948000234-06 122723	R	12/20/2023	2,643.26		014637		5,239.31
00082	Builders Group, Inc.							
I-728826	concrete mix	R	12/20/2023	50.10		014638		
I-K19850	80lb concrete mix	R	12/20/2023	331.38		014638		381.48

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00085		Burgess & Niple, Inc.							
	I-1113657	Engineering Services 10/2023	R	12/20/2023	2,101.00		014639		
	I-1115342	PH3 Comb Sewer Imprv 10/23	R	12/20/2023	16,445.45		014639		18,546.45
00156		COE Sewer Depreciation Account							
	I-11/2023	Sewer Depreciation 11/2023	R	12/20/2023	6,132.53		014640		6,132.53
00188		Cummins Crosspoint							
	I-R3-38929	Generator service	R	12/20/2023	367.50		014641		367.50
00202		Davis Trust Company							
	I-12755 122223	03113776-12755 122223	R	12/20/2023	4,256.84		014642		4,256.84
00243		Elkins Randolph County Chamber							
	I-Luncheon 121423	Legislative Luncheon Mayor	R	12/20/2023	25.00		014643		25.00
00430		Jonathan Distefano dba Mainten							
	I-1204	Keys	R	12/20/2023	36.00		014644		36.00
00457		Metalworks, Inc.							
	I-13271	Repair Salt Tk bed	R	12/20/2023	368.00		014645		368.00
00468		Miss Utility of West Virginia,							
	I-WV23-5165	Message Fees Nov 2023	R	12/20/2023	95.20		014646		95.20
00471		Mon Power							
	I-401SR 120823	401SRand 110823-120623	R	12/20/2023	63.47		014647		
	I-ECityPk 121123	ElkinsCityPk 110823-120723	R	12/20/2023	9.76		014647		
	I-Park 121123	Park St 110823-120723	R	12/20/2023	5.25		014647		
	I-ParkSt 465 121123	Park Street 110823-120723	R	12/20/2023	10.89		014647		
	I-RR 121423	RR Ave 111423-121223	R	12/20/2023	139.26		014647		228.63
00701		Toshiba Financial Services							
	I-517062519	Tosh E4515AC 1127-122723	R	12/20/2023	214.24		014648		214.24
00712		Tyler Technologies, Inc.							
	C-025-447658	07/18/22 KWeaver Executime	R	12/20/2023	520.00CR		014649		
	C-025-447659	11/15/23 MStarbird Executime	R	12/20/2023	130.00CR		014649		
	C-025-447660	11/30/22 MStarbird Executime	R	12/20/2023	65.00CR		014649		
	C-025-447661	11/10/22 MStarbird Executime	R	12/20/2023	910.00CR		014649		
	C-025-447662	4/3/23 KWeaver Executime	R	12/20/2023	65.00CR		014649		
	C-025-447663	04/2023 MStarbird Executime	R	12/20/2023	4,160.00CR		014649		
	C-025-447664	05/05/2023 Executime	R	12/20/2023	1,040.00CR		014649		
	I-025-447596	License Fees Executime	R	12/20/2023	7,000.00		014649		110.00

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01292		COE Sewer O & M Account							
	I-11/2023	Sewer O&M Dep 11/2023	R	12/20/2023	13,153.88		014650		13,153.88
01313		COE Water O & M Account							
	I-11/30/23	Water O&M Deposit 11/2023	R	12/20/2023	12,902.14		014651		12,902.14
01416		Gerry Roberts							
	I-CKREQ 121423	Reimb Christmas deer for CH	R	12/20/2023	121.00		014652		121.00
01449		Dodson Pest Control							
	I-23-173102-1142 23	Pest Control 112823	R	12/20/2023	60.00		014653		60.00
01651		Reclaim Company LLC							
	I-2719	Ad'l labor/equip/disp asbestos	R	12/20/2023	20,044.43		014654		
	I-2728	Adt'l Hotel/Meals/Misc	R	12/20/2023	2,575.85		014654		22,620.28
01790		Crim Law Office PLLC							
	I-388	Water Bd 10/2023	R	12/20/2023	950.00		014655		950.00
02098		Skasiks Quality Cleaners LLC							
	I-BF9904	Patches sewn on shirt	R	12/20/2023	30.00		014656		30.00
02431		Ferguson Waterworks #527							
	I-0833165-3	BRS SDL IPS PVC	R	12/20/2023	175.98		014657		
	I-0853038-1	LF 3/4 CCxCTS PJ CORP	R	12/20/2023	59.47		014657		
	I-0854983	Hymax Grip Swvl Jt Coup/Joints	R	12/20/2023	4,067.66		014657		
	I-0861366	Cplngs/45ELL/BallCurbSt	R	12/20/2023	2,034.37		014657		6,337.48
02486		FPG							
	I-21300F	Beacon Training	R	12/20/2023	1,200.00		014658		1,200.00
02490		WVcorp							
	I-107729	WV-CI-079-24 01/01/2024	R	12/20/2023	49,807.00		014659		49,807.00
02568		Grant County Bank							
	I-121423	Whitmer Utility Pmts to Elkins	R	12/20/2023	794.29		014660		794.29
00116		Child Support Enforcement							
	I-CDS202312261606	Child Support	R	12/26/2023	600.33		014661		600.33
00121		Citizens Bank of WVFP							
	I-FP 202312261606	Fire Pension	R	12/26/2023	521.99		014662		521.99

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00122		Citizens Bank of WVPP							
	I-PP 202312261606	Police Pension	R	12/26/2023	181.58		014663		
	I-PPN202312261606	Police Pension-2010 Forward	R	12/26/2023	451.40		014663		632.98
00147		COE Misc							
	I-MIS202312261606	Misc Reimbursements	R	12/26/2023	589.00		014664		589.00
00150		COE Payroll							
	I-T1 202312261606	Federal Withholding	R	12/26/2023	13,309.69		014665		13,309.69
00151		COE Payroll							
	I-T3 202312261606	FICA	R	12/26/2023	18,891.38		014666		
	I-T4 202312261606	Medicare	R	12/26/2023	4,842.54		014666		23,733.92
00152		COE Payroll							
	I-T2 202312261606	State Withholding	R	12/26/2023	5,497.00		014667		5,497.00
00203		Davis Trust Company							
	I-CC 202312261606	Employee Christmas Club	R	12/26/2023	2,760.00		014668		2,760.00
00747		Washington National Insurance							
	I-WN 202312261606	Washington National Insurance	R	12/26/2023	641.85		014669		641.85
00837		COE Payroll Reimbursement							
	I-001202312261606	Payroll Reimbursement	R	12/26/2023	52,650.42		014670		
	I-006202312261606	Payroll Reimbursement	R	12/26/2023	5,273.99		014670		
	I-036202312261606	Payroll Reimbursement	R	12/26/2023	14,750.33		014670		
	I-400202312261606	Payroll Reimbursement	R	12/26/2023	23,358.79		014670		
	I-401202312261606	Payroll Reimbursement	R	12/26/2023	12,293.56		014670		
	I-404202312261606	Payroll Reimbursement	R	12/26/2023	12,597.84		014670		120,924.93
01885		Colonial Life							
	I-CL 202312261606	Colionial Life-AT	R	12/26/2023	112.10		014671		
	I-CLP202312261606	Colonial Life-PT	R	12/26/2023	52.52		014671		164.62
00150		COE Payroll							
	I-T1 202312261607	Federal Withholding	R	12/26/2023	212.38		014672		212.38
00151		COE Payroll							
	I-T3 202312261607	FICA	R	12/26/2023	364.14		014673		
	I-T4 202312261607	Medicare	R	12/26/2023	85.16		014673		449.30
00152		COE Payroll							
	I-T2 202312261607	State Withholding	R	12/26/2023	99.00		014674		99.00

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00837	COE Payroll Reimbursement							
I-400202312261607	Payroll Reimbursement	R	12/26/2023	1,459.81		014675		
I-401202312261607	Payroll Reimbursement	R	12/26/2023	780.08		014675		2,239.89
00001	A & A Safety, Inc.							
I-195664	flares	R	12/26/2023	250.00		014676		250.00
00006	AFLAC							
I-AF 202311281600	Aflac-After Tax Ins	R	12/26/2023	67.78		014677		
I-AF 202312121602	Aflac-After Tax Ins	R	12/26/2023	67.78		014677		
I-AFL202311281600	Aflac Insurance	R	12/26/2023	68.68		014677		
I-AFL202312121602	Aflac Insurance	R	12/26/2023	68.68		014677		272.92
00242	Elkins Professional Firefighte							
I-EPF202311281600	Elkins Professional FF	R	12/26/2023	135.00		014678		
I-EPF202312121602	Elkins Professional FF	R	12/26/2023	135.00		014678		270.00
00582	Region VII Plan. & Development							
I-520-6	GIS Services 11/2023	R	12/26/2023	1,320.00		014679		1,320.00
00591	Retiree Health Benefit Trust F							
I-RHBT 12/2023	Retirees 12/2023	R	12/26/2023	1,639.16		014680		1,639.16
00805	FBMC							
I-MFB202311281600	Mt. Flex Benefit	R	12/26/2023	1,917.62		014681		
I-MFB202312121602	Mt. Flex Benefit	R	12/26/2023	1,917.62		014681		
I-MFB202312261606	Mt. Flex Benefit	R	12/26/2023	1,917.62		014681		
I-RChen 12/2023	RChenoweth 12/2023	R	12/26/2023	74.85		014681		5,827.71
00810	WV Public Employee Insurance A							
I-AFagon Admn Fee	Aaron Fagon Admn Fee	R	12/26/2023	50.00		014682		
I-BL 202312121602	Basic Life Benefit	R	12/26/2023	184.14		014682		
I-BL1202312121602	Basic Life Benefit +	R	12/26/2023	1.98		014682		
I-DL 202311281600	Dependent Life	R	12/26/2023	89.61		014682		
I-DL 202312121602	Dependent Life	R	12/26/2023	89.61		014682		
I-HPA202311281600	Ins-Health Plan A	R	12/26/2023	949.00		014682		
I-HPA202312121602	Ins-Health Plan A	R	12/26/2023	949.00		014682		
I-HPB202311281600	Ins-Health Plan B	R	12/26/2023	627.50		014682		
I-HPB202312121602	Ins-Health Plan B	R	12/26/2023	627.50		014682		
I-ICA202311281600	Ins - Emp/Child-Plan A	R	12/26/2023	1,699.50		014682		
I-ICA202312121602	Ins - Emp/Child-Plan A	R	12/26/2023	1,699.50		014682		
I-ICB202311281600	Ins- Emp/child - Plan B	R	12/26/2023	494.50		014682		
I-ICB202312121602	Ins- Emp/child - Plan B	R	12/26/2023	494.50		014682		
I-IFA202311281600	Ins - Family - Plan A	R	12/26/2023	18,009.00		014682		
I-IFA202312121602	Ins - Family - Plan A	R	12/26/2023	18,009.00		014682		
I-IFB202311281600	Ins - Family - Plan B	R	12/26/2023	5,825.00		014682		
I-IFB202312121602	Ins - Family - Plan B	R	12/26/2023	5,825.00		014682		
I-IFD202311281600	Ins-Fam-Plan B - Post Tax	R	12/26/2023	582.50		014682		

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	I-IFD202312121602	Ins-Fam-Plan B - Post Tax	R	12/26/2023	582.50		014682		
	I-ISA202311281600	Ins - Single - Plan A	R	12/26/2023	4,375.00		014682		
	I-ISA202312121602	Ins - Single - Plan A	R	12/26/2023	4,375.00		014682		
	I-ISB202311281600	Ins-Single - Plan B	R	12/26/2023	3,934.00		014682		
	I-ISB202312121602	Ins-Single - Plan B	R	12/26/2023	3,934.00		014682		
	I-JHaden 12/2023	JHaden 2nd Pay Tobacco Fee	R	12/26/2023	25.00		014682		
	I-OL 202311281600	Optional Life	R	12/26/2023	340.17		014682		
	I-OL 202312121602	Optional Life	R	12/26/2023	346.07		014682		
	I-RChen 12/2023	RChen Health/Life 12/2023	R	12/26/2023	1,335.98		014682		
	I-TOF202311281600	Tobacco Surcharge Family	R	12/26/2023	350.00		014682		
	I-TOF202312121602	Tobacco Surcharge Family	R	12/26/2023	325.00		014682		
	I-TOS202311281600	Tobacco Surcharge Single	R	12/26/2023	150.00		014682		
	I-TOS202312121602	Tobacco Surcharge Single	R	12/26/2023	150.00		014682		76,429.56
01957		Zoro Tools, Inc.							
	I-13463830	Relays	R	12/26/2023	76.47		014683		76.47
02347		LEAF							
	I-15761234	Toshiba 5525AC 01/08/2024	R	12/26/2023	277.13		014684		277.13
02501		Casto Technical Service							
	I-269304	Service Call/Repair Furnace	R	12/26/2023	3,943.14		014685		3,943.14
00686		Ted Ogden Trucking, Inc.							
	I-5704	1996 Freightliner Tractor	R	1/03/2024	16,000.00		014686		16,000.00
01427		K&K Collision & Towing							
	I-2021 Chev Tahoe	2021 Tahoe Repairs-Boatwright	R	1/03/2024	5,705.52		014687		5,705.52
00644		Smith Backhoe & Dozer Service,							
	I-104855	Demp & Debris Removal Trees	R	1/03/2024	3,150.00		014688		3,150.00
00082		Builders Group, Inc.							
	I-724670 091923	Diff on invoice 724670	R	1/03/2024	20.00		014689		20.00
00119		First-Citizens Bank & Trust Co							
	I-43790077	Kyocera Copier 1/6/24	R	1/03/2024	52.50		014690		
	I-43812935	KM Printer 010824	R	1/03/2024	55.00		014690		107.50
00132		Clarksburg Water Board							
	I-M91155	Compliance Samples	R	1/03/2024	253.00		014691		253.00
00149		COE Parks and Recreation							
	I-Support 01/2024	Monthly Support 01/2024	R	1/03/2024	25,483.00		014692		25,483.00

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00158		COE Water Depreciation Account							
	I-WTR DEPR 12/2023	Water Depreciation 12/2023	R	1/03/2024	10,026.37		014693		10,026.37
00235		Elkins Building Comm.							
	I-01/2024	Monthly Payment 01/2024	R	1/03/2024	3,483.79		014694		3,483.79
00381		Grover C Jackson Jr							
	I-RENT 01/2024	Monthly Rent 01/2024	R	1/03/2024	1,800.00		014695		1,800.00
00422		Leslie Equipment Co.							
	I-1117037	Keys	R	1/03/2024	56.98		014696		56.98
00430		Jonathan Distefano dba Mainten							
	I-1180	Key cutting	R	1/03/2024	41.50		014697		41.50
00471		Mon Power							
	I-LT31Barron 121923	111523-121423 consumption	R	1/03/2024	12,018.37		014698		12,018.37
00483		Mountain Valley Bank							
	I-1202553-22 010724	1202553-22 01/07/24	R	1/03/2024	302.01		014699		302.01
00484		Mountaineer Gas Company							
	I-1Baxter 120623	110223-120623 1Baxter	R	1/03/2024	290.64		014700		
	I-1Baxter 120723	110223-120723 1 Baxter	R	1/03/2024	762.91		014700		
	I-216 4TH 120723	216 4th St 110223-120723	R	1/03/2024	1,471.32		014700		
	I-2164thB 120723	110223-120723 216 4th St	R	1/03/2024	33.04		014700		
	I-401Davis 120823	110223-120823 401 Davis	R	1/03/2024	3,489.20		014700		
	I-421Davis 120723	110223-120723 421 Davis	R	1/03/2024	352.44		014700		
	I-917SRR 120623	110223-120623 917 S RR	R	1/03/2024	945.38		014700		
	I-Barron 120623	110223-120623 Barron	R	1/03/2024	151.11		014700		
	I-Baxter 120723	110223-120723 Baxter	R	1/03/2024	956.11		014700		
	I-Center 271048	Center St 110223-120623	R	1/03/2024	204.77		014700		
	I-Flood Ctrl 120823	110223-120823 Flood Control	R	1/03/2024	1,374.72		014700		
	I-Glendale3 120723	110223-120723 Glendale #3	R	1/03/2024	279.90		014700		
	I-IndustPkRd 120823	110223-120823 Indst Pk Rd	R	1/03/2024	236.97		014700		
	I-REL 120823	110223-120823 RELee	R	1/03/2024	165.08		014700		
	I-Stewart#4 120723	110323-120723 Stewart #4	R	1/03/2024	63.19		014700		10,776.78
00551		Preiser Scientific, Inc.							
	I-564598-1	lab supplies	R	1/03/2024	566.16		014701		566.16
00701		Toshiba Financial Services							
	I-518212865	Lex/Toshiba 121223-011224	R	1/03/2024	221.37		014702		221.37

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00779		Woodford Oil Company							
	I-142880	Hyd Oil/CHV Multifak EP	R	1/03/2024	1,932.50		014703		
	I-311014	Diesel	R	1/03/2024	1,388.00		014703		3,320.50
01313		COE Water O & M Account							
	I-Water O&M 12/2023	Water O&M Deposit 12/2023	R	1/03/2024	12,902.14		014704		12,902.14
01594		Pace Analytical Services LLC							
	I-217374343	Water testing-Whitmer 10042021	R	1/03/2024	27.50		014705		
	I-217375642	Water testing-Whitmer 10152021	R	1/03/2024	27.50		014705		
	I-217378553	Water testing-Whitmer 11122021	R	1/03/2024	27.50		014705		
	I-217380055	Water testing-Whitmer 11302021	R	1/03/2024	27.50		014705		
	I-2230334058	Water testing-Whitmer 02162022	R	1/03/2024	29.00		014705		
	I-2230344396	Water testing-Whitmer 04012022	R	1/03/2024	29.00		014705		
	I-2230345774	Water testing-Whitmer 04082022	R	1/03/2024	29.00		014705		
	I-2230407603	Water testing-Whitmer 12282022	R	1/03/2024	271.50		014705		
	I-227383574	Water testing-Whitmer 01072022	R	1/03/2024	27.50		014705		
	I-227386057	Water testing-Whitmer 01242022	R	1/03/2024	29.00		014705		
	I-2330412141	Water testing-Whitmer 01162023	R	1/03/2024	250.00		014705		
	I-2330413122	Water testing-Whitmer 01192023	R	1/03/2024	428.97		014705		
	I-2330419786	Water testing-Whitmer 02152023	R	1/03/2024	250.00		014705		
	I-2330425406	analytical service 030723	R	1/03/2024	250.00		014705		
	I-2330432989	Water testing-Whitmer 04122023	R	1/03/2024	250.00		014705		
	I-2330443254	Water testing-Whitmer 05232023	R	1/03/2024	250.00		014705		
	I-2330448668	Water testing-Whitmer 0615203	R	1/03/2024	250.00		014705		
	I-2330457343	Analytical charges 072023	R	1/03/2024	250.00		014705		
	I-2330464066	Analytical chgs 081623	R	1/03/2024	250.00		014705		
	I-2330469562	Analytical chgs 090723	R	1/03/2024	293.00		014705		
	I-2330470546	Analytical chgs 091223	R	1/03/2024	250.00		014705		
	I-2330477289	Analytical Chgs 100923	R	1/03/2024	250.00		014705		
	I-2330480722	Analytical Chgs 102423	R	1/03/2024	345.00		014705		
	I-2330487032	Analytical Chgs 112023	R	1/03/2024	250.00		014705		
	I-2330489750	Analytical Chgs 120123	R	1/03/2024	961.00		014705		5,302.97
01790		Crim Law Office PLLC							
	I-392	Attorney Serv 11/2023	R	1/03/2024	8,050.00		014706		
	I-393	Municipal Ct 11/2023	R	1/03/2024	3,380.00		014706		
	I-396	WV DEP Grant 11/2023	R	1/03/2024	240.00		014706		11,670.00
01833		P3 Cost Analysts							
	I-21591	12/23 Visa VUIRF	R	1/03/2024	440.52		014707		440.52
01957		Zoro Tools, Inc.							
	I-INV13469021	Fittings for stock	R	1/03/2024	409.18		014708		409.18

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02215		Tucker County Solid Waste Auth							
	I-00136408	wood/concrete Parks	R	1/03/2024	541.00		014709		541.00
02309		Twin A Equipment Repair LLC							
	I-778	Old Vactor Tk repairs	R	1/03/2024	1,576.45		014710		1,576.45
02347		LEAF							
	I-15781583	Tosh E4515AC 01/11/2024	R	1/03/2024	346.53		014711		
	I-15787563	Tosh ES4515AC 011324	R	1/03/2024	128.53		014711		475.06
02431		Ferguson Waterworks #527							
	I-0831665-4	couplings/fittings	R	1/03/2024	966.00		014712		
	I-0833165-4	couplings/saddles, fittings	R	1/03/2024	427.80		014712		
	I-0852121-1	frames/covers	R	1/03/2024	510.00		014712		
	I-0861750	couplings/CSTR	R	1/03/2024	5,337.43		014712		
	I-0861979	hymax couplings	R	1/03/2024	2,331.60		014712		9,572.83
02486		FPG							
	I-21171F	mobile transceiver kit shipng	R	1/03/2024	21.47		014713		21.47
02569		DocuSign Inc							
	I-111100235643	eSign Pro Edition/Silver Pk	R	1/03/2024	4,500.28		014714		4,500.28
02570		Aster Oilfield Services Inc							
	I-ELK-231204	12 River St	R	1/03/2024	9,800.00		014715		9,800.00
02571		Pam Rettzo							
	I-NPlaugher 23CR2961	Bond Refund-PlaugherN 23CR2961	R	1/03/2024	302.00		014716		302.00
00047		Truist Governmental Finance							
	I-00007 011924	9948000234-07 011924	R	1/09/2024	4,984.55		014717		4,984.55
00075		Encova Insurance							
	I-36688125	WCB 1037869	R	1/09/2024	6,599.00		014718		6,599.00
00143		COE General Fund 2							
	I-IND 01/2024	Monthly Indirects 01/2024	R	1/09/2024	12,955.92		014719		12,955.92
00211		Elkins Depot Welcome Center							
	I-H/M 11/2023	Hotel/Motel November 2023	R	1/09/2024	6,984.93		014720		6,984.93
00283		Frontier							
	I-122023	Landline 11/20-12/19/23	R	1/09/2024	1,282.33		014721		1,282.33

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00471	Mon Power							
I-90009389659	Consumption/Lighting	R	1/09/2024	45,646.63		014722		45,646.63
00484	Mountaineer Gas Company							
I-153BH 121523	Bearhunter 111423-121523	R	1/09/2024	32.00		014723		
I-Kump 12/15	Kump Ed Ctr 111423-121523	R	1/09/2024	504.46		014723		
I-ScottFd 121523	Scott Ford Rd 111423-121523	R	1/09/2024	44.65		014723		581.11
00540	Pitney Bowes Bank Inc							
I-Pstg Alloc 123123	Postage Alloc 12/2023	R	1/09/2024	1,004.62		014724		1,004.62
00582	Region VII Plan. & Development							
I-520-3	GIS Services	R	1/09/2024	550.00		014725		
I-520-4	GIS Services 9/2023	R	1/09/2024	935.00		014725		
I-520-5	GI SServices 10/2023	R	1/09/2024	2,667.50		014725		4,152.50
00628	Seneca Designs							
I-45940	Flex prints	R	1/09/2024	25.00		014726		25.00
00711	Tygart Valley Transfer, Inc.							
I-00020081	Comm	R	1/09/2024	238.88		014727		
I-00020083	Comm	R	1/09/2024	171.03		014727		
I-00020091	Comm	R	1/09/2024	249.39		014727		
I-00020096	Comm	R	1/09/2024	780.64		014727		
I-00020098	Res	R	1/09/2024	430.93		014727		
I-00020100	Res	R	1/09/2024	653.56		014727		
I-00020116	Comm	R	1/09/2024	289.52		014727		
I-00020121	Comm	R	1/09/2024	297.16		014727		
I-00020134	Comm	R	1/09/2024	300.98		014727		
I-00020138	Res	R	1/09/2024	211.17		014727		
I-00020142	Res	R	1/09/2024	1,027.16		014727		
I-00020144	Comm	R	1/09/2024	1,035.76		014727		
I-00020146	Res	R	1/09/2024	685.09		014727		
I-00020164	Comm	R	1/09/2024	210.21		014727		
I-00020169	Comm	R	1/09/2024	147.15		014727		
I-00020183	Comm	R	1/09/2024	252.25		014727		
I-00020184	Res	R	1/09/2024	542.72		014727		
I-00020187	Res	R	1/09/2024	537.95		014727		
I-00020188	Comm	R	1/09/2024	399.40		014727		
I-00020199	Comm	R	1/09/2024	262.76		014727		
I-00020200	Comm	R	1/09/2024	333.47		014727		
I-00020207	Comm	R	1/09/2024	622.99		014727		
I-00020208	Res	R	1/09/2024	534.12		014727		
I-00020209	Res	R	1/09/2024	584.77		014727		
I-00020217	Comm	R	1/09/2024	197.79		014727		
I-00020220	Comm	R	1/09/2024	232.19		014727		
I-00020224	Comm	R	1/09/2024	330.60		014727		
I-00020228	Res	R	1/09/2024	582.86		014727		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00020230	Res	R	1/09/2024	591.45		014727		
I-00020232	Comm	R	1/09/2024	522.66		014727		
I-00020240	Comm	R	1/09/2024	268.50		014727		
I-00020242	Comm	R	1/09/2024	418.51		014727		
I-00020257	Comm	R	1/09/2024	716.63		014727		
I-00020260	Res	R	1/09/2024	458.64		014727		
I-00020261	Comm	R	1/09/2024	559.92		014727		
I-00020276	Comm	R	1/09/2024	297.16		014727		
I-00020280	Comm	R	1/09/2024	867.59		014727		
I-00020281	Res	R	1/09/2024	715.67		014727		
I-00020282	Res	R	1/09/2024	877.15		014727		
I-00020292	Comm	R	1/09/2024	212.12		014727		
I-00020310	Residential	R	1/09/2024	620.12		014727		
I-00020311	Res	R	1/09/2024	481.57		014727		
I-00020314	Comm	R	1/09/2024	414.69		014727		
I-00020323	Comm	R	1/09/2024	287.61		014727		
I-00020324	Comm	R	1/09/2024	305.76		014727		
I-00020325	Res	R	1/09/2024	188.23		014727		
I-00020336	Comm	R	1/09/2024	448.13		014727		
I-00020340	Comm	R	1/09/2024	573.30		014727		
I-00020342	Res	R	1/09/2024	550.37		014727		
I-00020343	Res	R	1/09/2024	567.57		014727		
I-00020355	Comm	R	1/09/2024	781.60		014727		
I-00020361	Comm	R	1/09/2024	123.26		014727		
I-00020370	Comm	R	1/09/2024	468.20		014727		
I-00020372	Res	R	1/09/2024	579.03		014727		
I-00020373	Comm	R	1/09/2024	238.88		014727		
I-00020375	Res	R	1/09/2024	580.94		014727		
I-00020383	Comm	R	1/09/2024	131.86		014727		
I-00020387	Comm	R	1/09/2024	107.02		014727		
I-00020392	Comm	R	1/09/2024	198.74		014727		
I-00020399	Comm	R	1/09/2024	688.92		014727		
I-00020400	Res	R	1/09/2024	622.99		014727		
I-00020401	Res	R	1/09/2024	469.15		014727		
I-00020440	Res	R	1/09/2024	946.90		014727		
I-00020442	Comm	R	1/09/2024	299.07		014727		
I-00020443	Comm	R	1/09/2024	853.26		014727		
I-00020449	Comm	R	1/09/2024	774.91		014727		
I-00020465	Comm	R	1/09/2024	154.79		014727		
I-00020467	Res	R	1/09/2024	74.53		014727		
I-00020468	Comm	R	1/09/2024	197.79		014727		
I-00020474	Res	R	1/09/2024	466.28		014727		
I-00020475	Res	R	1/09/2024	415.64		014727		
I-00020476	Comm	R	1/09/2024	284.74		014727		
I-00020486	Comm	R	1/09/2024	117.53		014727		
I-00020488	Comm	R	1/09/2024	205.43		014727		
I-00020493	Comm/Clean Out	R	1/09/2024	330.98		014727		
I-00020494	Comm	R	1/09/2024	458.64		014727		

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00020496	Res	R	1/09/2024	473.93		014727		
I-00020497	Res	R	1/09/2024	499.73		014727		
I-00020525	Comm	R	1/09/2024	326.78		014727		
I-00020526	Res	R	1/09/2024	468.20		014727		
I-00020531	Comm	R	1/09/2024	499.73		014727		
I-00020542	Comm	R	1/09/2024	234.10		014727		
I-00020545	Comm	R	1/09/2024	367.87		014727		
I-00020549	Comm	R	1/09/2024	236.96		014727		
I-00020550	Res	R	1/09/2024	375.51		014727		
I-00020555	Comm	R	1/09/2024	569.48		014727		
I-00020564	Res	R	1/09/2024	563.75		014727		
I-00020591	Res	R	1/09/2024	1,095.00		014727		
I-00020599	Comm	R	1/09/2024	930.66		014727		
I-00020602	Res	R	1/09/2024	734.78		014727		
I-00020603	Res	R	1/09/2024	940.21		014727		
I-00020616	Comm	R	1/09/2024	246.52		014727		
I-00020619	Comm	R	1/09/2024	237.92		014727		
I-00020627	Comm	R	1/09/2024	289.52		014727		
I-00020630	Comm	R	1/09/2024	454.82		014727		
I-00020635	Res	R	1/09/2024	775.87		014727		
I-00020639	Res	R	1/09/2024	707.07		014727		
I-00020649	Comm	R	1/09/2024	838.93		014727		
I-00020655	Comm	R	1/09/2024	302.89		014727		
I-00020677	Res	R	1/09/2024	724.27		014727		
I-00020682	Res	R	1/09/2024	658.34		014727		
I-00020683	Comm	R	1/09/2024	622.99		014727		
I-00020704	Comm	R	1/09/2024	150.97		014727		
I-00020709	Res	R	1/09/2024	482.53		014727		
I-00020710	Comm	R	1/09/2024	492.08		014727		
I-00020731	Res	R	1/09/2024	794.98		014727		49,753.32
01024	WV Division of Highways							
I-Whitmer Permit 1	Whitmer Road - ROW Permit	R	1/09/2024	18.70		014728		18.70
01024	WV Division of Highways							
I-Whitmer Permit 2	Laurel Ave ROW Permit	R	1/09/2024	18.70		014729		18.70
01024	WV Division of Highways							
I-Whitmer Permit 3	ROW - Service to new Fire dept	R	1/09/2024	8.50		014730		8.50
01024	WV Division of Highways							
I-Whitmer Permit 4	ROW-Road Bore for water serv	R	1/09/2024	18.70		014731		18.70

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01594	Pace Analytical Services LLC							
I-2330489411 95117	Belington/Bulk Inv	R	1/09/2024	4,642.00		014732		4,642.00
01731	Bradish Glass Inc							
I-4102	Cullet PU 12/3/23	R	1/09/2024	250.00		014733		250.00
01751	COE WWTP							
I-202401035369	Backwash 12/2023	R	1/09/2024	849.84		014734		849.84
01942	Elkins Municipal Building Comm							
I-1214756-11 011524	01214756-11 011524	R	1/09/2024	4,833.20		014735		4,833.20
02322	Badger Meter							
I-80147604	MBL Hosting 12/2023	R	1/09/2024	213.95		014736		213.95
02347	LEAF							
I-15824734 002	Tosh E478S Baxter 01/18/24	R	1/09/2024	96.74		014737		
I-15824735 003	Tosh E478s 01/18/24	R	1/09/2024	96.74		014737		
I-15857301 005	Tosh 478S 012524	R	1/09/2024	109.47		014737		302.95
02517	J.T. Lynne Flow Elements							
I-SJT026461 468	Adaptors/Valves/Actuators	R	1/09/2024	11,343.00		014738		11,343.00
00116	Child Support Enforcement							
I-CDS202401091609	Child Support	R	1/09/2024	600.33		014739		600.33
00121	Citizens Bank of WVFP							
I-FP 202401091609	Fire Pension	R	1/09/2024	622.86		014740		622.86
00122	Citizens Bank of WVPP							
I-PP 202401091609	Police Pension	R	1/09/2024	223.34		014741		
I-PPN202401091609	Police Pension-2010 Forward	R	1/09/2024	526.01		014741		749.35
00147	COE Misc							
I-MIS202401091609	Misc Reimbursements	R	1/09/2024	574.95		014742		574.95
00150	COE Payroll							
I-T1 202401091609	Federal Withholding	R	1/09/2024	14,246.80		014743		14,246.80
00151	COE Payroll							
I-T3 202401091609	FICA	R	1/09/2024	20,072.88		014744		
I-T4 202401091609	Medicare	R	1/09/2024	5,190.76		014744		25,263.64

VENDOR SET: 01 Elkins

BANK: Pool Pooled Cash

DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00152	COE Payroll							
I-T2 202401091609	State Withholding	R	1/09/2024	5,992.00		014745		5,992.00
00203	Davis Trust Company							
I-CC 202401091609	Employee Christmas Club	R	1/09/2024	2,820.00		014746		2,820.00
00747	Washington National Insurance							
I-WN 202401091609	Washington National Insurance	R	1/09/2024	641.85		014747		641.85
00837	COE Payroll Reimbursement							
I-001202401091609	Payroll Reimbursement	R	1/09/2024	53,999.86		014748		
I-006202401091609	Payroll Reimbursement	R	1/09/2024	5,165.30		014748		
I-036202401091609	Payroll Reimbursement	R	1/09/2024	20,400.84		014748		
I-400202401091609	Payroll Reimbursement	R	1/09/2024	24,594.91		014748		
I-401202401091609	Payroll Reimbursement	R	1/09/2024	12,198.95		014748		
I-404202401091609	Payroll Reimbursement	R	1/09/2024	12,224.50		014748		128,584.36
01885	Colonial Life							
I-CL 202401091609	Colionial Life-AT	R	1/09/2024	112.10		014749		
I-CLP202401091609	Colonial Life-PT	R	1/09/2024	52.52		014749		164.62
1	MULLENAX, WILLIAM							
I-000202312141604	US REFUND	R	1/10/2024	35.34		014750		35.34
1	OPTIMUM							
I-000202401091608	ST REFUND	R	1/10/2024	22,690.74		014751		22,690.74

* * T O T A L S * *	NO			INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	115			916,963.26	0.00	916,963.26
HAND CHECKS:	0			0.00	0.00	0.00
DRAFTS:	7			197,663.07	0.00	197,663.07
EFT:	0			0.00	0.00	0.00
NON CHECKS:	0			0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS	0.00			
		VOID CREDITS	0.00	0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: Pool TOTALS:	122	1,114,626.33	0.00	1,114,626.33
BANK: Pool TOTALS:	122	1,114,626.33	0.00	1,114,626.33

VENDOR SET: 01 Elkins

BANK: WATDP Water Depreciation

DATE RANGE:12/18/2023 THRU 1/12/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02403	Diversified Air Systems Inc							
I-1YRMAINT	maintenance contract	R	12/20/2023	5,912.00		000047		5,912.00

* * T O T A L S * *	NO			INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1			5,912.00	0.00	5,912.00
HAND CHECKS:	0			0.00	0.00	0.00
DRAFTS:	0			0.00	0.00	0.00
EFT:	0			0.00	0.00	0.00
NON CHECKS:	0			0.00	0.00	0.00
VOID CHECKS:	0	VOID DEBITS	0.00			
		VOID CREDITS	0.00	0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 01 BANK: WATDP TOTALS:	1	5,912.00	0.00	5,912.00
BANK: WATDP TOTALS:	1	5,912.00	0.00	5,912.00
REPORT TOTALS:	124	1,172,507.33	0.00	1,172,507.33

SELECTION CRITERIA

VENDOR SET: 01-Elkins

VENDOR: ALL

BANK CODES: Exclude: PCARD

FUNDS: All

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999

DATE RANGE: 12/18/2023 THRU 1/12/2024

CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99

INCLUDE ALL VOIDS: YES

PRINT OPTIONS

SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES

PRINT G/L: NO

UNPOSTED ONLY: NO

EXCLUDE UNPOSTED: NO

MANUAL ONLY: NO

STUB COMMENTS: NO

REPORT FOOTER: NO

CHECK STATUS: NO

PRINT STATUS: * - All

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 319: Amending and Re-Enacting City Code Chapter 30.20 Et Seq.: Competitive Bidding (final reading)
Recommended By:	Rules & Ordinances Committee; prepared by city attorney
Summary:	The city's current purchasing policy ordinance (City Code Chapter 30.20) imposes bidding requirements for purchases of "goods and services" costing $25,000 or more. When the bid requirement is complied with, the current ordinance requires no action by council, either to authorize request for bids or to approve the eventual purchase from the winning bidder. Under the current ordinance, the only role for council is approve a request to waive the bidding requirement (which can be granted under circumstances specified in the ordinance). The proposed new ordinance attached makes only one substantive change, i.e., imposes a requirement that all purchases of "materials, supplies, equipment, or services" costing $25,000 or more would have to be authorized by council. The marked-up version also adds a reference to "Applicable state requirements concerning bid bonds and other details." This is intended to ensure that bid-bond requirements are not overlooked by city staff.
Fiscal Impact:	n/a
Recommendation:	Consider for approval on first reading
Attachments:	1. O-319 - Amending Chap 30.20 Competitive Bidding

ORDINANCE 319

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING AND RE-ENACTING CITY CODE CHAPTER 30.20 *ET SEQ.* COMPETITIVE BIDDING

WHEREAS, the Common Council of the City of Elkins, West Virginia previously adopted ordinances, which are codified and reflected in City Code, Chapter § 30.20 *et seq*., Competitive Bidding.

WHEREAS, subsequent to the passages of the ordinances, it has become apparent that certain provisions of the City Code , Chapter § 30.20 *et seq*. Competitive Bidding needed to be changed and amended to reflect changes in State law , for clarity and for enforceability issues; and

WHEREAS the Common Council has determined that by making these amendments to said Chapter it is in the best interests of the citizens of the City.

NOW THEREFORE BE IT ORDAINED and ENACTED by the Common Council that City Code, Chapter 30.20 *et seq*, Competitive Bidding, be amended as follows:

COMPETITIVE BIDDING

§ 30.20 WHEN REQUIRED; PUBLICATION OF NOTICE.

(A) Every contract for the procurement of materials, supplies, equipment, or services by the city, except as hereinafter provided, shall be by competitive bidding and shall not be approved and let until after at least fourteen days public notice made as 1) the public posting at City Hall of the notice for bids, request for proposal, or other written solicitation by the City, 2) the public posting of such notice, request, or solicitation on the City's website and social media accounts, and 3) a Class I legal advertisement in compliance with the provisions of article three [§§ 59-3-1, et seq.] Chapter fifty-nine of the Code of West Virginia, and after a public opening for bids. Provided that the Council, or the Administrative Officer having issued such request for competitive bidding, may reject all bids and advertise again; further provided, that the above requirements shall not apply to any contract for a gross amount of less than $25,000; further provided, that purchases of materials, supplies, equipment, or services costing $25,000 or more shall in all cases be memorialized by a contract, or other writing, authorized by City Council prior to execution, even in the event that the above requirements concerning competitive bidding are waived under the provisions of division (B), below; further provided that the City Council may by motion subsequently ratify purchases made by its employees or agents in the event of a mistake of law or fact. Nothing in this section shall preclude the use by the city of or be applicable to the purchasing of goods or services through the State Director of the Purchasing Division of the State Department of Finance and Administration as provided by the W.Va. Code § 5A-3-9.

(B) (1) The provision of division (A) above, concerning competitive bidding, shall not be applicable when the Council, by vote, finds that:

(a) Compliance therewith would be inimical to the public welfare;

(b) Procurement of the contemplated goods or services is of such urgency as to brook no delay;

(c) Other circumstances exist which would render the interests of the city better served by noncompliance than by compliance with division (A) above;

(d) As a practical matter it is determined that there exists only one supplier of the goods or services sought to be obtained;

(e) The goods or services sought to be obtained are for the purpose of maintenance or repair of existing city goods or equipment; or

(f) No suppliers of goods or services sought to be obtained are located within the general circulation area of any of the city newspapers.

(2) When the Council determines that the provisions of division (A) above, concerning competitive bidding, are not applicable, the Council shall, at the time of the approval of the contract for the procurement of goods and services, refer to the applicable provision of this division (B) which is relied upon for the waiver of the bidding process.

(C) (1) Notwithstanding other provisions of this subchapter, in any instance that a purchase of goods or services by the city is required under the provisions of this subchapter to be made upon competitive bids, such purchase shall be made from a vendor resident in the city if such bid does not exceed the lowest qualified bid from a nonresident vendor by more than 2% of the latter bid, and if such resident vendor has made written claim for such preference at the time the bid was submitted.

(2) A vendor shall be deemed to be a resident of the city if such vendor is an individual, partnership, association or corporation that maintains an active, bona fide place of business within the city and maintains therein a representative inventory of the commodities on which the bid is submitted and, in the case of a corporation, is duly qualified to do business in the state as is in good standing under the laws of the state and under the ordinances of the city.

(1991 Code, § 2-3) (Ord. passed 11-1-1979; Ord. 175, passed 3-20-2014)

Statutory reference:

Authority of city to require competitive bidding for purchases of supplies and the like, see W.Va. Code § 8-12-10

Availability to municipalities of facilities of state division of purchases, see W.Va. Code § 5A-3-9

Applicable state requirements concerning bid bonds and other details, see W.Va. Code §5-22-1

§ 30.21 TRANSMITTING AND RECEIVING BIDS; BONDS; SPECIFICATIONS AND THE LIKE.

The form and manner of transmitting and receiving bids under the provisions of § 30.20, the amount of deposit or performance bond, if any, to accompany such bids, the terms, specifications, reservation of right to reject bids or waive irregularities therein shall be determined by the Council prior to each respective advertisement for bids and, insofar as is practical, be stated in the published notice.

(1991 Code, § 2-4)

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON THE FIRST READING: ____________________, 2023.

PASSED AND APPROVED ON THE SECOND AND FINAL READING: _______________, 2023.

CITY OF ELKINS, WEST VIRGINIA

____

Jerry A. Marco, Mayor

Attest:

____

Sutton Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 320: Consideration on first reading of an ordinance authorizing the issuance by the City of Elkins of sewer revenue bonds in an amount not to exceed $250,000 to finance the cost of design, acquisition, construction and equipping of additions, betterments and extensions to the City's sanitary sewer system (first of two readings)
Recommended By:	City Attorney, Bond Counsel
Summary:	Ordinance authorizing the issuance by the City of Elkins of sewer revenue bonds in an amount not to exceed $250,000 to finance the cost of design, acquisition, construction and equipping of additions, betterments and extensions to the City's sanitary sewer system. Purpose is to fund new garage building.
Fiscal Impact:	TBD
Recommendation:	Consider for approval
Attachments:	1. BOND ORDINANCE SERIES 2024 (GARAGE PROJECT)(18705374.1 SJDOCS)

THE CITY OF ELKINS

ORDINANCE AUTHORIZING THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC SEWERAGE SYSTEM OF THE CITY OF ELKINS AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF ELKINS OF NOT MORE THAN $250,000 IN ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE BONDS, SERIES 2024 (BANK QUALIFIED); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF ELKINS:

ARTICLE I
STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance (together with any ordinance, order, or resolution supplemental hereto or amendatory hereof, the "Bond Legislation") is enacted pursuant to the provisions of Chapter 16, Article 13 of the West Virginia Code of 1931, as amended (the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined, and declared that:

A. The City of Elkins (the "Issuer") is a municipal corporation and political subdivision of the State of West Virginia in Randolph County of said State.

B. The Issuer presently owns and operates a public sewerage system. However, it is deemed necessary and desirable for the health and welfare of the inhabitants of the Issuer that there be designed, acquired, constructed and equipped certain additions, betterments and improvements to the existing public sewerage system of the Issuer, consisting of a garage structure for storage of rolling stock, together with all appurtenant facilities (collectively, the "Project"), which constitute properties for the collection, transportation, treatment, purification, or disposal of liquid or solid wastes, residential sewage or industrial waste (the existing public sewerage system of the Issuer, the Project and any further additions, betterments and improvements thereto are herein called the "System"), in accordance with the plans and specifications prepared by the Consulting Engineers, which plans and specifications have heretofore been filed with the Issuer.

C. The Issuer intends to permanently finance a portion of the costs of design, acquisition, construction and equipping of the Project through the issuance of its revenue bonds to be purchased by a commercial financial institution (the "Purchaser").

D. It is deemed necessary for the Issuer to issue its Sewer Revenue Bonds, in the total aggregate principal amount of not more than $250,000 in one or more series, initially planned to be the Sewer Revenue Bonds, Series 2024 (Bank Qualified), in the aggregate principal amount of not more than $250,000 (the "Series 2024 Bonds" or the "Series 2024 Bonds"); to permanently finance a portion of the costs of design, acquisition, construction and equipping of the Project. Such costs shall be deemed to include the cost of all property rights, easements and franchises deemed necessary or convenient therefor and eligible under the Act; interest, if any, upon the Series 2024 Bonds prior to and during acquisition or construction and for a period not exceeding 6 months after completion of acquisition and construction of the Project; amounts which may be deposited in the Series 2024 Bonds Reserve Account (as hereinafter defined) for the Series 2024 Bonds; the costs of engineering and legal expenses; expenses for estimates of costs and revenues; expenses for plans, specifications and surveys; other expenses necessary or incident to determining the feasibility or practicability of the enterprise; administrative expense; commitment fees; discount; initial fees for the services of registrars, paying agents, depositories or trustees or other costs in connection with the sale of the Series 2024 Bonds and such other expenses as may be necessary or incidental to the financing herein authorized; the design, acquisition or construction of the Project and the placing of same in operation; and the performance of the things herein required or permitted, in connection with any thereof, provided, that reimbursement to the Issuer for any amounts expended by it for allowable costs prior to the issuance of the Series 2024 Bonds or the repayment of indebtedness incurred by the Issuer for such purposes shall be deemed Costs of the Project, as hereinafter defined.

E. The period of usefulness of the System after completion of the Project is not less than 22 years.

F. [RESERVED]

G. There are outstanding obligations of the Issuer which will rank on a parity with the Series 2024 Bonds as to liens, pledge, source of and security for payment, being the Issuer's:

(i) Subordinate Sewer Revenue Bonds, Series 1986 B (West Virginia Water Development Authority), dated April 28, 1986, issued in the original aggregate principal amount of $517,001 (the "Series 1986 B Bonds");

(ii) Sewer Revenue Bonds, Series 2006 A (Bank Qualified), dated December 12, 2006, issued in the original aggregate principal amount of $8,588,400 (the "Series 2006 A Bonds");

(iii) Sewer Revenue Bonds, Series 2009 A (Bank Qualified), dated June 18, 2009, issued in the original aggregate principal amount of $883,280 (the "Series 2009 A Bonds");

(iv) Sewer Revenue Bonds, Series 2015 A (West Virginia Infrastructure Fund), dated April 15, 2015, issued in the original aggregate principal amount of $2,793,855 (the "Series 2015 A Bonds"); and

(v) Sewer Revenue Bonds, Series 2020 A (West Virginia SRF Program), dated November 19, 2024, issued in the original aggregate principal amount of 4,699,365 (the "Series 2024 A Bonds," collectively, the "Prior Bonds").

The Series 2024 Bonds shall be issued on a parity with the Prior Bonds with respect to liens, pledge and source of and security for payment and in all respects. Prior to the issuance of the Series 2024 Bonds, the Issuer will obtain (i) a certificate of an Independent Certified Public Accountant stating that the coverage and parity tests of the Prior Bonds are met, (ii) the written consent of the Holders of the Prior Bonds to the issuance of the Series 2024 Bonds on a parity with the Prior Bonds. The Issuer is in compliance with the covenants of the Prior Bonds and the Prior Ordinances.

H. The estimated revenues to be derived in each year after completion of the Project from the operation of the System will be sufficient to pay all costs of operation and maintenance of the System, the principal of and interest on the Issuer's Prior Bonds, and the Series 2024 Bonds and to make payments into all funds and accounts and other payments provided for herein.

I. The Issuer has complied with all requirements of West Virginia law and the Bond Documents (hereinafter defined) relating to authorization of the acquisition, construction and operation of the Project and the System and issuance of the Series 2024 Bonds, or will have so complied prior to issuance of any thereof.

J. Pursuant to the Act, the Issuer has heretofore established a Sanitary Board and the Sanitary Board has petitioned the Governing Body to issue the Series 2024 Bonds for the purposes set forth herein.

Section 1.03. Bond Legislation Constitutes Contract. In consideration of the acceptance of the Series 2024 Bonds by the Registered Owners of the same from time to time, this Bond Legislation shall be deemed to be and shall constitute a contract between the Issuer and such Bondholders, and the covenants and agreements herein set forth to be performed by the Issuer shall be for the equal benefit, protection and security of the Bondholders of any and all of such Series 2024 Bonds, all which shall be of equal rank and without preference, priority or distinction between any one Bond and any other Bonds and by reason of priority of issuance or otherwise, except as expressly provided therein and herein.

Section 1.04. Definitions. The following terms shall have the following meanings herein unless the context expressly requires otherwise:

"Act" means Chapter 16, Article 13 of the West Virginia Code of 1931, as amended and in effect on the date of enactment hereof.

"Authorized Officer" means the Mayor of the Issuer, or any other officer of the Issuer specifically designated by resolution of the Governing Body.

"Board" means the Sanitary Board of the Issuer.

"Bondholder," "Holder of the Bonds," "Holder," "Registered Owner" or any similar term whenever used herein with respect to an outstanding Bond or Bonds, means the person in whose name such Bond is registered.

"Bond Legislation," "Ordinance," "Bond Ordinance" or "Local Act" means this Bond Ordinance and all ordinances, orders and resolutions supplemental hereto or amendatory hereof.

"Bond Registrar" means the bank or other entity to be designated as such in the Supplemental Resolution and its successors and assigns.

"Bonds" means, collectively, the Series 2024 Bonds and the Prior Bonds and, where appropriate, any bonds on a parity therewith subsequently authorized to be issued hereunder or by another ordinance of the Issuer.

"Bond Year" means the 12-month period beginning on the anniversary of the Closing Date in each year and ending on the day prior to the anniversary date of the Closing Date in the following year, except that the first Bond Year shall begin on the Closing Date.

“Cash Working Capital Reserve” means the cash working capital reserve required by Chapter 24, Article 1, Section 1(k) of the West Virginia Code of 1931, as amended and in effect on the date of enactment hereof.

“Clerk" means the Clerk of the Issuer.

"Closing Date" means the date upon which there is an exchange of the Series 2024 Bonds for all or a portion of the proceeds of the Series 2024 Bonds from the Purchaser.

"Code" means the Internal Revenue Code of 1986, as amended, and the Regulations.

"Commission" means the West Virginia Municipal Bond Commission or any other agency of the State of West Virginia that succeeds to the functions of the Commission.

"Completion Date" means the date of substantial completion of the Project.

"Consulting Engineers" means any qualified engineer or firm of engineers, licensed by the State, that shall at any time hereafter be procured by the Issuer as Consulting Engineers for the System, or portion thereof, in accordance with Chapter 5G, Article 1 of the West Virginia Code of 1931, as amended; provided however, that the Consulting Engineers shall not be a regular, full-time employee of the State or any of its agencies, commissions, or political subdivisions.

"Costs" or "Costs of the Project" means those costs described in Section 1.02D hereof to be a part of the costs of design, acquisition, construction and equipping of the Project as described in Section 1.02B hereof.

"Depository Bank" means the bank designated as such in the Supplemental Resolution, and its successors and assigns, which shall be a member of FDIC.

"FDIC" means the Federal Deposit Insurance Corporation and any successor to the functions of the FDIC.

"Fiscal Year" means each 12-month period beginning on July 1 and ending on the succeeding June 30.

"Governing Body" means the Council of the Issuer, as it may now or hereafter be constituted.

"Government Obligations" means direct obligations of, or obligations the timely payment of the principal of and interest on which is guaranteed by, the United States of America.

"Gross Revenues" means all rates, rents, fees, charges, or other income received by the Issuer, or accrued to the Issuer, or any department, board, agency or instrumentality thereof in control of the management and operation of the System including the Board, from the operation of the System and all parts thereof, all as calculated in accordance with sound accounting practices.

"Herein," "hereto" and similar words shall refer to this entire Bond Legislation.

"Independent Certified Public Accountants" means any certified public accountant or firm of certified public accountants that shall at any time hereafter be retained by the Issuer to prepare an independent annual or special audit of the accounts of the System or for any other purpose except keeping the accounts of the System in the normal operation of its business and affairs.

"Issuer" means The City of Elkins, a municipal corporation and political subdivision of the State of West Virginia, in Randolph County, West Virginia, and, unless the context clearly indicates otherwise, includes the Governing Body of the Issuer.

"Mayor" means the Mayor of the Issuer.

"Net Proceeds" means the face amount of the Series 2024 Bonds, plus accrued interest and premium, if any, less original issue discount, if any, and less proceeds, if any, deposited in the Series 2024 Bonds Reserve Account.

"Net Revenues" means the balance of the Gross Revenues, remaining after deduction of Operating Expenses, as hereinafter defined.

"Operating Expenses" means the current expenses, paid or accrued, of operation and maintenance of the System and its facilities, and includes, without limiting the generality of the foregoing, insurance premiums, salaries, wages and administrative expenses of the Issuer relating and chargeable solely to the System, the accumulation of appropriate reserves for charges not annually recurrent but which are such as may reasonably be expected to be incurred, and such other reasonable operating costs as are normally and regularly included under recognized accounting practices.

"Outstanding" when used with reference to Bonds or Prior Bonds and as of any particular date, describes all Bonds or Prior Bonds theretofore and thereupon being authenticated and delivered except (i) any Bond or Prior Bond cancelled by the Bond Registrar or Registrar for Prior Bonds, at or prior to said date; (ii) any Bond or Prior Bonds, for the payment of which monies, equal to its principal amount and redemption premium, if applicable, with interest to the date of maturity or redemption shall be in trust hereunder, and set aside for such payment (whether upon or prior to maturity); (iii) any Bond deemed to have been paid as provided in Article X hereof; (iv) any Prior Bond deemed to have been paid; and (v) for purposes of consents or other action by a specified percentage of Bondholders, or holders of Prior Bonds, any Bonds or Prior Bonds registered to the Issuer.

"Parity Bonds" means additional Parity Bonds issued under the provisions and within the limitations prescribed by Section 7.07 hereof.

"Paying Agent" means the Commission or such other entity or authority as may be designated as a Paying Agent by the Issuer in the Supplemental Resolution.

“Prior Bonds” means the Series 1986 B Bonds, Series 2006 A Bonds, Series 2009 A Bonds, Series 2015 A Bonds and Series 2020 A Bonds.

"Prior Ordinances" means the ordinances of the Issuer authorizing the issuance of the Prior Bonds.

"Project" means the Project as described in Section 1.02B hereof.

“Purchaser” means the initial purchaser of the Series 2024 Bonds as designated in the Supplemental Resolution.

"Qualified Investments" means and includes any investment permitted to be made by a municipality, public service district or public corporation of the State pursuant to State Law, specifically including but not limited to Chapter 8, Article 13, Section 22 of the Code of West Virginia and the West Virginia “consolidated fund” managed by the West Virginia Board of Treasury Investments pursuant to Chapter 12, Article 6C of the Code of West Virginia.

"Registered Owner," "Bondholder," "Holder" or any similar term means whenever used herein with respect to an outstanding Bond or Bonds, the person in whose name such Bond is registered.

"Registrar" means the Bond Registrar.

"Regulations" means temporary and permanent regulations promulgated under the Code, or any predecessor thereto.

"Renewal and Replacement Fund" means the Renewal and Replacement Fund established by Prior Ordinances and continued hereby.

"Reserve Accounts" means, collectively, the respective reserve accounts established for the Prior Bonds and the Series 2024 Bonds.

"Reserve Requirement" means, collectively, the respective amounts required to be on deposit in any Reserve Account.

"Revenue Fund" means the Revenue Fund established by the Prior Ordinances and continued hereby.

“Serie 1986 B Bonds” means the Issuer’s Subordinate Sewer Revenue Bonds, Series 1986 B (West Virginia Water Development Authority), dated April 28, 1986, issued in the original aggregate principal amount of $517,001.

“Series 2006 A Bonds” means the Issuer’s Sewer Revenue Bonds, Series 2006 A (Bank Qualified), dated December 12, 2006, issued in the original aggregate principal amount of $8,588,400.

“Series 2009 A Bonds” means the Issuer’s Sewer Revenue Bonds, Series 2009 A (Bank Qualified), dated June 18, 2009, issued in the original aggregate principal amount of $883,280.

“Series 2015 A Bonds” means the Issuer’s Sewer Revenue Bonds, Series 2015 A (West Virginia Infrastructure Fund), dated April 15, 2015, issued in the original aggregate principal amount of $2,793,855.

“Series 2020 A Bonds” means the Issuer’s Sewer Revenue Bonds, Series 2020 A (West Virginia SRF Program), dated November 19, 2020, issued in the original aggregate principal amount of $4,699,365.

"Series 2024 Bonds Construction Trust Fund" means the Series 2024 Bonds Construction Trust Fund established by Section 5.01 hereof.

"Series 2024 Bonds" means the Sewer Revenue Bonds, Series 2024 (Bank Qualified), of the Issuer, authorized by this Ordinance.

"Series 2024 Bonds Reserve Account" means the Series 2024 Bonds Reserve Account established by Section 5.02 hereof.

"Series 2024 Bonds Reserve Requirement" means, as of any date of calculation, the maximum amount of principal and interest, if any, which will become due on the Series 2024 Bonds in the then current year.

"Series 2024 Bonds Sinking Fund" means the Series 2024 Bonds Sinking Fund established by Section 5.02 hereof.

"Sinking Funds" means, collectively, the respective sinking funds established for the Prior Bonds and the Series 2024 Bonds.

"State" means the State of West Virginia.

"Supplemental Resolution" means any resolution, ordinance or order of the Issuer supplementing or amending this Ordinance and, when preceded by the article "the," refers specifically to the supplemental resolution authorizing the sale of the Series 2024 Bonds; provided, that any matter intended by this Ordinance to be included in the Supplemental Resolution with respect to the Series 2024 Bonds, and not so included may be included in another Supplemental Resolution.

"Surplus Revenues" means the Gross Revenues not required by the Bond Legislation or the Prior Ordinances to be set aside and held for the payment of or security for the Bonds or any other obligations of the Issuer, including, without limitation, the Sinking Funds, the Reserve Accounts and the Renewal and Replacement Fund.

"System" means the complete existing public sewerage system of the Issuer, as presently existing in its entirety or any integral part thereof, and shall include the Project and any further extensions, additions, betterments, and improvements thereto hereafter acquired or constructed for the System from any sources whatsoever.

"Tap Fees" means the fees, if any, paid by prospective customers of the System in order to connect thereto.

Words importing singular number shall include the plural number in each case and vice versa; words importing persons shall include firms and corporations; and words importing the masculine, feminine or neutral gender shall include any other gender.

ARTICLE II
AUTHORIZATION OF DESIGN, ACQUISITION, CONSTRUCTION EQUIPPING OF THE PROJECT

Section 2.01. Authorization of Design, Acquisition, Construction and Equipping of the Project. There is hereby authorized and ordered the design, acquisition, construction and equipping of the Project, at an estimated cost not to exceed $250,000, in accordance with the plans and specifications which have been prepared by the Consulting Engineers, heretofore filed in the office of the Governing Body. The proceeds of the Series 2024 Bonds hereby authorized shall be applied as provided in Article

VI hereof. The Issuer has received bids or will receive and will enter into contracts for the acquisition and construction of the Project.

ARTICLE III
AUTHORIZATION, TERMS, EXECUTION, REGISTRATION AND SALE OF BONDS

Section 3.01. Authorization of Bonds. For the purposes of paying a portion of the Costs of the Project not otherwise provided for and paying certain costs of issuance of the Series 2024 Bonds and related costs, or any or all of such purposes, as determined by the Supplemental Resolution, there shall be and hereby are authorized to be issued the negotiable Series 2024 Bonds of the Issuer. The Series 2024 Bonds shall be issued in one or more series, each as a single bond, originally designated as "Sewer Revenue Bonds, Series 2024 (Bank Qualified)", in the principal amount of not more than $250,000, and all shall have such terms as set forth hereinafter and in the Supplemental Resolution. The proceeds of the Series 2024 Bonds remaining after funding of the Series 2024 Bonds Reserve Account (if funded from Bond proceeds) and capitalization of interest, if any, shall be deposited in or credited to the Series 2024 Bonds Construction Trust Funds established by Section 5.01 hereof.

Section 3.02. Terms of Bonds. The Series 2024 Bonds shall be issued in such principal amounts; shall bear interest, if any, at such rate or rates, not exceeding the then legal maximum, payable quarterly on such dates; shall mature on such dates and in such amounts; and shall be redeemable, in whole or in part, all as the Issuer shall prescribe in a Supplemental Resolution or as specifically provided in the Loan Agreement. The Series 2024 Bonds shall be payable as to principal at the office of the Paying Agent, in any coin or currency which, on the dates of payment of principal is legal tender for the payment of public or private debts under the laws of the United States of America. Interest, if any, on the Series 2024 Bonds shall be paid by check or draft of the Paying Agent or its agent, mailed to the Registered Owner thereof at the address as it appears on the books of the Bond Registrar.

Unless otherwise provided by the Supplemental Resolution, the Series 2024 Bonds shall initially be issued in the form of a single bond for each series, fully registered the Purchaser, with a record of advances and a debt service schedule attached, representing the aggregate principal amount of each series, and shall mature in principal installments, all as provided in the Supplemental Resolution. The Series 2024 Bonds shall be exchangeable at the option and expense of the Registered Owner for another fully registered Bond or Bonds of the same series in aggregate principal amount equal to the amount of said Bonds then Outstanding and being exchanged, with principal installments or maturities, as applicable, corresponding to the dates of payment of principal installments of said Bonds.

Subsequent series of Bonds, if any, shall be issued in fully registered form and in denominations as determined by a Supplemental Resolution. Such Bonds shall be dated and shall bear interest as specified in a Supplemental Resolution.

Section 3.03. Execution of Bonds. The Series 2024 Bonds shall be executed in the name of the Issuer by the Mayor, and the seal of the Issuer shall be affixed thereto or imprinted thereon and attested by the Clerk. In case any one or more of the officers who shall have signed or sealed the

Series 2024 Bonds shall cease to be such officer of the Issuer before the Series 2024 Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Series 2024 Bonds may be signed and sealed on behalf of the Issuer by such person as at the actual time of the execution of such Bonds shall hold the proper office in the Issuer, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

Section 3.04. Authentication and Registration. No Series 2024 Bonds shall be valid or obligatory for any purpose or entitled to any security or benefit under this Bond Legislation unless and until the Certificate of Authentication and Registration on such Bond, substantially in the form set forth in Section 3.10 hereof shall have been manually executed by the Bond Registrar. Any such executed Certificate of Authentication and Registration upon any such Bond shall be conclusive evidence that such Bond has been authenticated, registered, and delivered under this Bond Legislation. The Certificate of Authentication and Registration on any Series 2024 Bonds shall be deemed to have been executed by the Bond Registrar if manually signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the Certificate of Authentication and Registration on all of the Bonds issued hereunder.

Section 3.05. Negotiability, Transfer and Registration. Subject to the provisions for transfer of registration set forth below, the Series 2024 Bonds shall be and have all of the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, and each successive Holder, in accepting the Series 2024 Bonds shall be conclusively deemed to have agreed that such Bonds shall be and have all of the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, and each successive Holder shall further be conclusively deemed to have agreed that said Bonds shall be incontestable in the hands of a bona fide holder for value.

So long as the Series 2024 Bonds remain outstanding, the Issuer, through the Bond Registrar or its agent, shall keep and maintain books for the registration and transfer of such Bonds.

The registered Series 2024 Bonds shall be transferable only upon the books of the Bond Registrar, by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereto together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his duly authorized attorney.

In all cases in which the privilege of exchanging or transferring the registered Series 2024 Bonds are exercised, all Series 2024 Bonds shall be delivered in accordance with the provisions of this Bond Legislation. All Series 2024 Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Bond Registrar. For every such exchange or transfer of Series 2024 Bonds, the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the Bond Registrar incurred in connection therewith, which sum or sums shall be paid by the Issuer. The Bond Registrar shall not be obliged to make any such exchange or transfer of any Series 2024 Bonds during the period commencing on the 15th day of the month next preceding an interest payment date on the Series 2024 Bonds or, in the case of any proposed redemption of such Bonds, next preceding the date of the selection of Bonds to be redeemed, and ending on such interest payment date or redemption date.

Section 3.06. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Series 2024 Bonds shall become mutilated or be destroyed, stolen or lost, the Issuer may, in its discretion, issue, and the Bond Registrar shall, if so advised by the Issuer, authenticate and deliver, a new Bond of the same series and of like tenor as the Bonds so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the Holder's furnishing satisfactory indemnity and complying with such other reasonable regulations and conditions as the Issuer may prescribe and paying such expenses as the Issuer and the Bond Registrar may incur. All Bonds so surrendered shall be cancelled by the Bond Registrar and held for the account of the Issuer. If any such Bond shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bond be lost, stolen or destroyed, without surrender thereof.

Section 3.07. Bonds not to be Indebtedness of the Issuer. The Series 2024 Bonds shall not, in any event, be or constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be payable solely from the Net Revenues derived from the operation of the System as herein provided. No holder or holders of the Series 2024 Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Series 2024 Bonds or the interest thereon.

Section 3.08. Series 2024 Bonds Secured by Pledge of Net Revenues; Lien Position with respect to Prior Bonds. The payment of the debt service on the Series 2024 Bonds shall be secured by a first lien on the Net Revenues derived from the System, on a parity with each other and with the lien on the Net Revenues in favor of the Holders of the Prior Bonds. The Net Revenues in an amount sufficient to pay the principal of and interest, if any, on and other payments for the Bonds, and to make all other payments hereinafter set forth, are hereby irrevocably pledged to such payments as they become due.

Section 3.09. Delivery of Bonds. The Issuer shall execute and deliver the Series 2024 Bonds to the Bond Registrar, and the Bond Registrar shall authenticate, register, and deliver the Series 2024 Bonds to the original purchasers upon receipt of the documents set forth below:

A. A list of the names in which the Series 2024 Bonds are to be registered upon original issuance, together with such taxpayer identification and other information as the Bond Registrar may reasonably require;

B. A request and authorization to the Bond Registrar on behalf of the Issuer, signed by an Authorized Officer, to authenticate and deliver the Series 2024 Bonds to the original purchasers;

C. An executed and certified copy of the Bond Legislation; and

E. The unqualified approving opinion of bond counsel on the Series 2024 Bonds.

Section 3.10. Form of Bonds. The text of the Series 2024 Bonds shall be in substantially the following forms, with such omissions, insertions and variations as may be necessary and desirable and authorized or permitted hereby, or by any Supplemental Resolution adopted prior to the issuance thereof:

(FORM OF SERIES 2024 BOND)

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
THE CITY OF ELKINS
SEWER REVENUE BONDS, SERIES 2024
(BANK QUALIFIED)

No. R-1 $__________

KNOW ALL PERSONS BY THESE PRESENTS: That on the ___ day of ________, 2024, THE CITY OF ELKINS, a municipal corporation and political subdivision of the State of West Virginia in Randolph County of said State (the "Issuer"), for value received, hereby promises to pay, solely from the special funds provided therefor, as hereinafter set forth, to the ______________________(the "Purchaser") or registered assigns the sum of ______________________________________ DOLLARS ($_______________), or such lesser amount as shall have been advanced to the Issuer hereunder and not previously repaid, as set forth in the "Record of Advances" attached as EXHIBIT A hereto and incorporated herein by reference, in monthly installments, commencing ____________ 1, 20_________, to and including ____________ 1, 20__ _______, as set forth on the "Debt Service Schedule" attached as EXHIBIT B hereto and incorporated herein by reference with interest of ___________% payable in monthly installments commencing _______ 1, 20_________, to and including ____________ 1, 20_________, as set forth on the "Debt Service Schedule" attached as EXHIBIT B hereto.

Principal installments of this Bond are payable in any coin or currency which, on the respective dates of payment of such installments, is legal tender for the payment of public and private debts under the laws of the United States of America, at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia (the “Paying Agent”). The interest on this bond is payable by check or draft of the Paying Agent mailed to the Registered Owner hereof at the address as it appears on the books of United Bank, Charleston, West Virginia, as registrar (the “Registrar”), on the 15th day of the next month preceding an interest payment date, or such other method as shall be mutually agreeable so long as the Purchaser is the Registered Owner hereof.

This Bond may be redeemed prior to its stated date of maturity in whole or in part, at any time.

This Bond is issued (i) to pay a portion the costs of design, acquisition, construction and equipping of certain additions, betterments and improvements to the existing public sewerage system of the Issuer (the "Project"); [(iii) funding the Series 2024 Reserve Account]; and (ii) to pay certain costs of issuance of the Bonds of this Series (the "Bonds") and related costs. The existing public sewerage system of the Issuer, the Project, and any further extensions, additions, betterments or improvements thereto are herein called the "System." This Bond is issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly Chapter 16, Article 13 of the West Virginia Code of 1931, as amended (collectively, the "Act"), a Bond Ordinance duly enacted by the Issuer on ___________, 2024, and a Supplemental Resolution duly adopted by the Issuer on _________, 2024 (collectively, the "Bond Legislation"), and is subject to all the terms and conditions thereof. The Bond Legislation provides for the issuance of additional bonds under certain conditions, and such bonds would be entitled to be paid and secured equally and ratably from and by the funds and revenues and other security provided for the Bonds under the Bond Legislation.

THIS BOND IS ISSUED ON A PARITY, WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF AND SECURITY FOR PAYMENT, AND IN ALL RESPECTS, TO THE ISSUER'S:

(I) SUBORDINATE SEWER REVENUE BONDS, SERIES 1986 B (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY), DATED APRIL 28, 1986, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $517,001 (THE "SERIES 1986 B BONDS");

(II) SEWER REVENUE BONDS, SERIES 2006 A (BANK QUALIFIED), DATED DECEMBER 12, 2006, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $8,588,400 (THE "SERIES 2006 A BONDS");

(III) SEWER REVENUE BONDS, SERIES 2009 A (BANK QUALIFIED), DATED JUNE 18, 2009, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $883,280 (THE "SERIES 2009 A BONDS");

(IV) SEWER REVENUE BONDS, SERIES 2015 A (WEST VIRGINIA INFRASTRUCTURE FUND), DATED APRIL 15, 2015, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $2,793,855 (THE "SERIES 2015 A BONDS"); AND

(V) SEWER REVENUE BONDS, SERIES 2020 A (WEST VIRGINIA SRF PROGRAM), DATED NOVEMBER 19, 2020, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,699,365 (THE "SERIES 2020 A BONDS") (COLLECTIVELY, THE "PRIOR BONDS");

This Bond is payable only from and secured by a pledge of the Net Revenues (as defined in the Bond Legislation) to be derived from the operation of the System, on a parity with the pledge of Net Revenues in favor of the Holders of the Prior Bonds, and from monies in the Reserve Account created under the Bond Legislation for the Series 2024 Bonds (the "Series 2024 Bonds Reserve Account"), and unexpended proceeds of the Series 2024 Bonds. Such Net Revenues shall be sufficient to pay all operating expenses of the System and the principal of and interest on all bonds which may be issued pursuant to the Act and which shall be set aside as a special fund hereby pledged for such purpose. This Bond does not constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provisions or limitations, nor shall the Issuer be obligated to pay the same, except from said special fund provided from the Net Revenues, the monies in the Series 2024 Bonds Reserve Account and unexpended proceeds of the Series 2024 Bonds. Pursuant to the Bond Legislation, the Issuer has covenanted and agreed to establish and maintain just and equitable rates and charges for the use of the System and the services rendered thereby, which shall be sufficient, together with other revenues of the System, to provide for the reasonable expenses of operation, repair and maintenance of the System, and to leave a balance each year equal to at least 115% of the maximum amount payable in any year for principal of and interest on the Series 2024 Bonds and all other obligations secured by a lien on or payable from such revenues on a parity with the Series 2024 Bonds including the Prior Bonds; provided however, that, so long as there exists in the Series 2024 Bonds Reserve Account an amount at least equal to the maximum amount of principal and interest which will become due on the Series 2024 Bonds in the then current or any succeeding year, and in the respective reserve accounts established for any other obligations outstanding on a parity with or junior and subordinate to the Bonds, including the Prior Bonds, an amount at least equal to the requirement therefor, such percentage may be reduced to 110%. The Issuer has entered into certain further covenants with the registered owners of the Bonds for the terms of which reference is made to the Bond Legislation. Remedies provided the registered owners of the Bonds are exclusively as provided in the Bond Legislation, to which reference is here made for a detailed description thereof.

Subject to the registration requirements set forth herein, this Bond is transferable, as provided in the Bond Legislation, only upon the books of the Registrar (as defined in the Bond Legislation) by the registered owner, or by its attorney duly authorized in writing, upon the surrender of this Bond, together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or its attorney duly authorized in writing.

Subject to the registration requirements set forth herein, this Bond, under the provision of the Act is, and has all the qualities and incidents of, a negotiable instrument under the Uniform Commercial Code of the State of West Virginia.

This Bond has been designated as “bank qualified” pursuant to _________.

All money received from the sale of this Bond, after reimbursement and repayment of all amounts advanced for preliminary expenses as provided by law and the Bond Legislation, shall be applied solely to payment of the costs of the Project and costs of issuance described in the Bond Legislation, and there shall be and hereby is created and granted a lien upon such monies, until so applied, in favor of the registered owner of this Bond.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other obligations of the Issuer, does not exceed any limit prescribed by the Constitution or statutes of the State of West Virginia and that a sufficient amount of the Net Revenues of the System has been pledged to and will be set aside into said special fund by the Issuer for the prompt payment of the principal of this Bond.

All provisions of the Bond Legislation, resolutions and statutes under which this Bond is issued shall be deemed to be a part of the contract evidenced by this Bond to the same extent as if written fully herein.

IN WITNESS WHEREOF, THE CITY OF ELKINS has caused this Bond to be signed by its Mayor and its corporate seal to be hereunto affixed and attested by its Clerk, has caused this Bond to be dated the day and year first written above.

[SEAL]

____
Mayor

ATTEST:

____
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of the Series 2024 Bonds described in the within-mentioned Bond Legislation and has been duly registered in the name of the registered owner set forth above, as of the date set forth below.

Date: ________, 2024.

UNITED BANK
as Registrar

____
Authorized Officer

<u>EXHIBIT A</u>

<u>RECORD OF ADVANCES</u>

AMOUNT	DATE	AMOUNT	DATE
(1) $		(19)	
(2)		(20)	
(3)		(21)	
(4)		(22)	
(5)		(23)	
(6)		(24)	
(7)		(25)	
(8)		(26)	
(9)		(27)	
(10)		(28)	
(11)		(29)	
(12)		(30)	
(13)		(31)	
(14)		(32)	
(15)		(33)	
(16)		(34)	
(17)		(35)	
(18)		(36)	

TOTAL $________________________________

EXHIBIT B

DEBT SERVICE SCHEDULE

(Form of)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto ___________________________ the within Bond and does hereby irrevocably constitute and appoint ____, Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

Dated: _______________, 20____.

____

In the presence of:

____

Section 3.11. Sale of Bonds. The Series 2024 Bonds shall be sold to the Purchaser designated in the Supplemental Resolution.

ARTICLE IV
[RESERVED]

ARTICLE V
FUNDS AND ACCOUNTS; SYSTEM REVENUES AND APPLICATION THEREOF

Section 5.01. Establishment of Funds and Accounts with Depository Bank. The following special funds or accounts are hereby created with (or continued if previously established by the Prior Ordinances) and shall be held by the Depository Bank, separate and apart from all other funds or accounts of the Depository Bank or the Issuer and from each other:

(1) Revenue Fund (established by Prior Ordinances);

(2) Renewal and Replacement Fund (established by Prior Ordinances);

(3) Cash Working Capital Reserve; and

(4) Series 2024 Bonds Construction Trust Fund.

Section 5.02. Establishment of Funds and Accounts with Commission. The following special funds or accounts are hereby created with (or continued if previously established by Prior Ordinances) and shall be held by the Commission, separate and apart from all other funds or accounts of the Commission or the Issuer and from each other:

(1) Series 1986 B Bonds Sinking Fund (established by Prior Ordinances);

(2) Series 1986 B Bonds Reserve Account (established by Prior Ordinances);

(3) Series 2006 A Bonds Sinking Fund (established by Prior Ordinances);

(4) Series 2006 A Bonds Reserve Account (established by Prior Ordinances);

(5) Series 2009 A Bonds Sinking Fund (established by Prior Ordinances);

(6) Series 2009 A Bonds Reserve Account (established by Prior Ordinances);

(7) Series 2015 A Bonds Sinking Fund (established by Prior Ordinances);

(8) Series 2015 A Bonds Reserve Account (established by Prior Ordinances);

(9) Series 2020 A Bonds Sinking Fund (established by Prior Ordinances);

(10) Series 2020 A Bonds Reserve Account (established by Prior Ordinance);

(11) Series 2024 Bonds Sinking Fund; and

(12) Series 2024 Bonds Reserve Account.

Section 5.03. System Revenues; Flow of Funds. A. The entire Gross Revenues derived from the operation of the System and all parts thereof shall be deposited upon receipt in the Revenue Fund. The Revenue Fund shall constitute a trust fund for the purposes provided in the Prior Ordinances and in this Bond Legislation and shall be kept separate and distinct from all other funds of the Issuer and the Depository Bank and used only for the purposes and in the manner provided in the Prior Ordinances and in this Bond Legislation. All monies in the Revenue Fund shall be disposed of only in the following manner and order of priority:

(1) The Issuer shall first, each month, pay from the Revenue Fund the current Operating Expenses of the System.

(2) The Issuer shall next, on the first day of each month, transfer from the Revenue Fund and simultaneously remit to the Commission (i) the amount required by the Prior Ordinances for payment of interest on the Series 2006 A Bonds, the Series 2015 A Bonds and the Series 2020 A Bonds; and (ii) the amount required by this Bond Legislation to pay interest on the Series 2024 Bonds.

(3) The Issuer shall next, on the first day of each month, transfer from the Revenue Fund and simultaneously remit to the Commission (i) the amount required by the Prior Ordinances for payment of principal of the Prior Bonds; and (ii) the amount required by this Bond Legislation to pay principal of the Series 2024 Bonds.

(4) The Issuer shall next, on the first day of each month, transfer from the Revenue Fund and simultaneously remit to the Commission (i) the amount required by the Prior Ordinances to be deposited in the reserve accounts for the Prior Bonds; and (ii) the amount required by this Bond Legislation for deposit into the Series 2024 Bonds Reserve Account.

(5) The Issuer shall next, on the first day of each month, transfer from the Revenue Fund and remit to the Depository Bank (as required in the Prior Ordinances and not in addition thereto), for deposit in the Renewal and Replacement Fund, a sum equal to 2.5% of the Gross Revenues each month, exclusive of any payments for account of any

Reserve Account. All funds in the Renewal and Replacement Fund shall be kept apart from all other funds of the Issuer or of the Depository Bank and shall be invested and reinvested in accordance with Article VIII hereof. Withdrawals and disbursements may be made from the Renewal and Replacement Fund for replacements, repairs, improvements or extensions to the System; provided, that any deficiencies in any Reserve Account (except to the extent such deficiency exists because the required payments into such accounts have not, as of the date of determination of a deficiency, funded such accounts to the maximum extent required hereof) shall be promptly eliminated with monies from the Renewal and Replacement Fund.

(6) The Issuer shall next, each month, transfer from the monies remaining in the Revenue Fund the amount required to fund the Cash Working Capital Reserve. All funds in the Cash Working Capital Reserve shall be kept separate and apart from all other funds of the Issuer or of the Depository Bank and shall be invested and reinvested in Qualified Investments. Withdrawals and disbursements may be made from the Cash Working Capital Reserve for such purposes as permitted by the laws and regulations of the State in effect at such time. The Cash Working Capital Reserve is not pledged to the payment of the principal of, or interest on, the Bonds or any Prior Bonds of the Issuer.

(7) After all the foregoing provisions for use of monies in the Revenue Fund have been fully complied with, any monies remaining therein and not permitted to be retained therein may be used to prepay installments of the Bonds, pro rata, or for any lawful purpose of the System.

Monies in the Series 2024 Bonds Sinking Fund shall be used only for the purposes of paying principal of and interest, if any, on the Series 2024 Bonds as the same shall become due. Monies in the Series 2024 Bonds Reserve Account shall be used only for the purposes of paying principal of and interest on the Series 2024 Bonds, as the same shall come due, when other monies in the Series 2024 Bonds Sinking Fund are insufficient therefor, and for no other purpose.

All investment earnings on monies in the Series 2024 Bonds Sinking Fund and the Series 2024 Bonds Reserve Account shall be returned, not less than once each year, by the Commission to the Issuer, and such amounts shall, during construction of the Project, be deposited in the Series 2024 Bonds Construction Trust Fund, and following completion thereof, shall be deposited in the Revenue Fund and applied in full, first to the next ensuing interest payment due on the Series 2024 Bonds, if any, and then to the next ensuing principal payment due thereon, all on a pro rata basis.

Any withdrawals from the Series 2024 Bonds Reserve Account which result in a reduction in the balance of such accounts to below the Reserve Requirement thereof, shall be restored from the first Net Revenues available after all required payments have been made in full in the order set forth above.

As and when additional Bonds ranking on a parity with the Series 2024 Bonds are issued, provision shall be made for additional payments into the respective sinking fund sufficient to pay the interest on such additional parity Bonds and accomplish retirement thereof at maturity and to accumulate a balance in the respective reserve account in an amount equal to the requirement thereof.

The Issuer shall not be required to make any further payments into the Series 2024 Bonds Sinking Fund or the Series 2024 Bonds Reserve Account, when the aggregate amount of funds therein are at least equal to the aggregate principal amount of the Series 2024 Bonds issued pursuant to this Bond Legislation then Outstanding and all interest to accrue, if any, until the maturity thereof.

Principal, interest or reserve payments, whether made for a deficiency or otherwise, shall be made on a parity and pro rata, with respect to the Prior Bonds and the Series 2024 Bonds, in accordance with the respective principal amounts then Outstanding.

The Commission is hereby designated as the fiscal agent for the administration of the Series 2024 Bonds Sinking Fund and the Series 2024 Bonds Reserve Account, created hereunder, and all amounts required for said accounts shall be remitted to the Commission from the Revenue Fund by the Issuer at the times provided herein. All remittances made by the Issuer to the Commission shall clearly identify the fund or account into which each amount is to be deposited. The Issuer shall make the necessary arrangements whereby required payments into said accounts shall be automatically debited from the Revenue Fund and electronically transferred to the Commission on the dates required hereunder.

Monies in the Series 2024 Bonds Sinking Fund and the Series 2024 Bonds Reserve Account shall be invested and reinvested by the Commission in accordance with Section 8.01 hereof.

The Series 2024 Bonds Sinking Fund and the Series 2024 Bonds Reserve Account shall be used solely and only for, and are hereby pledged for, the purpose of servicing the Series 2024 Bonds under the conditions and restrictions set forth herein.

B. Whenever all of the required and provided transfers and payments from the Revenue Fund into the several special funds, as hereinbefore provided, are current and there remains in the Revenue Fund a balance in excess of the estimated amounts required to be so transferred and paid into such funds during the following month or such other period as required by law, such excess shall be considered Surplus Revenues. Surplus Revenues may be used for any lawful purpose of the System.

C. The Issuer shall on the first day of each month (if the first day is not a business day, then the first business day of each month) deposit with the Commission the required principal, interest and reserve payments with respect to the Series 2024 Bonds and all such payments shall be remitted to the Commission with appropriate instructions as to the custody, use and application thereof consistent with the provisions of this Bond Legislation.

D. The Issuer shall remit from the Revenue Fund to the Commission, the Registrar, the Paying Agent or the Depository Bank, on such dates as the respective parties shall require, such additional sums as shall be necessary to pay their respective charges and fees then due. In the case of payments to the Commission under this paragraph, the Issuer shall make the necessary arrangements whereby such required payments shall be automatically debited from the Revenue Fund and electronically transferred to the Commission on the dates required.

E. The monies in excess of the maximum amounts insured by FDIC in all funds and accounts shall at all times be secured, to the full extent thereof in excess of such insured sum, by Government Obligations or by other Qualified Investments as shall be eligible as security for deposits of state and municipal funds under the laws of the State.

F. If on any monthly payment date the revenues are insufficient to place the required amount in any of the funds and accounts as herein above provided, the deficiency shall be made up in the subsequent payments in addition to the payments which would otherwise be required to be made into the funds and accounts on the subsequent payment dates; provided, however, that the priority of curing deficiencies in the funds and accounts herein shall be in the same order as payments are to be made pursuant to this Section 5.03, and the Net Revenues shall be applied to such deficiencies on a parity and pro rata with respect to the Series 2024 Bonds and the Prior Bonds all in accordance with the respective principal amounts outstanding before being applied to any other payments hereunder.

G. All remittances made by the Issuer to the Commission and the Depository Bank shall clearly identify the fund or account into which each amount is to be deposited.

H. The Gross Revenues of the System shall only be used for purposes of the System.

I. All Tap Fees shall be deposited in the Revenue Fund and may be used for any lawful purpose of the System.

ARTICLE VI
APPLICATION OF BOND PROCEEDS

Section 6.01. Application of Bond Proceeds; Pledge of Unexpended Bond Proceeds. From the monies received from the sale of the Series 2024 Bonds, the following amounts shall be first deducted and deposited in the order set forth below:

A. From the proceeds of the Series 2024 Bonds, there shall first be deposited with the Commission in the Series 2024 Bonds Sinking Fund, the amount, if any, set forth in the Supplemental Resolution as capitalized interest.

B. Next, from the proceeds of the Series 2024 Bonds, there shall be deposited with the Commission in the Series 2024 Bonds Reserve Account, the amount, if any, set forth in the Supplemental Resolution for funding of the Series 2024 Bonds Reserve Account.

C. As the Issuer receives advances of the monies derived from the sale of the Series 2024 Bonds, such monies shall be deposited with the Depository Bank in the Series 2024 Bonds Construction Trust Fund and applied solely to payment of the costs of the Project in the manner set forth in Section 6.02 hereof and, until so expended, are hereby pledged as additional security for the Series 2024 Bonds.

Section 6.02. Disbursements of Bond Proceeds. The Board shall adopt requisitions based on unpaid invoices to draw principal of the Series 2024 Bonds.

ARTICLE VII
ADDITIONAL COVENANTS OF THE ISSUER

Section 7.01. General Covenants of the Issuer. All the covenants, agreements and provisions of this Bond Legislation shall be and constitute valid and legally binding covenants of the Issuer and shall be enforceable in any court of competent jurisdiction by any Holder or Holders of the Series 2024 Bonds. In addition to the other covenants, agreements and provisions of this Bond Legislation, the Issuer hereby covenants and agrees with the Holders of the Series 2024 Bonds as hereinafter provided in this Article VII. All such covenants, agreements and provisions shall be irrevocable, except as provided herein, as long as any of the Series 2024 Bonds or the interest, if any, thereon is Outstanding and unpaid.

Section 7.02. Bonds not to be Indebtedness of the Issuer. The Series 2024 Bonds shall not be nor constitute an indebtedness of the Issuer within the meaning of any constitutional, statutory or charter limitation of indebtedness, but shall be payable solely from the funds pledged for such payment by this Bond Legislation. No Holder or Holders of the Series 2024 Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Series 2024 Bonds or the interest thereon.

Section 7.03. Bonds Secured by Pledge of Net Revenues; Lien Position with respect to Prior Bonds. The payment of the debt service on the Series 2024 Bonds issued hereunder shall be secured equally and ratably by a first lien on the Net Revenues derived from the System, on a parity with each other and with the lien on the Net Revenues in favor of the Holders of the Prior Bonds. The Net Revenues in an amount sufficient to pay the principal of and interest on and other payments for the Bonds, and to make all other payments hereinafter set forth, are hereby irrevocably pledged to such payments as they become due.

Section 7.04. Rates and Charges. The Issuer has obtained any and all approvals of rates and charges required by State law and has taken any other action required to establish and impose such rates and charges, with all requisite appeal periods having expired without successful appeal and the Issuer shall supply an opinion of counsel to such effect. Such rates and charges shall be sufficient to comply with the requirements of the Loan Agreement and the Issuer shall supply a certificate of Certified Public Accountant to such effect. The initial schedule of rates and charges for the services and facilities of the System shall be as set forth in the most recent sewer rate ordinance enacted by the Issuer which rates are incorporated herein by reference as a part hereof.

So long as the Series 2024 Bonds are outstanding, the Issuer covenants and agrees to fix and collect rates, fees and other charges for the use of the System and to take all such actions necessary to provide funds sufficient to produce the required sums set forth in the Bond Legislation. In the event the schedule of rates and charges initially established for the System in connection with the Series 2024 Bonds shall prove to be insufficient to produce the amounts required by this Bond Legislation, the Issuer hereby covenants and agrees that it will, to the extent or in the manner authorized by law, immediately adjust and increase such schedule of rates and charges and take all such actions necessary to provide funds sufficient to produce the amounts required by this Bond Legislation.

Section 7.05. Sale of the System. So long as the Prior Bonds are outstanding, the Issuer shall not sell, lease, mortgage or in any manner dispose of or encumber the System, or any part thereof, except as provided in the Prior Ordinances.

So long as the Series 2024 Bonds are outstanding and except as otherwise required by law or with the written consent of the Purchaser, the System may not be sold, mortgaged, leased or otherwise disposed of, except as a whole, or substantially as a whole, and only if the net proceeds to be realized shall be sufficient to fully pay all the Bonds Outstanding, in accordance with Article X hereof. The proceeds from any such sale, mortgage, lease or other disposition of the System shall immediately be remitted to the Commission for deposit in the Series 2024 Bonds Sinking Fund, pro rata with respect to the principal amount of each of the Bonds then Outstanding, and the Issuer shall direct the Commission to apply such proceeds to the payment of principal of and interest, if any, on the Series 2024 Bonds in accordance with Article X hereof. Any balance remaining after the payment of the Bonds and interest thereon shall be remitted to the Issuer by the Commission unless necessary for the payment of other obligations of the Issuer payable out of the revenues of the System.

The foregoing provision notwithstanding, the Issuer shall have and hereby reserves the right to sell, lease or otherwise dispose of any of the property comprising a part of the System hereinafter determined by the Board to be no longer necessary, useful or profitable in the operation thereof. Prior to any such sale, lease or other disposition of such property, if the amount to be received therefor, together with all other amounts received during the same Fiscal Year for such sales, leases or other dispositions of such properties, is not in excess of $500,000. No sale, lease or other disposition of the properties of the System shall be made by the Issuer if the proceeds to be derived therefrom, together with all other amounts received during the same Fiscal Year for such sales, leases or other dispositions of such properties, shall be in excess of $500,000 and insufficient to pay all Bonds then Outstanding, without the prior approval and consent in writing of the Holders, or their duly authorized representatives, of the Bonds then Outstanding. The Issuer shall prepare the form of such approval and consent for execution by the then Holders of the Bonds for the disposition of the proceeds of the sale, lease or other disposition of such properties of the System.

Section 7.06. Issuance of Other Obligations Payable Out of Revenues and General Covenant Against Encumbrances. Except as provided for in the Section 7.06 and Section 7.07 hereof, the Issuer shall not issue any other obligations whatsoever payable from the revenues of the System which rank prior to, or equally, as to lien on and source of and security for payment from such revenues with the Series 2024 Bonds. All obligations issued by the Issuer after the issuance of the Series 2024 Bonds and payable from the revenues of the System, except such additional parity Bonds, shall contain an express statement that such obligations are junior and subordinate, as to lien on and source of and security for payment from such revenues and in all other respects, to the Series 2024 Bonds; provided, that no such subordinate obligations shall be issued unless all payments required to be made into all funds and accounts set forth herein have been made and are current at the time of the issuance of such subordinate obligations.

Except as provided above, the Issuer shall not create, or cause or permit to be created, any debt, lien, pledge, assignment, encumbrance or any other charge having priority over or being on a parity with the lien of the Series 2024 Bonds, and the interest, if any, thereon, upon any of the income and revenues of the System pledged for payment of the Series 2024 Bonds and the interest, if any, thereon in this Bond Legislation, or upon the System or any part thereof.

Section 7.07. Parity Bonds. So long as the Prior Bonds are outstanding, the limitations on the issuance of parity obligations set forth in the Prior Ordinances shall be applicable

No such additional Parity Bonds shall be issued except for the purposes of financing the costs of the design, acquisition and construction of extensions, additions, betterments or improvements to the System, refunding all or a portion of one or more series of bonds issued pursuant hereto, or to pay claims which may exist against the revenues or facilities of the System or all of such purposes.

So long as the Prior Bonds and the Series 2024 Bonds are outstanding, no Parity Bonds shall be issued at any time, however, unless and until there has been procured and filed with the Clerk a written statement by Independent Certified Public Accountants, reciting the conclusion that the Net Revenues actually derived, subject to the adjustment hereinafter provided for, from the System during any 12 consecutive months, within the 18 months immediately preceding the date of the actual issuance of such additional Parity Bonds, plus the estimated average increased annual Net Revenues to be received in each of the 3 succeeding years after the completion of the improvements to be financed by such Parity

Bonds, if any, shall be not less than 115%, of the largest aggregate amount that will mature and become due in any succeeding Fiscal Year for principal of and interest on the following:

(1) The Bonds then Outstanding;

(2) Any additional Parity Bonds theretofore issued pursuant to the provisions contained in the Prior Ordinances and this Bond Legislation then Outstanding; and

(3) The additional Parity Bonds then proposed to be issued.

The "estimated average increased annual Net Revenues to be received in each of the 3 succeeding years," as that term is used in the computation provided in the above paragraph, shall refer only to the increased Net Revenues estimated to be derived from the improvements to be financed by such Parity Bonds and any increase in rates enacted by the Issuer, the time for appeal of which shall have expired (without successful appeal) prior to the date of issuance of such Parity Bonds, and shall not exceed the amount to be stated in a certificate of the Independent Certified Public Accountants, which shall be filed in the office of the Clerk prior to the issuance of such Parity Bonds.

The Net Revenues actually derived from the System during the 12 consecutive month period herein above referred to may be adjusted by adding to such Net Revenues such additional Net Revenues which would have been received, in the opinion of the Independent Certified Public Accountants, as stated in a certificate, on account of increased rates, rentals, fees and charges for the System enacted by the Issuer, the time for appeal of which has expired (without successful appeal) prior to the issuance of such Parity Bonds.

All covenants and other provisions of this Ordinance (except as to details of such Parity Bonds inconsistent herewith) shall be for the equal benefit, protection and security of the Holders of the Bonds and the Holders of any Parity Bonds theretofore or subsequently issued from time to time within the limitations of and in compliance with this section. Bonds issued on a parity, regardless of the time or times of their issuance, shall rank equally with respect to their lien on the revenues of the System and their source of and security for payment from said revenues, without preference of any Bond of one series over any other Bond of the same series. The Issuer shall comply fully with all the increased payments into the various funds and accounts created in this Ordinance required for and on account of such Parity Bonds, in addition to the payments required for the Bonds theretofore issued pursuant to this Ordinance.

Parity Bonds shall not be deemed to include bonds, notes, certificates or other obligations subsequently issued, the lien of which on the revenues of the System is subject to the prior and superior liens of the Bonds on such revenues. The Issuer shall not issue any obligations whatsoever payable from the revenues of the System, or any part thereof, which rank prior to or, except in the manner and under the conditions provided in this section, equally, as to the lien on and source of and security for payment from such revenues, with the Bonds.

No Parity Bonds shall be issued any time, however, unless all the payments into the respective funds and accounts provided for in this Ordinance and the Prior Ordinances with respect to the

Bonds then Outstanding, and any other payments provided for in this Ordinance and the Prior Ordinances, shall have been made in full as required to the date of issuance of such Parity Bonds, and the Issuer shall then be in full compliance with all the covenants, agreements and terms of this Ordinance and the Prior Ordinances.

Provided that the requirements of this Section 7.07 are satisfied the consent, written or otherwise, of the Holder of the Series 2024 Bonds shall not be required for the issuance of Parity Bonds.

Section 7.08. Books; Records and Audit. The Issuer will keep books and records of the System, which shall be separate and apart from all other books, records and accounts of the Issuer, in which complete and correct entries shall be made of all transactions relating to the System, and any Holder of a Bond or Bonds issued pursuant to this Bond Legislation shall have the right at all reasonable times to inspect the System and all parts thereof and all records, accounts and data of the Issuer relating thereto.

The accounting system for the System shall follow current generally accepted accounting principles and safeguards to the extent allowed and as prescribed by the Public Service Commission of West Virginia and the Act. Separate control accounting records shall be maintained by the Issuer. Subsidiary records as may be required shall be kept in the manner and on the forms, books and other bookkeeping records as prescribed by the Issuer. The Issuer shall prescribe and institute the manner by which subsidiary records of the accounting system which may be installed remote from the direct supervision of the Issuer shall be reported to such agent of the Issuer as the Governing Body shall direct.

The Issuer shall also, at least once a year, cause the books, records and accounts of the System to be audited by Independent Certified Public Accountants (and to the extent legally required in compliance with 2 CFR 200 Subpart F, or any successor thereof, and the Single Audit Act, or any successor thereof), and shall submit to the Holder of the Series 2024 Bonds the report of the Independent Certified Public Accountants, or a summary thereof. Such audit report shall include a statement that the Issuer is in compliance with the terms and provisions of the Act and this Bond Legislation and that the revenues of the System are adequate to meet the Issuer's Operating Expenses and debt service and reserve requirements.

Subject to the terms, conditions and provisions of the Act, the Issuer has acquired, or shall do all things necessary to acquire, the proposed site of the Project and shall do, is doing or has done all things necessary to construct the Project in accordance with the plans, specifications and designs prepared by the Consulting Engineers. All real estate and interests in real estate and all personal property constituting the Project and the Project site heretofore or hereafter acquired shall at all times be and remain the property of the Issuer.

The Issuer shall provide the DEP with all appropriate documentation to comply with any special conditions established by federal and/or state regulations as set forth in the Loan Agreement for the Series 2024 Bonds or any Exhibit thereto or as promulgated from time to time.

The Issuer shall permit the Holder of the Series 2024 Bonds, or their agents and representatives, to enter and inspect the Project site and Project facilities at all reasonable times.

Section 7.09. Rates. Prior to the issuance of the Series 2024 Bonds, rates or charges for the use of the services and facilities of the System will be fixed and established, all in the manner and form required by law, and a copy of such rates and charges so fixed and established shall at all times be kept on file in the office of the Clerk of the Issuer, which copy will be open to inspection by all interested parties. The schedule or schedules of rates and charges shall at all times be adequate to produce Gross Revenues from the System sufficient to pay Operating Expenses and to make the prescribed payments into the funds and accounts created hereunder. Such schedule or schedules of rates and charges shall be revised from time to time, whenever necessary, so that the aggregate of the rates and charges will be sufficient for such purposes. In order to assure full and continuous performance of this covenant with a margin for contingencies and temporary unanticipated reduction in income and revenues, the Issuer hereby covenants and agrees that the schedule or schedules of rates or charges from time to time in effect shall be sufficient, together with other revenues of the System, to meet the coverage requirements set forth in the Prior Ordinances so long as the Prior Bonds are outstanding and thereafter, (i) to provide for all Operating Expenses of the System and (ii) to leave a balance each year equal to at least 115% of the maximum amount required in any year for payment of principal of and interest, if any, on the Series 2024 Bonds, and all other obligations secured by a lien on or payable from such revenues on a parity with, or subordinate to, the Series 2024 Bonds including the Prior Bonds.

The Issuer hereby covenants to commence enactment of such ordinance or ordinances as shall be required to increase the rates and charges for the services and facilities of the System within 120 days following a determination of the Independent Certified Public Accountant that less than the above-required coverage exists or in the event that the annual audit report shows less than the above-required coverage, such increase to provide rates and charges sufficient to produce such required coverage.

Section 7.10. Operating Budget and Monthly Financial Report. The Issuer shall annually prepare and adopt by resolution a detailed, balanced budget of the estimated revenues and expenditures for operation and maintenance of the System during the succeeding Fiscal Year

Section 7.11. [RESERVED]

Section 7.12. No Competing Franchise. To the extent legally allowable, the Issuer will not grant or cause, consent to or allow the granting of, any franchise or permit to any person, firm, corporation, body, agency or instrumentality whatsoever for the providing of any services which would compete with services provided by the System.

Section 7.13. Enforcement of Collections. The Issuer will diligently enforce and collect all fees, rentals or other charges for the services and facilities of the System, and take all steps, actions and proceedings for the enforcement and collection of such fees, rentals or other charges which shall become delinquent to the full extent permitted or authorized by the Act, the rules and regulations of the Public Service Commission of West Virginia and other laws of the State of West Virginia.

Whenever any fees, rates, rentals or other charges for the services and facilities of the System shall remain unpaid for a period of 30 days after the same shall become due and payable, the property and the owner thereof, as well as the user of the services and facilities, shall be delinquent until such time as all such rates and charges are fully paid. To the extent authorized by the laws of the State and the rules and regulations of the Public Service Commission of West Virginia, rates, rentals and other charges, if not paid when due, shall become a lien on the premises served by the System. The Issuer further covenants and agrees that, it will, to the full extent permitted by law and the rules and regulations promulgated by the Public Service Commission of West Virginia, discontinue and shut off the services of the System, and any services and facilities of the water system, to all users of the services of the System delinquent in payment of charges for the services of the System and will not restore such services of either system until all delinquent charges for the services of the System, plus reasonable interest and penalty charges for the restoration of service, have been fully paid and shall take all further actions to enforce collections to the maximum extent permitted by law. If the water facilities are not owned by the Issuer, the Issuer shall enter into a termination agreement with the water provider of such water, subject to any required approval of such agreement by the Public Service Commission of West Virginia and all rules, regulations and orders of the Public Service Commission of West Virginia.

Section 7.14. No Free Services. The Issuer will not render or cause to be rendered any free services of any nature by the System, nor will any preferential rates be established for users of the same class; and in the event the Issuer, or any department, agency, instrumentality, officer or employee of either shall avail itself or themselves of the facilities or services provided by the System, or any part thereof, the same rates, fees or charges applicable to other customers receiving like services under similar circumstances shall be charged the Issuer and any such department, agency, instrumentality, officer or employee. The revenues so received shall be deemed to be revenues derived from the operation of the System, and shall be deposited and accounted for in the same manner as other revenues derived from such operation of the System.

Section 7.15. Insurance and Construction Bonds. A. The Issuer hereby covenants and agrees that so long as the Series 2024 Bonds remain Outstanding, the Issuer will, as an Operating Expense, procure, carry and maintain insurance with a reputable insurance carrier or carriers as is customarily covered with respect to works and properties similar to the System. Such insurance shall initially cover the following risks and be in the following amounts:

(1) FIRE, LIGHTNING, VANDALISM, MALICIOUS MISCHIEF AND EXTENDED COVERAGE INSURANCE, on all above-ground insurable portions of the System in an amount equal to the actual cost thereof. In time of war the Issuer will also carry and maintain insurance to the extent available against the risks and hazards of war. In the event of any damage to or destruction of any portion of the System, the proceeds of all such insurance policies shall be placed in the Renewal and Replacement Fund and used only for the repairs and restoration of the damaged or destroyed properties or for the other purposes provided herein for the Renewal and Replacement Fund. The Issuer will itself, or will require each contractor and subcontractor to, obtain and maintain builder's risk insurance (fire and extended coverage) to protect the interests of the Issuer, the prime contractor and all subcontractors as their respective interests may appear, during construction of the Project on a 100% basis (completed value form) on the insurable portion of the

Project, such insurance to be made payable to the order of the Issuer, the contractors and subcontractors, as their interests may appear.

(2) PUBLIC LIABILITY INSURANCE, with limits of not less than $1,000,000 per occurrence to protect the Issuer from claims for bodily injury and/or death and not less than $500,000 per occurrence from claims for damage to property of others which may arise from the operation of the System, and insurance with the same limits to protect the Issuer from claims arising out of operation or ownership of motor vehicles of or for the System.

(3) WORKERS' COMPENSATION COVERAGE FOR ALL EMPLOYEES OF OR FOR THE SYSTEM ELIGIBLE THEREFOR; AND PERFORMANCE AND PAYMENT BONDS, such bonds to be in the amounts of 100% of the amount of any construction contract and to be required of each contractor contracting directly with the Issuer, and such payment bonds will be filed with the Clerk of The County Commission of the County in which such work is to be performed prior to commencement of construction of the Project in compliance with West Virginia Code, Chapter 38, Article 2, Section 39.

(4) FLOOD INSURANCE, if the facilities of the System are or will be located in designated special flood or mudslide-prone areas and to the extent available at reasonable cost to the Issuer.

(5) BUSINESS INTERRUPTION INSURANCE, to the extent available at reasonable cost to the Issuer.

(6) FIDELITY BONDS will be provided as to every officer, member and employee of the Issuer or the Governing Body having custody of the revenues or of any other funds of the System, in an amount at least equal to the total funds in the custody of any such person at any one time.

B. The Issuer shall require all contractors engaged in the construction of the Project to furnish a performance bond and a payment bond, each in an amount equal to 100% of the contract price of the portion of the Project covered by the particular contract as security for the faithful performance of such contract. The Issuer shall verify such bonds prior to commencement of construction.

The Issuer shall also require all contractors engaged in the construction of the Project to carry such workers' compensation coverage for all employees working on the Project and public liability insurance, vehicular liability insurance and property damage insurance in amounts adequate for such purposes and as is customarily carried with respect to works and properties similar to the Project.

Section 7.16. Mandatory Connections. The mandatory use of the System is essential and necessary for the protection and preservation of the public health, comfort, safety, convenience and welfare of the inhabitants and residents of, and the economy of, the Issuer and in order to assure the rendering harmless of sewage and water-borne waste matter produced or arising within the territory served by the System. Accordingly, every owner, tenant or occupant of any house, dwelling or building located near the System, where sewage will flow by gravity or be transported by such other methods approved by the State Department of Health from such house, dwelling or building into the System, to the extent permitted by the laws of the State and the rules and regulations of the Public Service Commission of West Virginia, shall connect with and use the System and shall cease the use of all other means for the collection, treatment and disposal of sewage and waste matters from such house, dwelling or building where there is such gravity flow or transportation by such other method approved by the State Department of Health and such house, dwelling or building can be adequately served by the System, and every such owner, tenant or occupant shall, after a 30-day notice of the availability of the System, pay the rates and charges established therefor.

Any such house, dwelling or building from which emanates sewage or water-borne waste matter and which is not so connected with the System is hereby declared and found to be a hazard to the health, safety, comfort and welfare of the inhabitants of the Issuer and a public nuisance which shall be abated to the extent permitted by law and as promptly as possible by proceedings in a court of competent jurisdiction.

Section 7.17. Completion and Operation of Project; Permits and Orders. The Issuer will complete the acquisition and construction of the Project as promptly as possible and operate and maintain the System as a revenue-producing utility in good condition and in compliance with all federal and state requirements and standards.

The Issuer will obtain all permits required by state and federal laws for the acquisition and construction of the Project, all orders and approvals required by State law necessary for the acquisition and construction of the Project and the operation of the System and all approvals of issuance of the Series 2024 Bonds required by State law, with all requisite appeal periods having expired without successful appeal, except as otherwise provided in Section 1.02(I).

Section 7.18. Compliance with the Law. The Issuer agrees to comply with all applicable laws, rules and regulations issued by State, federal or local bodies in regard to the acquisition and construction of the Project and the operation, maintenance and use of the System.

Section 7.19. [RESERVED].

Section 7.20. Contracts. The Issuer shall, simultaneously with the delivery of the Series 2024 Bonds or immediately thereafter, enter into written contracts for the immediate acquisition or construction of the Project.

Section 7.21. Statutory Mortgage Lien. For the further protection of the Holders of the Series 2024 Bonds, a statutory mortgage lien upon the System is granted and created by the Act, which statutory mortgage lien is hereby recognized and declared to be valid and binding, shall take effect immediately upon delivery of the Series 2024 Bonds and shall be on a parity with the statutory mortgage lien in favor of the Holders of the Prior Bonds.

ARTICLE VIII
INVESTMENT OF FUNDS; TAX COVENANTS

Section 8.01. Investments. Any monies held as a part of the funds and accounts created by this Bond Legislation, other than the Revenue Fund, shall be invested and reinvested by the Commission, the Depository Bank, or such other bank or national banking association holding such fund or account, as the case may be, at the written direction of the Issuer in any Qualified Investments to the fullest extent possible under applicable laws, this Bond Legislation, the need for such monies for the purposes set forth herein and the specific restrictions and provisions set forth in this Section 8.01.

Any investment shall be held in and at all times deemed a part of the fund or account in which such monies were originally held, and the interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account. The investments held for any fund or account shall be valued at the lower of cost or then current market value, or at the redemption price thereof if then redeemable at the option of the holder, including the value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held in the "Consolidated Fund." The Commission or Depository Bank, or such other bank or national banking association, as the case may be, shall sell and reduce to cash a sufficient amount of such investments whenever the cash balance in any fund or account is insufficient to make the payments required from such fund or account, regardless of the loss on such liquidation. The Depository Bank may make any and all investments permitted by this section through its own investment or trust department and shall not be responsible for any losses from such investments, other than for its own negligence or willful misconduct.

The Depository Bank shall keep complete and accurate records of all funds, accounts and investments, and shall distribute to the Issuer, at least once each year, or more often as reasonably requested by the Issuer, a summary of such funds, accounts and investment earnings. The Issuer shall retain all such records and any additional records with respect to such funds, accounts and investment earnings so long as any of the Series 2024 Bonds are Outstanding and as long thereafter as necessary to comply with the Code and to assure the exclusion of interest, if any, on the Series 2024 Bonds from gross income for federal income tax purposes.

Section 8.02. Tax Covenants. The Issuer hereby further covenants and agrees as follows:

A. PRIVATE BUSINESS USE LIMITATION. The Issuer shall assure that (i) not in excess of 10% of the Net Proceeds of the Series 2024 Bonds are used for Private Business Use if, in addition, the payment of more than 10% of the principal or 10% of the interest due on the Series 2024 Bonds during the term thereof is, under the terms of the Series 2022 A Bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for a Private Business Use; and (ii) and that, in the event that both (A) in excess of 5% of the Net Proceeds of the Series 2024 Bonds are used for a Private Business Use, and (B) an amount in excess of 5% of the principal or 5% of the interest due on the Series 2024 Bonds during the term thereof is, under the terms of the Series 2024 Bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said Private Business Use or in payments in respect of property used or to be used for said Private Business Use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for said Private Business Use, then said excess over said 5% of Net Proceeds of the Series 2024 A Bonds used for a Private Business Use shall be used for a Private Business Use related to the governmental use of the project, or if the Series 2024 Bonds is for the purpose of financing more than one project, a portion of the project, and shall not exceed the proceeds used for the governmental use of that portion of the project to which such Private Business Use is related. All of the foregoing shall be determined in accordance with the Code.

B. PRIVATE LOAN LIMITATION. The Issuer shall assure that not in excess of the lesser of 5% of the Net Proceeds of the Series 2024 Bonds or $5,000,000 are used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Investments) to persons other than state or local government units.

C. FEDERAL GUARANTEE PROHIBITION. The Issuer shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Series 2024 Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

D. INFORMATION RETURN. The Issuer will file all statements, instruments and returns necessary to assure the tax-exempt status of the Series 2024 Bonds and the interest thereon, including without limitation, the information return required under Section 149(e) of the Code.

E. FURTHER ACTIONS. The Issuer will take all actions that may be required of it so that the interest on the Series 2024 Bonds will be and remain excludable from gross income for federal income tax purposes, and will not take any actions, or fail to take any actions which would adversely affect such exclusion.

Section 8.03. Arbitrage and Tax Exemption. The Issuer covenants that (i) it shall not take, or permit or suffer to be taken, any action with respect to the gross or other proceeds of the Series 2024 Bonds which would cause the Series 2024 Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Code, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a Federal information return with respect to the Series 2024 Bonds) so that the interest on the Series 2024 Bonds will be and remain excluded from gross income for Federal income tax purposes, and will not take any actions which would adversely affect such exclusion.

Section 8.04. Tax Certificate and Rebate. The Issuer shall deliver a certificate of arbitrage, a tax certificate or other similar certificate to be prepared by nationally recognized bond counsel or tax counsel relating to payment of arbitrage rebate and other tax matters as a condition to issuance of the Series 2024 Bonds. In addition, the Issuer covenants to comply with all Regulations from time to time in effect and applicable to the Series 2024 Bonds as may be necessary in order to fully comply with Section 148(f) of the Code, and covenants to take such actions, and refrain from taking such actions, as may be necessary to fully comply with such Section 148(f) of the Code and such Regulations, regardless of whether such actions may be contrary to any of the provisions of this Bond Legislation.

The Issuer shall calculate, annually, the rebatable arbitrage, determined in accordance with Section 148(f) of the Code. The Issuer shall pay, or cause to be paid, to the United States, the rebatable arbitrage in accordance with Section 148(f) of the Code and such Regulations. The Issuer shall remit payments to the United States in the time and at the address prescribed by the Regulations as the same may be in time to time in effect with such reports and statements as may be prescribed by such Regulations. The Issuer and the Depository Bank (at the expense of the Issuer) may provide for the employment of independent attorneys, accountants or consultants compensated on such reasonable basis as the Issuer or the Depository Bank may deem appropriate in order to assure compliance with this Section 7.03. The Issuer shall keep and retain, or cause to be kept and retained, records of the determinations made pursuant to this Section 7.03 in accordance with the requirements of Section 148(f) of the Code and such Regulations.

Section 8.05. Designation of Bonds “Qualified Tax-Exempt Obligations.” The Issuer hereby designates the Series 2024 Bonds as “qualified tax-exempt obligations” for the purpose of Section 265(b)(3)(B) of the Code and covenants that the Series 2024 Bonds do not constitute private activity bonds as defined in Section 141 of the Code, and that not more than $10,000,000 aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income tax purposes (excluding, however, obligations issued to currently refund any obligation of the Issuer to the extent the amount of the refunding obligation does not exceed the amount of the refunded obligation and private activity bonds, other than 501(c)3 Bonds, as defined in Section 141 of the Code), including the Series 2024 Bonds, have been or shall be issued by the Issuer, including all subordinate entities of the Issuer, during calendar year 2024.

ARTICLE IX
DEFAULT AND REMEDIES

Section 9.01. Events of Default. Each of the following events shall constitute an "Event of Default" with respect to the Series 2024 Bonds:

(1) If default occurs in the due and punctual payment of the principal of or interest on any Series 2024 Bonds; or

(2) If default occurs in the Issuer’s observance of any of the covenants, agreements or conditions relating to the Series 2024 Bonds set forth in this Bond Legislation, any supplemental resolution or in the Series 2024 Bonds, and such default shall have continued for a period of 30 days after the Issuer shall have been given written notice of such default by the Commission, the Depository Bank, the Registrar, the Paying Agent or any other Paying Agent or a Holder of a Bond; or

(3) If the Issuer files a petition seeking reorganization or arrangement under the federal bankruptcy laws or any other applicable law of the United States of America; or

(4) If default occurs with respect to the Prior Bonds or the Prior Ordinances.

Section 9.02. Remedies. Upon the happening and continuance of any Event of Default, any Registered Owner or Holder of a Bond may exercise any available remedy and bring any appropriate action, suit or proceeding to enforce his or her rights and, in particular, (i) bring suit for any unpaid principal or interest then due, (ii) by mandamus or other appropriate proceeding enforce all rights of such Registered Owners or Bondholders including the right to require the Issuer to perform its duties under the Act and the Bond Legislation relating thereto, including but not limited to the making and collection of sufficient rates or charges for services rendered by the System, (iii) bring suit upon the Bonds; (iv) by action at law or bill in equity require the Issuer to account as if it were the trustee of an express trust for the Registered Owners or Bondholders of the Bonds, and (v) by action or bill in equity enjoin any acts in violation of the Bond Legislation with respect to the Bonds, or the rights of such Registered Owners; provided, that, all rights and remedies of the Holders of the Series 2024 Bonds shall be on a parity with those of the Holders of the Prior Bonds.

Section 9.03. Appointment of Receiver. Any Registered Owner of a Bond may, by proper legal action, compel the performance of the duties of the Issuer under the Bond Legislation and the Act, including, the completion of the Project and after commencement of operation of the System, the making and collection of sufficient rates and charges for services rendered by the System and segregation of the revenues therefrom and the application thereof. If there be any Event of Default with respect to such Bonds, any Registered Owner of a Bond shall, in addition to all other remedies or rights, have the right by appropriate legal proceedings to obtain the appointment of a receiver to administer the System or to complete the acquisition and construction of the Project on behalf of the Issuer, with power to charge rates, rentals, fees and other charges sufficient to provide for the payment of Operating Expenses of the System, the payment of the Bonds and interest and the deposits into the funds and accounts hereby established, and to apply such rates, rentals, fees, charges or other revenues in conformity with the provisions of this Bond Legislation and the Act.

The receiver so appointed shall forthwith, directly or by his or her or its agents and attorneys, enter into and upon and take possession of all facilities of said System and shall hold, operate and maintain, manage and control such facilities, and each and every part thereof, and in the name of the Issuer exercise all the rights and powers of the Issuer with respect to said facilities as the Issuer itself might do.

Whenever all that is due upon the Bonds and interest thereon and under any covenants of this Bond Legislation for reserve, sinking or other funds and upon any other obligations and interest thereon having a charge, lien or encumbrance upon the revenues of the System shall have been paid and made good, and all defaults under the provisions of this Bond Legislation shall have been cured and made good, possession of the System shall be surrendered to the Issuer upon the entry of an order of the court to that effect. Upon any subsequent default, any Registered Owner of any Bonds shall have the same right to secure the further appointment of a receiver upon any such subsequent default.

Such receiver, in the performance of the powers herein above conferred upon him or her or it, shall be under the direction and supervision of the court making such appointment, shall at all times be subject to the orders and decrees of such court and may be removed thereby, and a successor receiver may be appointed in the discretion of such court. Nothing herein contained shall limit or restrict the jurisdiction of such court to enter such other and further orders and decrees as such court may deem necessary or appropriate for the exercise by the receiver of any function not specifically set forth herein.

Any receiver appointed as provided herein shall hold and operate the System in the name of the Issuer and for the joint protection and benefit of the Issuer and Registered Owners of the Bonds. Such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of any kind or character belonging or pertaining to the System, but the authority of such receiver shall be limited to the completion of the Project and the possession, operation and maintenance of the System for the sole purpose of the protection of both the Issuer and Registered Owners of such Bonds and the curing and making good of any Event of Default with respect thereto under the provisions of this Bond Legislation, and the title to and ownership of said System shall remain in the Issuer, and no court shall have any jurisdiction to enter any order or decree permitting or requiring such receiver to sell, assign, mortgage or otherwise dispose of any assets of the System.

ARTICLE X
PAYMENT OF BONDS

Section 10.01. Payment of Series 2024 Bonds. If the Issuer shall pay, or there shall otherwise be paid, to the Registered Owners of the Series 2024 Bonds, the principal of and interest, if any, due or to become due thereon, at the times and in the manner stipulated therein and in this Bond Legislation, then the pledge of Net Revenues and other monies and securities pledged under this Bond Legislation and all covenants, agreements and other obligations of the Issuer to the Registered Owners of the Series 2024 Bonds shall thereupon cease, terminate and become void and be discharged and satisfied, except as may otherwise be necessary to assure the exclusion of interest, if any, on the Series 2024 Bonds from gross income for federal income tax purposes.

ARTICLE XI
MISCELLANEOUS

Section 11.01. Amendment or Modification of Bond Legislation. Prior to issuance of the Series 2024 Bonds, this Ordinance may be amended or supplemented in any way by the Supplemental Resolution. Following issuance of the Series 2024 Bonds, no material modification or amendment of this Ordinance, or of any ordinance, resolution or order amendatory or supplemental hereto, that would materially and adversely affect the rights of Registered Owners of the Series 2024 Bonds shall be made without the consent in writing of the Registered Owners of the Series 2024 Bonds so affected and then Outstanding; provided, that no change shall be made in the maturity of the Series 2024 Bonds or the rate of interest thereon, or in the principal amount thereof, or affecting the unconditional promise of the Issuer to pay such principal and interest out of the funds herein pledged therefor without the consent of the Registered Owner thereof. No amendment or modification shall be made that would reduce the percentage of the principal amount of the Series 2024 Bonds required for consent to the above-permitted amendments or modifications. Notwithstanding the foregoing, this Bond Legislation may be amended without the consent of any Bondholder as may be necessary to assure compliance with Section 148(f) of the Code relating to rebate requirements or otherwise as may be necessary to assure the excludability of interest, if any, on the Series 2024 Bonds from gross income of the holders thereof.

Section 11.02. Bond Legislation Constitutes Contract. The provisions of the Bond Legislation shall constitute a contract between the Issuer and the Registered Owners of the Bonds, and no change, variation or alteration of any kind of the provisions of the Bond Legislation shall be made in any manner, except as in this Bond Legislation provided.

Section 11.03. Severability of Invalid Provisions. If any section, paragraph, clause or provision of this Ordinance should be held invalid by any court of competent jurisdiction, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the Supplemental Resolution or the Series 2024 Bonds.

Section 11.04. Headings, Etc. The headings and catchlines of the articles, sections and subsections hereof are for convenience of reference only, and shall not affect in any way the meaning or interpretation of any provision hereof.

Section 11.05. Conflicting Provisions Repealed; Prior Ordinances. All ordinances, orders or resolutions and or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, provided, that, in the event of any conflict between this Ordinance and the Prior Ordinances, the Prior Ordinances shall control (unless less restrictive), so long as the Prior Bonds are outstanding.

Section 11.06. Covenant of Due Procedure, Etc. The Issuer covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in the adoption of this Ordinance do exist, have happened, have been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and that the Mayor, the Clerk and members of the Governing Body were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 11.07. Statutory Notice and Public Hearing. Upon adoption hereof, an abstract of this Ordinance determined by the Governing Body to contain sufficient information as to give notice of the contents hereof shall be published once a week for 2 successive weeks within a period of fourteen consecutive days, with at least 6 full days intervening between each publication, in the *Inter Mountain*, a newspaper of general circulation in The City of Elkins, no newspaper being published therein, together with a notice stating that this Ordinance has been adopted and that the Issuer contemplates the issuance of the Series 2024 Bonds, and that any person interested may appear before the Governing Body upon a date certain, not less than ten days subsequent to the date of the first publication of such abstract of this

Ordinance and notice, and present protests, and that a certified copy of this Ordinance is on file with the Governing Body for review by interested persons during office hours of the Governing Body. At such hearing, all objections and suggestions shall be heard and the Governing Body shall take such action as it shall deem proper in the premises.

Section 11.08. Effective Date. This Ordinance shall take effect immediately following public hearing hereon.

Passed on First Reading:	January 18, 2024
Passed on Second Reading:	February 1, 2024
Passed on Final Reading Following Public Hearing:	February 15, 2024

THE CITY OF ELKINS

____

Mayor

CERTIFICATION

Certified a true copy of an Ordinance duly enacted by the Governing Body of THE CITY OF ELKINS on the _____ day of February, 2024.

Dated: March ___, 2024.

[SEAL]

____
Clerk

THE CITY OF ELKINS
SEWER REVENUE BONDS, SERIES 2024
(Bank Qualified)

BOND ORDINANCE

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CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1711: Appointing R. Carr to the Elkins Sanitary Board
Recommended By:	Chief Wastewater Operator
Summary:	Rich Carr has requested to be appointed to a vacancy on the Sanitary Board.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. R-1711 - appointment of R. Carr to sanitary board

<u>IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV</u>

<u>A RESOLUTION OF COMMON COUNCIL</u>

(#1711)
January 18, 2024

Appointment of R. Carr to the Elkins Sanitary Board

WHEREAS, there is a current vacancy on the Elkins Sanitary Board due to the resignation of member V. White, the regular expiration of whose term would have fallen on December 31, 2023; and,

WHEREAS, Mayor J. Marco, upon recommendation of the current Sanitary Board members, requests that R. Carr be appointed to this seat; and

WHEREAS, Mr. Carr meets the qualifications required for service on said Board and has agreed to do so;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby appoints R. Carr to the Elkins Sanitary Board for a term ending on December 31, 2026.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1712: Appointing V. Broughton and C. Tribble to the Elkins Building Commission
Recommended By:	City Clerk, City Attorney
Summary:	There are two vacancies on the Elkins Building Commission, the purpose of which is to enable the city to enter into long-term leases, financing, and similar agreements that council is not allowed to do under state law. The commission's authority will be needed to issue bonds to fund construction of the Sanitation Department Garage. C. Tribble and V. Broughton have volunteered to serve.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. R-1712 - appointment of C. Tribble and V. Broughton to the EBC

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1712)
January 18, 2024

Appointing V. Broughton and C. Tribble to the Elkins Building Commission

---

WHEREAS, resignations from the Elkins Building Commission have resulted in two vacancies, for seats with terms ending August 31, 2025 and August 31, 2026, respectively; and,

WHEREAS, Mayor J. Marco, upon the advice of the current Elkins Building Commission, recommends that V. Broughton and C. Tribble be appointed to these seats for the remainders of these unexpired terms; and,

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby makes the following appointments to the Elkins Building Commission:

- V. Broughton, for a term ending August 31, 2026
- C. Tribble, for a term ending August 31, 2025

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1713: Approve changes to employee PEIA benefits for Fiscal Year 2025
Recommended By:	Finance Committee, Personnel Committee, Human Resources, Administrative Officers
Summary:	PEIA premium costs will rise 14 percent for FY 2025 (plan year beginning July 1). There will be no spousal surcharge during FY 2025. Without making changes to the city's current administration of PEIA benefits, the city would incur an increase of more than $100,000 as of July 1 (across all funds) and employee contributions would increase 14 percent. By shifting to Plan C (high deductible plan) as its base plan, the city may be able to avoid most of that $100,000 increase even while funding 100 percent of premiums and deductibles (through Health Savings Accounts). Once the deductible is met, Plan C copay and coinsurance are comparable to Plan A. The city would still offer all other PEIA plans but would only contribute toward non-Plan C premiums up to the cost of equivalent coverage under Plan C. See the attached memo for more information.
Fiscal Impact:	Designating Plan C as the base plan and funding premiums and deductibles as described above/attached may avoid most of what would otherwise be more than $100,000 in new costs. However, increased utilization by employees whose spouses aren't currently covered or who are not currently on PEIA themselves may result in lower savings.
Recommendation:	Consider for approval
Attachments:	1. R-1713 - health insurance coverage changes 2. 240105 PEIA_ Proposal Jan 8 - final for committee_v2

CITY OF ELKINS
AGENDA ITEM REPORT

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1713)
January 18, 2024

Approving Changes in Health Insurance Policy Administration for Fiscal Year 2025

WHEREAS, the Common Council of the City of Elkins ("Council") has previously adopted a Personnel Manual ("Manual"), on October 21, 2010; and,

WHEREAS, Chapter 5.D. provides that all full-time employees are eligible to participate in the State of West Virginia's group medical insurance plan or such plan to which the City may subscribe and that Council will determine how much of the medical insurance premium cost for employees will be paid by the city; and,

WHEREAS, the City currently subscribes to the Public Employee Insurance Agency ("PEIA") medical insurance plan and offers all available plans to full-time employees; and,

WHEREAS, the Finance and Personnel Committees recommend that the City adopt PEIA Plan C as the City's base plan and take such other actions as are necessary to fully fund all premium and deductible costs for any eligible employees and dependents, and to pay premium costs for those eligible employees and dependents who select other PEIA plans, but only up to the amount that their PEIA Plan C premiums would cost; and,

WHEREAS, Council finds that it is in the best interests of the City of Elkins to adopt and implement these changes; ***now, therefore, be it***

RESOLVED, that, effective July 1, 2024, the Elkins Common Council hereby:

- Designates PEIA Plan C as the city's base plan.
- Commits to funding 100 percent of the FY 2025 premium cost of Plan C for all eligible employees and dependents.
- Commits to funding the full FY 2025 deductible amount of Plan C to Health Savings Account for all eligible employees and dependents (subject to such adjustment and/or prorating for employees in their first year of employment, or under other circumstances, as council may later see fit to devise).
- Commits to contributing FY 2025 premium costs for any employee selecting any PEIA plan other than Plan C, up to the premium cost for equivalent coverage under Plan C.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

West Virginia Public Employees Insurance (PEIA) Proposal to move to Plan C FY 2025

On December 7, the West Virginia Public Employees Insurance (PEIA) Finance Board approved a 14% increase for local and non-state employees for the 2024 – 2025 fiscal year. This was higher than the earlier proposed 13% increase. However, the board did **not** approve the spousal surcharge for local and non-state employees that we were expecting. (This surcharge would have been $147 on average per person per month for any employee whose spouse is on PEIA but is eligible for insurance through his or her employer.)

In response, and as presented previously, shifting to PEIA Plan C as our base plan would result in substantial savings for both the city and its employees.

- Plan C has a significantly lower premium cost but a much higher deductible than other PEIA plans. Once the higher deductible is met, most medical services would incur similar coinsurance (i.e., payment) requirements under Plan C as under Plan A.
- Organizations offering high-deductible health insurance plans can subsidize employee deductible costs by depositing funds into employee Health Savings Accounts (HSAs). HSAs also enable employees to make additional pre-tax contributions, and unused funds carry over to the next plan year.

The substantially lower premium cost of PEIA Plan C presents the city with an opportunity. Because of the low Plan C premiums, the city could avoid significant increase over FY 2024 plan costs *and* offer the following to employees for FY 2025:

- Cover 100 percent of premium costs (i.e., no employee contribution needed)
- Contribute 100 percent of the high deductible to employee HSAs

In this case, and with the current level of employee participation, the city's total FY 2025 PEIA costs would remain just slightly higher than we are currently paying (in FY 2024)—**even after covering all FY 2025 employee premium and deductible costs**.

- Current employer cost (FY 2024): $827,386.
- Cost in FY 2025 after 14% increase based on current employees that participate in our plan:
    - Maintaining current contributions/base plans (including current employee contributions): **$943,220**
    - After shifting to Plan C (with no employee contributions required): $833,592.

As this shows, shifting to Plan C would avoid $109,628 in future costs, even with (1) the city paying 100% of the cost (i.e., no employee contributions required) and (2) covering 100% of the deductible through city-funded HSA.

This would help the city protect the recent pay raises and budget for cost-of-living and merit-based compensation changes for FY 2025.

Employee Feedback

Employees have received information and had the chance to provide feedback about the proposed shift to Plan C.

On November 27, PEIA representative came to Elkins for a presentation and Q&A with employees. Offered informative session on plans offered and focused on Plan C.

We obtained employment feedback about the proposed shift to Plan C through a survey after the session to be completely sure that we are taking employee desires into account.

Most of the respondents from the PEIA Survey are in favor of moving forward with Plan C.

Survey Questions	Composite Rating (5 strongly agree and 1 strongly disagree.)
The cost of health insurance premiums (paycheck deductions) is affordable.	3
I don't mind keeping my same healthcare plan and paying 13% more for the premium.	2
I would like my employer to move to a high deductible plan and pay 100% of the premium and deductible through a Health Spending Account (HSA).	4
I would like to have a Health Spending Account (HSA) to pay for certain health care costs (all tax free).	4
I understand the different health insurance plan options available to me.	4
Will you be willing to move to another plan if it would save you money and not sacrifice quality of coverage?	5

Staff recommends that council take the following actions for the FY 2025 PEIA plan year:

- Designate PEIA Plan C as the city's base plan.
- Cover 100 percent of the premium cost of Plan C for all eligible employees and dependents.
- Contribute full annual deductible amount of Plan C to Health Savings Account for all eligible employees
- Contribute premium costs for any employee selecting any PEIA plan other than Plan C, up to the cost of Plan C.

Notes to keep in mind:

- HSAs are only available for high-deductible plans (i.e., only Plan C).
- There will be further decisions to be made concerning the city's Plan C administrator/financial institution, as well as details concerning timing of HSA contributions (e.g., lump sum, per paycheck, etc.). Staff will bring updates as research progresses.
- The overall cost to the city could increase if employees and/or spouses not currently on PEIA joined the plan during open enrollment for FY 2025.

What's Next after approval:

- February – Budgeting/find a Plan Administrator for Plan C.
- March – City Treasurer turn into state for approval.
- April 1 – May 1 – Open enrollment for staff. Effective July 1.

PEIA PLAN COMPARISONS

Benefit Description	PEIA PPB Plan A	PEIA PPB Plan B	PEIA PPB Plan C
	The most expensive PEIA PPB Plan offered to all eligible active employees and non-Medicare retirees.	**Plan B offers lower premiums with higher deductibles, higher out-of-pocket maximums, increased coinsurance, and higher copayments for prescription drugs. The medical coverage is the same in Plans A, B and D.**	**The plan offers lower premiums, but a high deductible that must be met before the plan begins to pay. The City of Elkins is considering covering 100% of the premium and the deductible through a health savings accounts for our employees.**
Annual Deductible	$450/individual or $900/family	$725/Individual or $1,450/family	$1,500 employee only/ $3,000 family combined medical/ prescription deductible; services on the Preventive Care List covered without deductible
Annual out- of-pocket maximum	For network providers $2,500 individual / $5,000 family; for out-of-network providers $2,500 individual / $5,000 family	For network providers $3,000 individual / $6,000 family; for out-of-network providers $3,000 individual / $6,000 family	$2,500 employee only.
Coinsurance (PEIA PAYS) PEIA's Share of In State In Network Care after medical deductible	80% Covered	70% Covered	80% Covered
Coinsurance (YOU PAYS) Member's Share of In State, In Network Care after medical deductible	20%	30%	20%
Prescription Deductible	$75 individual/ $150 family	$150 individual/ $300 family	Included with Medical Deductible

This overview is not meant to be comprehensive, for complete plan details go to https://peia.wv.gov/members view Shoppers Guide or Summary Plan Description

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	January 18, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Resolution 1714: Acceptance of bid for "Welcome to Elkins" signs
Recommended By:	Operations Manager
Summary:	The attached was the low qualified bid (and only bid) for this project, received at the public bid opening on January 16.
Fiscal Impact:	The winning bid is for $31,000.
Recommendation:	Consider for approval of a purchase of goods or services exceeding $25,000, as required by Elkins City Code Chapter 30.20 Et Seq.
Attachments:	1. R-1714 - Accept bid for city welcome signs 2. R-1714 - ATTACHMENT -RUSTIQUES_SIGNS_2024_01_16

<u>IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV</u>

<u>A RESOLUTION OF COMMON COUNCIL</u>

(#1714)
January 18, 2024

Accepting Bid and Authorizing Execution of Agreement for Design, Procurement, and Installation Services related to City Welcome Signs

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WHEREAS, the City of Elkins, West Virginia ("City") has, per Resolution #1154, adopted the 2018-2023 Strategic Plan, including milestones and deadlines to serve as a guide in decision-making and resource assignment for the City; and,

WHEREAS, under Strategic Area #1, item D, this Plan identifies City welcome signs; and,

WHEREAS, the City advertised for bids from any company interested in providing design, procurement, and installation services related to City welcome signs ("Project"); and,

WHEREAS, at a public bid opening held January 16, 2024, only one bid was received; and,

WHEREAS, that bid was received from Rustiques, in the amount of $31,000, for provision of design, procurement, and installation services related to this Project; and,

WHEREAS; Rustiques is the only bidder and therefore is the recommended awardee for this Project; and,

WHEREAS, it appears that securing the services of Rustiques on the basis of these terms is in the best interests of the citizens of the City of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby authorizes the Operations Manager to accept and contract with Rustiques under these terms for the design, procurement, and installation of City welcome signs.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

RUSTIQUES - Richard L. Rockwell
17 Rockwell Lane
Elkins, WV 26241

PHONE: 304-636-8890 office
304-642-9100 cell
WV LICENSE #WV007347

REBID FOR SIGNS

JOB NO.

JOB NAME: CITY OF ELKINS
OPERATIONS MANAGER
MIKE KESECKER
MELODY HIMES, OPERATIONS ASS'T

WORK PERFORMED:
CITY OF ELKINS SIGNS

DATE	DESCRIPTION	CURRENT CHARGES	PAYMENTS	BALANCE
1/15/2023	IN ACCORDANCE WITH YOUR REQUEST FOR " CITY OF ELKINS " SIGNS THE FOLLOWING IS SUBMITTED:			
	SIGN DESIGN AND PROCUREMENT	$ 14,000.00		
	MISC. MATERIALS FOR INSTALLATION	$ 3,500.00		
	LABOR TO INSTALL ALL	$ 13,500.00		
	TOTAL BASED ON INFORMATION SUBMITTED	$ 31,000.00		
	ALL WORK WILL BE COMPLETED WITHIN 90 DAYS FROM RECEIPT OF FIRST PAYMENT			
	SEE QUOTE FROM "SIGN GUY " ATTACHED			
	SEE SKETCHES ATTACHED			
	PAYMENTS WILL BE REQUESTED AS FOLLOWS:			
	ADVANCE FOR SIGN DESIGN AND ORDER	$ 14,000.00		
	INSTALLATION STARTED	$ 8,500.00		
	ALL WORK COMPLETED	$ 8,500.00		
	TOTAL BID	$ 31,000.00		

Please make checks payable to "Rustiques"

AMOUNT DUE THIS INVOICE: ________

file ELKINS SIGNS-REBID

The Sign Guy
Phone: 304-472-8864
Fax: 304-471-8468
signguy8864@gmail.com

9 1/2 Franklin St
Buckhannon, WV 26201

Quote

DATE	INVOICE #
12/12/2023	

Bill To:
Rustiques Log Homes Dick Rockwell 2151 Beverly Pike ELKINS, West Virginia 26241

Order #	Order Title	PO #
30241	City of Elkins - Welcome Signs	

Type	Title	Description	TOTAL
Line Item	Other	8 - HDU Sign - 15lbs sq/ft - 4x4ft - Painted at $1,632.00 each	13056.00

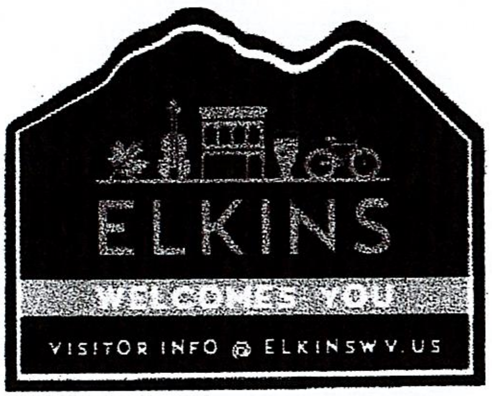
Sub Total	$ 13,056.00
Tax	$ 783.36
Total	**$ 13,839.36**

Acceptance of Quote:

The above prices, specifications, and conditions are satisfactory and are hereby accepted.
PLEASE CALL 304-472-8864 WITH PAYMENT TO PROCEED WITH THIS ORDER.

Signature: ______________________________ **Date:** ________________________

Sign front:



Sign back: