City of Elkins

Regular Council Meeting

March 21, 2024
7:00 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Public Hearing**
   a. Public hearing concerning 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. (Refer to items 11.a and 11.b, below.)
2. **Invocation and Pledge of Allegiance**
3. **Call to order and roll call**
4. **Public comment**
5. **Minutes**
   a. Proposed minutes for the meeting of March 7, 2024
6. **Correspondence, Notifications, and Recognitions**
7. **Presentation**
   a. Elkins Depot Welcome Center
8. **Councilor Reports**
9. **Staff reports**
   a. Treasurer's report
10. **Approval of vendor invoice payments**
    a. Vendor invoices presented for approval: March 4-15, 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.)
11. **New business**
    a. Ordinance 320: Consideration on final 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 (final reading, postponed from 3/7 meeting)

b. Resolution 1742: Consideration of Supplemental Resolution related to Sewer Revenue Bonds, Series 2024

c. Ordinance 324: Amending Elkins City Code §31.02 concerning council meetings (final reading)

d. Ordinance 325: Amending Elkins City Code §152.025 concerning meeting frequency for the Board of Zoning Appeals (final reading)

e. Ordinance 326: Amending Elkins City Code §33.036 concerning meeting frequency for the Planning Commission (final reading)

f. Resolution 1736: FY25 Coal Severance Budget

g. Resolution 1737: Fire Fund Budget

h. Resolution 1738: FY25 General Fund Budget

i. Resolution 1739: Renaming the police station

j. Resolution 1740: Eliminating a no-parking zone on South Davis Avenue

k. Resolution 1741: Establishing terms of lease for reserved no-parking in front of the Tygart Hotel

12. Mayor's comments

13. Adjournment

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of March 7, 2024
Recommended By:	City Clerk
Summary:	Minutes proposed for the regular council meeting of March 7
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. city council - 2024_03_07 - minutes_proposed

ELKINS COMMON COUNCIL
REGULAR COUNCIL MEETING
MINUTES

401 Davis Avenue
Council Chamber, 2nd Floor
March 7, 2024
7:00 p.m.

Elkins Common Council met in regular session in the council chamber of city hall. Present were 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; City Treasurer T. Judy; Fire Chief S.D. Himes; Police Chief T. Bennett; Operations Manager M. Kesecker; City Attorney G. S. Roberts; and City Clerk S.R. Stokes (acting chair and recording secretary).

Mayor Jerry A. Marco was absent.

PUBLIC HEARING

The chair opened a public hearing regarding the proposed adoption on second and final reading of an Ordinance of the City which authorizes (i) the design, acquisition, construction and equipping of a Sanitation Department Garage (the "Project"), (ii) the leasing of certain real property situate in Elkins Corporation District, Randolph County, on the east side of Baxter Street between Eleventh Street and Chestnut Street in the City of Elkins and all project improvements and appurtenances thereto by the City from the Elkins Municipal Building Commission, and (iii) the issuance by the Elkins Municipal Building Commission of its Lease Revenue Bonds in an amount not to exceed $2,000,000 for the purpose of financing the Project and matters relating thereto.

The hearing opened at 7:01 p.m. No one appeared to be heard. The chair closed the hearing at 7:02 p.m.

PUBLIC COMMENT

There was no public comment.

MINUTES

Chenoweth **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 15, 2024.** The motion carried.

PRESENTATION

Laura Ward, of Country Roads public transportation service, presented information about her organization in support of a request for continued inclusion in the FY 2025 budget.

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 February 12-March 1, 2024.

NEW BUSINESS

No action was taken on Ordinance 320: Consideration on final 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.

Bross-Fregonara **MOVED APPROVAL OF ORDINANCE 321: TO CONSIDER FOR ADOPTION ON SECOND AND FINAL READING AN ORDINANCE OF THE CITY WHICH AUTHORIZES (I) THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF A SANITATION DEPARTMENT GARAGE (THE "PROJECT"), (II) THE LEASING OF CERTAIN REAL PROPERTY SITUATE IN ELKINS CORPORATION DISTRICT, RANDOLPH COUNTY, ON THE EAST SIDE OF BAXTER STREET BETWEEN ELEVENTH STREET AND CHESTNUT STREET IN THE CITY OF ELKINS AND ALL PROJECT IMPROVEMENTS AND APPURTENANCES THERETO BY THE CITY FROM THE ELKINS MUNICIPAL BUILDING COMMISSION, AND (III) THE ISSUANCE BY THE ELKINS MUNICIPAL BUILDING COMMISSION OF ITS LEASE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED $2,000,000 FOR THE PURPOSE OF FINANCING THE PROJECT AND MATTERS RELATING THERETO.** The motion carried.

Chenoweth **MOVED APPROVAL OF RESOLUTION 1730: SUPPLEMENTAL RESOLUTION APPROVING TERMS OF THE LEASE REVENUE BONDS, SERIES 2024 (SANITATION DEPARTMENT GARAGE), OF THE ELKINS MUNICIPAL BUILDING COMMISSION (THE "ISSUER"); APPROVING THE SALE AND DELIVERY OF SUCH BONDS BY ISSUER TO OHIO VALLEY BANK; APPROVING THE FORMS AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT AND LEASE AND OTHER DOCUMENTS AND APPROVING OTHER MATTERS WITH RESPECT TO SUCH BONDS.** The motion carried.

Bross-Fregonara **MOVED APPROVAL OF ORDINANCE 322: AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING SECTIONS OF CITY CODE, CHAPTER 152, ZONING REGARDING SIGN REGULATIONS (FINAL READING).** The motion carried.

Carroll **MOVED APPROVAL OF ORDINANCE 323: AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA ELIMINATING SECTIONS OF CITY CODE, CHAPTER 112, SOLICITORS AND CANVASSERS (FINAL READING).** The motion carried.

Severino **MOVED APPROVAL OF ORDINANCE 324: AMENDING ELKINS CITY CODE §31.02 CONCERNING COUNCIL MEETINGS (FIRST OF TWO READINGS).** The motion carried.

Carroll **MOVED APPROVAL OF ORDINANCE 325: AMENDING ELKINS CITY CODE §152.025 CONCERNING MEETING FREQUENCY FOR THE BOARD OF ZONING APPEALS (FIRST OF TWO READINGS).** The motion carried.

Severino **MOVED APPROVAL OF ORDINANCE 326: AMENDING ELKINS CITY CODE §33.036 CONCERNING MEETING FREQUENCY FOR THE PLANNING COMMISSION (FIRST OF TWO READINGS).** The motion carried.

Chenoweth **MOVED APPROVAL OF RESOLUTION 1731: AUTHORIZING CONDITIONS OF LEASE & ADDENDUM AND MAINTENANCE AGREEMENT BETWEEN HART OFFICE SOLUTIONS AND THE CITY OF ELKINS (EXECUTIVE SECRETARY).** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1732: FY 2025 FUNDING OF PEIA PLAN C HEALTH SAVINGS ACCOUNTS.** The motion carried.

Chenoweth **MOVED APPROVAL OF RESOLUTION 1733: REAPPOINTMENT OF CITY ATTORNEY.** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1734: SELECTING FINANCING FOR 2023 SUTPHEN PUMPER FOR EFD.** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1735: SEWER LINE RELOCATION NEAR ELEVENTH STREET.** The motion carried.

Chenoweth **MOVED THAT COUNCIL ENTER EXECUTIVE SESSION UNDER THE ATTORNEY/CLIENT CONSULTATION EXEMPTION FOR THE AGENDA ITEM "UPDATE ON THE WHITMER WATER SYSTEM."** The motion carried. The executive session began at 8:05 p.m. and ended at 8:45 p.m. The chair announced that no decisions were made and no actions were taken.

The meeting was adjourned at 8:46 p.m.

Approved by council at the meeting of MONTH DAY, YEAR

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Jerry A. Marco, Mayor

Attest:

____

Sutton Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	Staff reports
Category:	Presentation
Agenda Item Name:	Treasurer's report
Recommended By:	
Summary:	The attached report from the City Treasurer includes: • General Fund Revenue Detail report showing: most recent month's revenues, YTD revenues, and YTD actual revenues as percentage of budgeted revenues • Bank account balances • Budget control summary
Fiscal Impact:	n/a
Recommendation:	Review
Attachments:	1. Treasurer's Report - 2024_03_21

General Fund Revenue Detail

	February Revenues	YTD Revenues	Percent of Revenues Collected Per Budget	Percent of Yr. Completed 66.67
Unassigned Fund Balance				384,359.00
County Tax	$38,669.30	$841,473.59	70.82%	1,188,238.00
B & O Tax	$141,471.60	$1,274,687.86	90.40%	1,410,000.00
Hotel/Motel Tax	$12,323.83	$174,280.20	89.37%	195,000.00
Gas & Oil Severance Tax	$0.00	$70,881.19	283.52%	25,000.00
2% City Utility Tax	$7,730.14	$56,484.04	80.69%	70,000.00
Utility Excise Tax	$31,045.82	$205,935.68	68.65%	300,000.00
Liquor Tax	$0.00	$64,934.40	70.58%	92,000.00
Police	$1,259.79	$5,861.09	24.42%	24,000.00
Municipal Court	$3,741.81	$19,128.04	30.85%	62,000.00
Code Enforcement	$1,088.33	$17,296.71	67.30%	25,700.00
Business License	$455.00	$10,570.00	36.45%	29,000.00
Intergovernmental	$34,368.43	$418,861.98	229.55%	182,471.00
Franchise/IRP Fees	$20,574.91	$90,067.13	64.33%	140,000.00
Phil Gainer Community Center	$7,269.78	$35,632.78	91.37%	39,000.00
Misc. Revenue	$15,103.34	$108,055.54	102.66%	105,260.00
Municipal Sales Tax	$0.00	$1,098,562.50	78.47%	1,400,000.00
TOTAL	**$315,102.08**	**$4,492,712.73**	**79.21%**	5,672,028.00

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	$893,204.39	$315,102.08	$0.00	$0.00	$0.00	$0.00	$912,730.35	$4,492,712.73
Expenses	$443,738.72	$412,809.63	$403,761.70	$535,055.34	$475,531.75	$508,768.26	$442,145.26	$358,171.72	$0.00	$0.00	$0.00	$0.00	#	$3,579,982.38

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	$113,859.96	$126,649.07	$130,951.32	$125,579.73	$126,726.78	$132,668.71	$0.00	$0.00	$0.00	$0.00	-$348,431.32	$1,009,025.27
Expenses	$375,747.22	$112,032.55	$128,365.08	$150,347.04	$120,339.07	$142,634.08	$220,489.53	$107,502.02	$0.00	$0.00	$0.00	$0.00		$1,357,456.59

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	$215,658.94	$206,242.28	$275,568.92	$0.00	$0.00	$0.00	$0.00	-$116,119.40	$1,829,574.71
Expenses	$244,836.96	$222,640.35	$241,235.73	$232,602.45	$312,911.69	$253,078.52	$248,473.42	$189,914.99	$0.00	$0.00	$0.00	$0.00		$1,945,694.11

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	$412,646.68	$351,249.02	$421,463.48	$0.00	$0.00	$0.00	$0.00	$311,132.65	$3,246,242.41
Expenses	$339,127.28	$355,984.86	$432,184.41	$400,858.39	$331,210.72	$395,552.27	$407,192.08	$272,999.75	$0.00	$0.00	$0.00	$0.00		$2,935,109.76

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	$155,574.44	$50,400.39	$79,747.35	$77,057.58	$44,011.01	$102,012.18	$0.00	$0.00	$0.00	$0.00	-$88,794.65	$627,357.89
Expenses	$90,744.77	$70,132.37	$84,702.51	$125,866.17	$87,272.30	$98,575.93	$83,608.93	$75,249.56	$0.00	$0.00	$0.00	$0.00		$716,152.54

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	$8,754.02	$8,559.34	$0.00	$0.00	$0.00	$0.00	$55,813.24	$57,229.82
Expenses	$1,019.07	$6.95	$168.69	$6.97	$11.14	$170.50	$17.42	$15.84	$0.00	$0.00	$0.00	$0.00		$1,416.58

Bank Account Name	Balance as of 2/29/2024
ARPA	$726,296.84
Elkins Building Comm. Sinking Fund	$0.00
Elkins Municipal Building Comm.	$0.00
Financial Stabilization	$940,218.97
Fire Pension Fund	$2,739,311.84
Firemen's Pension & Relief Fund	$0.00
Landfill Access Escrow	$1,855,875.88
Landfill Post Closure	$48,720.12
Opioid	$21,833.31
Payroll	$527.01
Police Forfeitures	$1,851.15
Police Pension Fund	$4,624,455.90
Police Seizures	$26,657.06
Policemen's Pension & Relief Fund	$0.00
Pooled Cash-Coal Severance Fund	$177,876.96
Pooled Cash-Fire Fund	$377,427.78
Pooled Cash-General Fund	$1,942,887.48
Pooled Cash-Landfill Fund	$126,761.15
Pooled Cash-Parks Fund	$910,508.66
Pooled Cash-Sanitation Fund	$923,280.08
Pooled Cash-Sewer Fund	$93,690.22
Pooled Cash-Water Fund	$428,423.33
Sewer Depreciation	$207,212.10
Sewer O&M	$419,606.59
Sewer Project	$49.84
Water Depreciation	$179,393.73
Water O&M	$421,189.86

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	Approval of vendor invoice payments
Category:	Action Item
Agenda Item Name:	Vendor invoices presented for approval: March 4-15, 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 in all funds March 4-15, 2024
Fiscal Impact:	Report details $1,023,872.56 in transactions from all funds.
Recommendation:	Consider for approval
Attachments:	1. AP Check Report - 2024_03_21

VENDOR SET: 01 Elkins
BANK: * ALL BANKS
DATE RANGE: 3/04/2024 THRU 3/15/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
C-CHECK	VOID CHECK	V	3/05/2024			000112		

* * T O T A L S * *	NO			INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	0			0.00	0.00	0.00
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:	1	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: TOTALS:	1	0.00	0.00	0.00
BANK: TOTALS:	1	0.00	0.00	0.00

VENDOR SET: 01 Elkins
BANK: ARPA America Rescue Plan Act
DATE RANGE: 3/04/2024 THRU 3/15/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01155	Vannostrand Architects, PLLC							
I-21110534-2	contracted services-emerg gen	R	3/05/2024	5,800.00		000113		
I-22080550-2	contracted services-HVAC	R	3/05/2024	38,000.00		000113		43,800.00

* * T O T A L S * *	NO			INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1			43,800.00	0.00	43,800.00
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	43,800.00	0.00	43,800.00
BANK: ARPA TOTALS:	1	43,800.00	0.00	43,800.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 3/04/2024 THRU 3/15/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00741	Great-West Trust Company LLC							
I-VF 202403051627	Voya	D	3/05/2024	595.00		005678		
I-VF2202403051627	Voya AT	D	3/05/2024	100.00		005678		695.00
02417	US Bank Corporate Payment Syst							
I-VisaFleet 022924	Visa Fleet Stmt Pmt 022924	D	3/14/2024	15,320.08		005690		15,320.08
02417	US Bank Corporate Payment Syst							
C-SenecaDesign 02/24	Inv45977 - credit taxes	D	3/14/2024	35.09CR		005776		
I-VisaNF Pmt 022924	Visa NonFleet Stmt Pmt 022924	D	3/14/2024	113,315.66		005776		113,280.57
00116	Child Support Enforcement							
I-CDS202403051627	Child Support	R	3/05/2024	571.48		015006		571.48
00121	Citizens Bank of WVFP							
I-FP 202403051627	Fire Pension	R	3/05/2024	504.32		015007		504.32
00122	Citizens Bank of WVPP							
I-PP 202403051627	Police Pension	R	3/05/2024	185.69		015008		
I-PPN202403051627	Police Pension-2010 Forward	R	3/05/2024	431.72		015008		617.41
00147	COE Misc							
I-MIS202403051627	Misc Reimbursements	R	3/05/2024	555.00		015009		555.00
00150	COE Payroll							
I-T1 202403051627	Federal Withholding	R	3/05/2024	12,544.11		015010		12,544.11
00151	COE Payroll							
I-T3 202403051627	FICA	R	3/05/2024	18,936.60		015011		
I-T4 202403051627	Medicare	R	3/05/2024	4,831.48		015011		23,768.08
00152	COE Payroll							
I-T2 202403051627	State Withholding	R	3/05/2024	5,537.00		015012		5,537.00
00203	Davis Trust Company							
I-CC 202403051627	Employee Christmas Club	R	3/05/2024	2,760.00		015013		2,760.00
00747	Washington National Insurance							
I-WN 202403051627	Washington National Insurance	R	3/05/2024	641.85		015014		641.85
00837	COE Payroll Reimbursement							
I-001202403051627	Payroll Reimbursement	R	3/05/2024	50,272.67		015015		
I-006202403051627	Payroll Reimbursement	R	3/05/2024	5,194.15		015015		
I-036202403051627	Payroll Reimbursement	R	3/05/2024	15,331.73		015015		
I-400202403051627	Payroll Reimbursement	R	3/05/2024	24,113.90		015015		
I-401202403051627	Payroll Reimbursement	R	3/05/2024	13,335.56		015015		
I-404202403051627	Payroll Reimbursement	R	3/05/2024	11,812.87		015015		120,060.88

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 3/04/2024 THRU 3/15/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01885	Colonial Life							
I-CL 202403051627	Colionial Life-AT	R	3/05/2024	112.10		015016		
I-CLP202403051627	Colonial Life-PT	R	3/05/2024	52.52		015016		164.62
00150	COE Payroll							
I-T1 202403051628	Federal Withholding	R	3/05/2024	46.11		015017		46.11
00151	COE Payroll							
I-T3 202403051628	FICA	R	3/05/2024	217.60		015018		
I-T4 202403051628	Medicare	R	3/05/2024	50.88		015018		268.48
00152	COE Payroll							
I-T2 202403051628	State Withholding	R	3/05/2024	46.00		015019		46.00
00837	COE Payroll Reimbursement							
I-400202403051628	Payroll Reimbursement	R	3/05/2024	1,423.22		015020		1,423.22
00079	Broughton Sports							
I-T-2541	Plaques/Engraving/Plates	R	3/05/2024	484.00		015021		484.00
00132	Clarksburg Water Board							
I-JAN/FEB 2024	Compliance Samples Jan/Feb 24	R	3/05/2024	276.00		015022		276.00
00143	COE General Fund 2							
I-IND 03/2024	Monthly Indirects 03/2024	R	3/05/2024	12,955.92		015023		12,955.92
00149	COE Parks and Recreation							
I-Support 03/2024	Monthly Support 03/2024	R	3/05/2024	25,483.00		015024		25,483.00
00158	COE Water Depreciation Account							
I-WtrDepr 02/2024	Water Depr Deposit 02/2024	R	3/05/2024	10,246.38		015025		10,246.38
00235	Elkins Building Comm.							
I-03/2024	Monthly Pmt 03/2024	R	3/05/2024	3,483.79		015026		3,483.79
00283	Frontier							
I-022024	land lines	R	3/05/2024	1,279.65		015027		1,279.65
00334	Core & Main LP							
I-U305316	Hymax Cplngs	R	3/05/2024	754.00		015028		
I-U330225	1" No Lead Cplg Pjcts	R	3/05/2024	192.00		015028		
I-U382685	8 Hymax 2 Flip Cplg	R	3/05/2024	2,446.88		015028		3,392.88

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00381	Grover C Jackson Jr							
I-03/2024 RENT	Rent 03/2024	R	3/05/2024	1,800.00		015029		1,800.00
00457	Metalworks, Inc.							
I-13337	Supply ORings	R	3/05/2024	68.43		015030		68.43
00468	Miss Utility of West Virginia,							
I-WV24-179	Message Fees Jan 2024	R	3/05/2024	273.35		015031		273.35
00471	Mon Power							
I-90009469203	consumption/lighting	R	3/05/2024	47,485.76		015032		47,485.76
00484	Mountaineer Gas Company							
I-1Baxter 022024	1Baxter 011024-020624	R	3/05/2024	908.41		015033		
I-1Baxter614 022024	1Baxter 614 011024-020624	R	3/05/2024	604.34		015033		
I-216-4th 022024	216-4th 010924-020624	R	3/05/2024	2,113.89		015033		
I-216-4thB 022024	216-4thB 010924-020624	R	3/05/2024	39.69		015033		
I-401Davis 022024	401Davis 011124-020624	R	3/05/2024	4,516.33		015033		
I-421Davis 022024	421 Davis 010924-020624	R	3/05/2024	614.75		015033		
I-917 S RR 022024	S RR 011024-020724	R	3/05/2024	1,314.15		015033		
I-Barron 022024	Barron 010924-020624	R	3/05/2024	197.51		015033		
I-Baxter 022024	Baxter 010924-020624	R	3/05/2024	1,358.58		015033		
I-BearHntr 021524	153Bearhunter 0117-021524	R	3/05/2024	38.00		015033		
I-Center 022024	010924-020624	R	3/05/2024	253.89		015033		
I-FloodCtl 022024	Flood Control 010924-020824	R	3/05/2024	1,739.83		015033		
I-Glendale 022024	Glendale 010924-020624	R	3/05/2024	321.75		015033		
I-IndstPk 022024	Industrial Pk 010924-020824	R	3/05/2024	410.20		015033		
I-RELee 022024	RELee 010924-020624	R	3/05/2024	1,593.81		015033		
I-ScottFd 021624	500 Scott Ford Rd 0117-021624	R	3/05/2024	40.01		015033		
I-Stewart 022024	Stewart 010924-020624	R	3/05/2024	60.07		015033		16,125.21
00500	Newlons International Sales, L							
I-01P15797	Clamp/Solenoid/Bracket	R	3/05/2024	463.77		015034		
I-01P15931	Gasket/Elbow	R	3/05/2024	76.36		015034		540.13
00628	Seneca Designs							
I-45991	2 Tshirts-BB League	R	3/05/2024	21.50		015035		21.50
00786	WV Bureau for Public Health							
I-MallowWm CLII	William Mallow CLII WW Cert	R	3/05/2024	150.00		015036		150.00
00808	WV Municipal League							
I-Mayor 2024 MWConf	2024 Mid-Winter Conf-Mayor	R	3/05/2024	300.00		015037		300.00

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VENDOR I.D.		NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01125		Ferguson Ent dba Pollardwater							
	I-0247024	Pmp Stk Batry Adpt/BaseMdl	R	3/05/2024	1,125.00		015038		
	I-0247145	Tube Cutter/Pipe Wrenches	R	3/05/2024	1,876.72		015038		3,001.72
01313		COE Water O & M Account							
	I-Wtr OM 02/2024	Water OM Dep 02/2024	R	3/05/2024	12,902.14		015039		12,902.14
01447		Heritage Fire Equipment							
	I-10926	Pump Shift Repair Kit	R	3/05/2024	385.25		015040		385.25
01563		BHM CPA Group, Inc							
	I-80379	June 30, 2023 Audit	R	3/05/2024	15,200.00		015041		15,200.00
01607		Graham-Simon Plumbing							
	I-CKREQ 022224	Inv 150169 RChewning	R	3/05/2024	640.00		015042		640.00
01731		Bradish Glass Inc							
	I-4192	Cullet PU 020924 5.22 ton	R	3/05/2024	250.00		015043		250.00
01790		Crim Law Office PLLC							
	I-404	Sanitary Bd Attny Serv 12/2023	R	3/05/2024	630.00		015044		
	I-409	Sanitary Board 01/2024	R	3/05/2024	890.00		015044		1,520.00
01888		WVa Auto Glass							
	I-9614	Replace windshield 20Explorer	R	3/05/2024	549.00		015045		549.00
02098		Skasiks Quality Cleaners LLC							
	I-24037-235	Sew on Patches	R	3/05/2024	30.00		015046		30.00
02104		Northern Eagle Inc							
	I-0117344	Nestle Pure Water	R	3/05/2024	401.40		015047		401.40
02238		Appalachian Equipment Solution							
	I-103489-1	Hyd Pilot Filter/Oil/Oil Filtr	R	3/05/2024	225.52		015048		225.52
02277		Vigilant Communications LLC							
	I-0067	Motorola Radio	R	3/05/2024	2,500.00		015049		2,500.00
02347		LEAF							
	I-16148047	Tosh/Lexmark 032424	R	3/05/2024	570.83		015050		
	I-16160667	Toshiba 478S 032524	R	3/05/2024	109.47		015050		
	I-16160668	Tosh E4515AC 032524	R	3/05/2024	180.03		015050		860.33

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02486	FPG							
I-21762F	BM Repair and Test	R	3/05/2024	270.62		015051		270.62
02490	WVcorp							
I-107730	WV-CI-079-24	R	3/05/2024	49,807.00		015052		49,807.00
02579	Mitchell Price							
I-CKREQ 022724	Referee Fees 2 games	R	3/05/2024	50.00		015053		50.00
02580	Mountain Motorworks							
I-02/22/24	work on dump truck	R	3/05/2024	8,091.15		015054		8,091.15
02606	Elliott White							
I-CKREQ 022724	Referee Fees 4 games	R	3/05/2024	100.00		015055		100.00
02609	Stanley Steamer							
I-03214587	Carpet Cleaning	R	3/05/2024	825.00		015056		825.00
02614	Pace Shredding							
I-74588	23 boxes shred	R	3/05/2024	164.15		015057		164.15
02615	Chris Jones							
I-CKREQ 022724	Referee fees 2 games	R	3/05/2024	50.00		015058		50.00
02616	Aiden Lambert							
I-CKREQ 022624	Referee Fees 6 games	R	3/05/2024	150.00		015059		150.00
00032	Absolute Assurance Drug Test L							
I-3464	Employment testing Boyles	R	3/12/2024	41.00		015060		
I-3465	Testing - Richards/Kane	R	3/12/2024	84.00		015060		125.00
00047	Truist Governmental Finance							
I-00005 032424	9948000234-00005 032424	R	3/12/2024	2,596.05		015061		
I-00006 032724	9948000234-00006 032724	R	3/12/2024	2,643.26		015061		
I-00007 031924	9948000234-07 031924	R	3/12/2024	4,984.55		015061		10,223.86
00075	Encova Insurance							
I-36724409	02/02/24-03/03/24 WCB	R	3/12/2024	6,599.00		015062		6,599.00
00079	Broughton Sports							
I-T2546	Bball tournament medals	R	3/12/2024	80.00		015063		80.00
00156	COE Sewer Depreciation Account							
I-SWR DEPR 12/23	Sewer Depreciation 12/2023	R	3/12/2024	5,326.18		015064		5,326.18

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00202	Davis Trust Company							
I-12755 032224	03113776/12755 032224	R	3/12/2024	4,256.84		015065		4,256.84
00211	Elkins Depot Welcome Center							
I-Jan 2024	H/M January 2024	R	3/12/2024	6,161.92		015066		6,161.92
00283	Frontier							
I-022924 Whitmer	Landline 3042279917	R	3/12/2024	165.52		015067		165.52
00479	Amtower Auto Supply, Inc.							
I-204872	Anti-Seize/WheelNut/Ratchet	R	3/12/2024	54.02		015068		
I-205812	B/Fluid DOT	R	3/12/2024	8.36		015068		
I-206296	Shield/Knee Pads	R	3/12/2024	100.72		015068		163.10
00606	Steven C. Rodeheaver							
I-12185	Floor Squeegees/Brushes	R	3/12/2024	92.00		015069		92.00
00711	Tygart Valley Transfer, Inc.							
I-00021408	Comm	R	3/12/2024	338.25		015070		
I-00021411	Comm	R	3/12/2024	483.48		015070		
I-00021414	Res	R	3/12/2024	575.21		015070		
I-00021416	Res	R	3/12/2024	609.61		015070		
I-00021428	Comm	R	3/12/2024	300.03		015070		
I-00021433	Comm	R	3/12/2024	187.28		015070		
I-00021440	Comm	R	3/12/2024	176.77		015070		
I-00021451	Comm	R	3/12/2024	750.07		015070		
I-00021453	Res	R	3/12/2024	574.26		015070		
I-00021454	Res	R	3/12/2024	424.24		015070		
I-00021474	Comm	R	3/12/2024	102.24		015070		
I-00021501	Comm	R	3/12/2024	877.15		015070		
I-00021502	Res	R	3/12/2024	830.33		015070		
I-00021503	Res	R	3/12/2024	871.42		015070		
I-00021526	Comm	R	3/12/2024	297.16		015070		
I-00021551	Comm	R	3/12/2024	561.83		015070		
I-00021552	Res	R	3/12/2024	479.66		015070		
I-00021554	Comm	R	3/12/2024	367.87		015070		
I-00021573	Comm	R	3/12/2024	1,107.42		015070		
I-00021576	Comm	R	3/12/2024	514.06		015070		
I-00021581	Comm	R	3/12/2024	590.50		015070		
I-00021582	Res	R	3/12/2024	606.74		015070		
I-00021583	Comm	R	3/12/2024	303.85		015070		
I-00021585	Res	R	3/12/2024	509.28		015070		
I-00021605	Comm	R	3/12/2024	213.08		015070		
I-00021611	Comm	R	3/12/2024	117.53		015070		
I-00021618	Comm	R	3/12/2024	624.90		015070		
I-00021632	Comm	R	3/12/2024	512.15		015070		
I-00021635	Res	R	3/12/2024	536.99		015070		
I-00021652	Comm	R	3/12/2024	277.10		015070		

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
I-00021655	Res	R	3/12/2024	649.74		015070		
I-00021675	Res	R	3/12/2024	516.93		015070		
I-00021679	Comm	R	3/12/2024	754.85		015070		
I-00021682	Res	R	3/12/2024	499.73		015070		
I-00021683	Res	R	3/12/2024	537.95		015070		
I-00021704	Res	R	3/12/2024	121.35		015070		
I-00021711	Comm	R	3/12/2024	318.18		015070		
I-00021722	Res	R	3/12/2024	69.75		015070		
I-00021728	Res	R	3/12/2024	901.99		015070		
I-00021729	Res	R	3/12/2024	739.56		015070		
I-00021731	Comm	R	3/12/2024	881.93		015070		
I-00021744	Comm	R	3/12/2024	268.50		015070		
I-00021745	Comm	R	3/12/2024	171.99		015070		
I-00021755	Comm	R	3/12/2024	507.37		015070		
I-00021759	Res	R	3/12/2024	588.59		015070		
I-00021761	Res	R	3/12/2024	551.32		015070		
I-00021791	Comm	R	3/12/2024	612.48		015070		
I-00021792	Res	R	3/12/2024	593.37		015070		
I-00021793	Res	R	3/12/2024	524.57		015070		
I-00021808	Comm	R	3/12/2024	301.94		015070		
I-00021809	Comm	R	3/12/2024	552.28		015070		
I-00021815	Comm	R	3/12/2024	873.33		015070		
I-00021828	Res	R	3/12/2024	589.54		015070		
I-00021829	Res	R	3/12/2024	672.67		015070		
I-00021832	Comm	R	3/12/2024	609.61		015070		
I-00021858	Res	R	3/12/2024	571.39		015070		
I-00021864	Res	R	3/12/2024	484.44		015070		
I-00021865	Comm	R	3/12/2024	776.82		015070		
I-00021878	Comm	R	3/12/2024	298.12		015070		
I-00021905	Comm	R	3/12/2024	822.69		015070		
I-00021906	Res	R	3/12/2024	629.67		015070		
I-00021907	Res	R	3/12/2024	868.55		015070		
I-00021936	Res	R	3/12/2024	471.06		015070		
I-00021937	Res	R	3/12/2024	409.91		015070		
I-00021938	Comm	R	3/12/2024	337.29		015070		
I-00021952	Comm	R	3/12/2024	290.47		015070		
I-00021954	Comm	R	3/12/2024	194.92		015070		
I-00021957	Comm	R	3/12/2024	130.90		015070		
I-00021960	Comm	R	3/12/2024	420.42		015070		
I-00021969	Res	R	3/12/2024	535.08		015070		
I-00021970	Comm	R	3/12/2024	612.48		015070		
I-00021971	Res	R	3/12/2024	495.90		015070		
I-00021989	Comm	R	3/12/2024	243.65		015070		
I-00021995	Comm	R	3/12/2024	218.81		015070		
I-00022009	Comm	R	3/12/2024	570.43		015070		
I-00022010	Res	R	3/12/2024	581.90		015070		
I-00022011	Res	R	3/12/2024	658.34		015070		
I-00022027	Comm	R	3/12/2024	199.70		015070		

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I-00022035	Res	R	3/12/2024	591.45		015070		
I-00022037	Comm	R	3/12/2024	753.89		015070		
I-00022038	Res	R	3/12/2024	485.39		015070		
I-00022067	Comm	R	3/12/2024	232.19		015070		
I-00022073	Comm	R	3/12/2024	183.46		015070		
I-00022077	Res	R	3/12/2024	757.71		015070		
I-00022079	Res	R	3/12/2024	922.06		015070		
I-00022080	Comm	R	3/12/2024	954.54		015070		
I-00022100	Comm	R	3/12/2024	276.14		015070		
I-00022117	Comm	R	3/12/2024	433.80		015070		
I-00022121	Res	R	3/12/2024	555.15		015070		
I-00022125	Res	R	3/12/2024	590.50		015070		
I-00022149	Comm	R	3/12/2024	259.90		015070		
I-00022151	Comm	R	3/12/2024	202.57		015070		
I-00022155	Comm	R	3/12/2024	474.88		015070		
I-00022163	Res	R	3/12/2024	545.59		015070		
I-00022164	Comm	R	3/12/2024	674.58		015070		
I-00022165	Res	R	3/12/2024	562.79		015070		
I-00022174	Comm	R	3/12/2024	121.35		015070		
I-00022175	Comm	R	3/12/2024	471.06		015070		
I-00022187	Comm	R	3/12/2024	600.05		015070		
I-00022188	Res	R	3/12/2024	548.46		015070		
I-00022189	Res	R	3/12/2024	515.97		015070		50,666.40
00803	WV Division of Motor Vehicles							
I-022924	ID's Butcher and White	R	3/12/2024	50.00		015071		50.00
00838	Groundhog Directional Drilling							
I-1145	Bore-Hot Tap Meter Sets	R	3/12/2024	9,000.00		015072		
I-1146	12in bore & main line tie in	R	3/12/2024	17,000.00		015072		26,000.00
00855	LMC & Associates							
I-3515	Jan 2024 GA4 Account/Maint	R	3/12/2024	57.00		015073		57.00
01292	COE Sewer O & M Account							
I-SWR O&M 12/2023	SWR O&M 12/2023	R	3/12/2024	13,153.88		015074		13,153.88
01681	HdL Companies							
I-02292024	BLR 02/2024	R	3/12/2024	1,123.04		015075		1,123.04
01727	Enterprise FM Trust							
I-578571-030524	Fleet Leases 030524	R	3/12/2024	18,533.39		015076		18,533.39

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01821	Busy Beaver							
I-1561/1563	stone pavers/concreterepair	R	3/12/2024	135.20		015077		135.20
01942	Elkins Municipal Building Comm							
I-1214756-11 031524	01214756-11 031524	R	3/12/2024	4,833.20		015078		4,833.20
01957	Zoro Tools, Inc.							
I-INV13774157	Drain Grate Manhole Cover Lftr	R	3/12/2024	22.67		015079		
I-INV13851015	Magnetic Utility Lifter 751b	R	3/12/2024	394.19		015079		416.86
02019	Extreme Endeavors							
I-1060.24.01	Programmer time reconf FlowMtr	R	3/12/2024	190.00		015080		190.00
02215	Tucker County Solid Waste Auth							
I-139230	Wood and concrete 10.57ton	R	3/12/2024	563.38		015081		563.38
02238	Appalachian Equipment Solution							
I-w1905-1	Hammer Lines/Window repair	R	3/12/2024	479.31		015082		479.31
02431	Ferguson Waterworks #527							
I-0831665-6	YBrch/CompYBrch/PERibbedIns	R	3/12/2024	772.02		015083		
I-0831665-7	4-LF 2 CTSXPVC COMP COUP	R	3/12/2024	761.88		015083		
I-0833165-5	YBrch/Comp90Bend	R	3/12/2024	1,637.72		015083		
I-0861750-2	PJ90Bend/Comp Coup	R	3/12/2024	276.52		015083		
I-0866522	Snap Clamp	R	3/12/2024	387.60		015083		3,835.74
02576	Steve Kerns							
I-CKREQ 030624	Basketball referee 2 games	R	3/12/2024	50.00		015084		50.00
02606	Elliott White							
I-CKREQ 030624	Basketball referee 3 games	R	3/12/2024	75.00		015085		75.00
02611	Steve Miller							
I-Exp 02/26-27 03/04	Travel Exp 02/26-27 03/04/24	R	3/12/2024	98.25		015086		98.25
02619	D&L Mallow Construction LLC							
I-245	Replace shingles/gutter	R	3/12/2024	5,200.00		015087		5,200.00
02620	Nic Casey							
I-CKREQ 030624	Basketball referee 2 games	R	3/12/2024	50.00		015088		50.00
02621	Karl Dettinger							
I-CKREQ 030624	Basketball referee 2 games	R	3/12/2024	50.00		015089		50.00

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VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02622	Tommy Maynard							
I-CKREQ 030624	Basketball referee 4 games	R	3/12/2024	100.00		015090		100.00
02623	Jessie Sharp							
I-CKREQ 030624	Basketball referee 3 games	R	3/12/2024	75.00		015091		75.00
00140	City of Elkins							
I-SaniConst Project	construction acct deposit	R	3/14/2024	300,000.00		015092		300,000.00

* * TOTALS * *	NO			INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	87			850,776.91	0.00	850,776.91
HAND CHECKS:	0			0.00	0.00	0.00
DRAFTS:	3			129,295.65	0.00	129,295.65
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:	90	980,072.56	0.00	980,072.56
BANK: Pool TOTALS:	90	980,072.56	0.00	980,072.56
REPORT TOTALS:	91	1,023,872.56	0.00	1,023,872.56

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 320: Consideration on final 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 (final reading, postponed from 3/7 meeting)
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. By approving this ordinance on final reading tonight, council is authorizing the City Treasurer to work with John Stump, bond counsel, to commence the work necessary to issue these bonds, including identifying a financial institution to underwrite the bond. Actually issuing the bonds, in cooperation with this financial institution, will require additional council action at a later date. Mr. Stump will appear at that time to brief council and answer questions. Find more information about municipal bonds here: https://www.sec.gov/munied
Fiscal Impact:	Borrows up to $250,000 for construction of a new building.
Recommendation:	Consider for approval on final reading
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.

<u>Section 1.03</u>. <u>Bond Legislation Constitutes Contract</u>. 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.

<u>Section 1.04</u>. <u>Definitions</u>. 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

EXHIBIT A

RECORD OF ADVANCES

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)

<u>ASSIGNMENT</u>

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.

<u>Section 8.03</u>. <u>Arbitrage and Tax Exemption</u>. 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.

<u>Section 8.04</u>. <u>Tax Certificate and Rebate</u>. 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

18705374.1

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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[RESERVED]

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ARTICLE VII
ADDITIONAL COVENANTS OF THE ISSUER

ARTICLE VIII
INVESTMENT OF FUNDS

ARTICLE IX
DEFAULT AND REMEDIES

ARTICLE X
PAYMENT OF BONDS

ARTICLE XI
MISCELLANEOUS

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1742: Consideration of Supplemental Resolution related to Sewer Revenue Bonds, Series 2024
Recommended By:	Steptoe & Johnson, bond counsel
Summary:	This resolution is connected to the bond issuance authorized by Ordinance 320. For a bond issue, a supplemental resolution supplies certain details that could not have been provided in the original ordinance, such as finance institution that has been selected to receive the bonds and the format of various associated agreements. Steptoe & Johnson will provide this resolution at Thursday's meeting.
Fiscal Impact:	This is an additional step in the process of issuing as much as $250,000 in sewer revenue bonds, for the construction of a new garage building at the city's wastewater treatment plant.
Recommendation:	Consider for approval
Attachments:	None

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 324: Amending Elkins City Code §31.02 concerning council meetings (final reading)
Recommended By:	City Clerk, Rules & Ordinances Committee
Summary:	The proposed revision to Elkins City Code § 31.02 ("Meetings Generally") corrects time of regular council meetings and makes clarifications concerning special-called meetings, remote meetings, and executive sessions.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. O-324 (Amending Section 31.02 Meetings Generally)

ORDINANCE 324

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING ELKINS CITY CODE §31.02.

WHEREAS, the Common Council has previously adopted an ordinance concerning Council meetings which is codified in City Code, §31.02 Meetings Generally; and

WHEREAS, subsequent to the passage of the ordinance, it has become apparent that certain provisions of City Code, §31.02 Meetings Generally, need to be changed and amended to reflect changes in practices and for clarity; and

WHEREAS, the Common Council has determined that by making these changes to City Code, §31.02 Meetings Generally, it is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Common Council that City Code, §31.02, Meetings Generally, be amended to change and add the following language to the noted section:

§ 31.02 MEETINGS GENERALLY.

(A) Regular meetings. There shall be a regular meeting of the Council on the first and third Thursday of each month, at 7:00 p.m.; provided that council may elect to meet at other times and may otherwise approve temporary changes to this schedule from time to time.

(B) Special meetings. There may be a special meeting of the Council held at any time fixed by the Council.

(C) Special called meetings. There may be special-called meetings of the Council at any time fixed by the Mayor or by any three members of the Council. Notification of the time, date, location and agenda of any special-called meeting shall be provided in the same manner as for regular meetings, provided that, in the event that the usual notification methods are judged insufficient, every reasonable effort will be made using alternate methods to ensure timely notification. Except under unusual circumstances, all members of staff who customarily attend regular meetings shall be notified of any special-called meeting in the same way that members of Council are notified.

(D) Place of meetings. All meetings of the Council shall be held in the Council Chamber at City Hall; provided, that the Council may designate another place, open to the public and within the city when, in the opinion of a majority of the members, the Council Chambers would not be adequate to accommodate the number of persons expected to be present for a meeting, or when, for other good reason, the Council Chamber is not deemed suitable.

(E) Remote meetings. Council may elect to meet using telephonic or electronic tools and may under special circumstances elect to allow members to join otherwise in-person meetings using such tools, provided that the use of these tools must otherwise comply with all applicable requirements of City and State Code, especially including requirements concerning access by members of the public.

(F) Open to public; exceptions. All meetings of the Council shall be open to orderly members of the public; provided, that the Council may, during any meeting, elect to enter executive session, as provided by W.Va. Code § 6-9A-4; at which time, the Council may exclude from attendance any nonmembers whose presence is not necessary for the consideration of the subject being considered in executive session; and provided further, that no final decision shall be made or vote or action taken upon any matter until the meeting has been reopened to the public.

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 the date of its final adoption.

PASSED AND APPROVED ON THE FIRST READING: ______________________, 2024.

PASSED AND APPROVED ON THE SECOND AND FINAL READING: _______, 2024.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 325: Amending Elkins City Code §152.025 concerning meeting frequency for the Board of Zoning Appeals (final reading)
Recommended By:	City Clerk, Rules & Ordinances Committee
Summary:	City Code currently requires the Board of Zoning Appeals to meet at least quarterly. As a result of a change in state law in 2023, this requirement exceeds a new state minimum of semiannually. The proposal is to update city code to match this less onerous language in state code. The requested change is for the Board of Zoning Appeals to meet at least semi-annually, instead of quarterly, unless there is business requiring more frequent meetings.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. O-325 (Amending Section 152.025(G) Board of Zoning Appeals meetings)

ORDINANCE 325

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING ELKINS CITY CODE §152.025 CONCERNING MEETING FREQUENCY FOR THE BOARD OF ZONING APPEALS.

WHEREAS, the Common Council has previously adopted a zoning ordinance which provides for the Board of Zoning Appeals and its meetings which is codified in City Code § 152.025 (G) and

WHEREAS, WV Code §8A-8-5 has recently been amended to provide for the frequency of meetings for the Board of Zoning Appeals; and

WHEREAS, the Common Council has determined that City Code §152.025 (G), Powers and Duties of the Board of Zoning Appeals should be amended to reflect the changes in the West Virginia Code which 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, §152.05(G) Powers and Duties of the Board of Zoning Appeals be amended to add the following language to the noted section:

§ 152.025 POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS.

(G) The Board of Zoning Appeals shall meet semi-annually and may meet more frequently at the written request of the chairperson or by two or more members. Notice for a special meeting must be in writing; include the date, time, and place of the special meeting; and be sent to all members at least two days before the special meeting. Written notice of a special meeting is not required if the date, time, and place of the special meeting were set in a regular meeting. The Board of Zoning Appeals must have a quorum to conduct a meeting. A majority of the members of the Board of Zoning Appeals is a quorum. No action of a Board is official unless authorized by a majority of the members present at a regular or properly called special meeting.

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 the date of its final adoption.

PASSED AND APPROVED ON THE FIRST READING: ____________________, 2024.

PASSED AND APPROVED ON THE SECOND AND FINAL READING: _______, 2024.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 326: Amending Elkins City Code §33.036 concerning meeting frequency for the Planning Commission (final reading)
Recommended By:	City Attorney, City Clerk
Summary:	City Code currently requires the Planning Commission to meet at least quarterly. As a result of a change in state law in 2023, this requirement exceeds a new state minimum of semiannually. The proposal is to update city code to match this less onerous language in state code. The requested change is for the Planning Commission to meet at least semi-annually, instead of quarterly, unless there is business requiring more frequent meetings.
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. O-326 (Amending Section 33.036 Planning Commision meetings)

ORDINANCE 326

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING ELKINS CITY CODE § 33.036 CONCERNING MEETING FREQUENCY FOR THE PLANNING COMMISSION.

WHEREAS, the Common Council has previously adopted an ordinance which provides for the Planning Commission and its meetings which is codified in City Code § 33.036 (A); and

WHEREAS, WV Code §8A-2-7 has recently been amended to provide for the frequency of meetings for the Planning Commission; and

WHEREAS, the Common Council has determined that City Code §33.036(A) Planning Commission Meetings; Quorum be amended to reflect the changes in the West Virgina Code which is in the best interest of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Common Council that City Code, §33.036(A), Planning Commission Meetings, Quorum be amended to add the following language to the noted section:

§ 33.036 PLANNING COMMISSION MEETINGS; QUORUM.

(A) *Regular meetings.* When there is business to conduct, a Planning Commission shall meet at least quarterly. In any event, a Planning Commission shall meet a least semiannually and may meet more frequently at the request of the president or by two or more members.

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 the date of its final adoption.

PASSED AND APPROVED ON THE FIRST READING: ____________________, 2024.

PASSED AND APPROVED ON THE SECOND AND FINAL READING: _______, 2024.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1736: FY25 Coal Severance Budget
Recommended By:	Finance Committee
Summary:	The Finance Committee has recommended an FY25 Coal Severance Fund budget balanced at $207,000. The Coal Severance Fund accounts for revenues that local governments receive formulaically based on coal extraction.
Fiscal Impact:	Accounts for $22,000 in projected FY 2025 revenues, bringing the projected total to $207,000.
Recommendation:	Consider for approval
Attachments:	1. R-1736 - Coal Severance Fund Budget FY25 2. FY2025 Coal Severance Budget

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1625)
March 2024

Fiscal Year 2025 Coal Severance Budget

WHEREAS, the City of Elkins Common Council has previously adopted a Protocol for the Adoption and Revision of Budgets, via Resolution 598, on June 5, 2014; and,

WHEREAS, the Treasurer has presented a proposed Coal Severance Fund Budget for the Fiscal Year 2025 (copy attached and made part of this record); and,

WHEREAS, the Finance Committee of the Elkins Common Council has reviewed and recommends adoption of the same; and,

WHEREAS, Council finds that is in the best interests of the City of Elkins to approve and adopt the Coal Severance Fund Budget for the Fiscal Year 2025; now ***therefore be it***

RESOLVED, that the Common Council of the City of Elkins hereby approves and adopts the Coal Severance Fund Budget for the Fiscal Year 2025 as presented.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

3-11-24 3:00 PM G/L BUDGET REPORT

BUDGET : 25-2024-2025 Budget

FUND : 002 COAL SEVERANCE FUND

ITEMS PRINTED: ANNUAL BUDGET AMOUNTS PAGE: 1

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
002-000-300-0299	Unemcumbered Fund Balance	185,000.00CR
002-000-310-0000	Coal Severance Tax	20,000.00CR
002-000-380-0000	Interest Earned on Investments	2,000.00CR
	PAGE TOTAL:	207,000.00CR
	TOTAL:	207,000.00CR
	TOTAL REVENUES:	207,000.00CR

BUDGET : 25-2024-2025 Budget
FUND : 002 COAL SEVERANCE FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 440	CITY HALL	
002-440-216-0000	Maint of Equipment	0.00
002-440-230-0000	Contracted Services	0.00
002-440-566-0000	City Hall Contingency	207,000.00
	PAGE TOTAL:	207,000.00
	TOTAL:	207,000.00
	TOTAL EXPENDITURES:	207,000.00
	NET REVENUES/EXPENDITURES:	0.00

SELECTION CRITERIA

FUND: Include: 002
ACCOUNTS: ALL
DIGIT SELECTION:

PRINT OPTIONS

ITEMS TO PRINT: Annual Budget
BUDGET TO PRINT: 25-2024-2025 Budget
INCLUDE LINE ITEM DETAIL: NO
INCLUDE ACCOUNT BUDGET NOTES: NO
PAGE BREAK BY DEPARTMENT: YES

** END OF REPORT **

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1737: Fire Fund Budget
Recommended By:	Finance Committee
Summary:	The Fire Fund accounts for revenues from the Fire & Rescue Service Fee and related revenues. The Finance Committee recommends adoption of the attached FY 2025 Fire Fund budget balanced at $929,000.
Fiscal Impact:	Projects and accounts for revenues of $929,000 in FY 2025.
Recommendation:	Consider for approval
Attachments:	1. R-1737 - Fire Department Fund Budget FY25 2. FY2025 Fire Budget

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1737)
March 21, 2024

Fiscal Year 2025 Fire Fund Budget

WHEREAS, the Common Council of the City of Elkins, per adoption of Resolution #1507, on March 17, 2022, created Fund 036 for the administration of revenues and expenditures of the Elkins Fire Department; and,

WHEREAS, the Fire Chief and Treasurer have jointly presented a proposed Fire Department Fund Budget for the Fiscal Year 2025 (copy attached and made part of this record); and,

WHEREAS, the Finance Committee of the Elkins Common Council has reviewed and recommends adoption of the same; and,

WHEREAS, Council finds that is in the best interests of the City of Elkins to approve and adopt the Fire Department Fund Budget for the Fiscal Year 2025; now ***therefore be it***

RESOLVED, that the Common Council of the City of Elkins hereby approves and adopts the Fire Department Fund Budget for the Fiscal Year 2025 as presented.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

BUDGET : 25-2024-2025 Budget
FUND : 036 FIRE DEPARTMENT
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
036-000-352-0000	Fire Protection Fees	885,000.00CR
036-000-352-0001	Fire Protection Fee Penalty	25,000.00CR
036-000-380-0000	Interest Earned	19,000.00CR
036-000-381-0000	Reimbursements	0.00
036-000-382-0000	Refunds & Rebates	0.00
	PAGE TOTAL:	929,000.00CR
	TOTAL:	929,000.00CR
	TOTAL REVENUES:	929,000.00CR

BUDGET : 25-2024-2025 Budget
FUND : 036 FIRE DEPARTMENT
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 706	FIRE DEPARTMENT	
036-706-103-0000	Salary & Wages	325,763.00
036-706-103-0001	EVFD Salary & Wages	12,000.00
036-706-104-0000	FICA Expense	43,804.00
036-706-105-0000	Group Health Insurance	115,630.00
036-706-106-0000	Retirement	37,003.00
036-706-107-0000	Pensions Paid	36,845.00
036-706-108-0000	Overtime/Extra Help	80,455.00
036-706-211-0000	Telephone	1,500.00
036-706-212-0000	Printing	0.00
036-706-213-0000	Utilities	22,000.00
036-706-214-0000	Travel	500.00
036-706-215-0000	Maint of Bldgs & Grounds	4,000.00
036-706-216-0000	Maint of Equipment	10,000.00
036-706-217-0000	Maint of Autos & Trucks	10,000.00
036-706-218-0000	Postage	7,000.00
036-706-220-0000	Advertising	0.00
036-706-221-0000	Training & Education	7,500.00
036-706-222-0000	Dues & Subscriptions	3,000.00
036-706-223-0000	Professional Services	2,500.00
036-706-226-0000	Insurance & Bonds	10,000.00
036-706-226-0001	Insurance & Bonds Fleet	20,000.00
036-706-226-0002	Insurance & Bonds GL	10,000.00
036-706-229-0000	Court Costs & Damages	1,000.00
036-706-230-0000	Contracted Services	38,000.00
036-706-232-0000	Bank Charges	0.00
036-706-341-0000	Supplies & Materials	10,000.00
036-706-343-0000	Automobile Supplies	10,000.00
036-706-345-0000	Uniforms	5,500.00
036-706-348-0000	Chrgs By Other Funds	0.00
036-706-457-0000	Capital Outlay Buildings	5,000.00
036-706-459-0000	Capital Outlay Equipment	100,000.00
	PAGE TOTAL:	929,000.00
	TOTAL:	929,000.00
	TOTAL EXPENDITURES:	929,000.00
	NET REVENUES/EXPENDITURES:	0.00

SELECTION CRITERIA

FUND: Include: 036
ACCOUNTS: ALL
DIGIT SELECTION:

PRINT OPTIONS

ITEMS TO PRINT: Annual Budget
BUDGET TO PRINT: 25-2024-2025 Budget
INCLUDE LINE ITEM DETAIL: NO
INCLUDE ACCOUNT BUDGET NOTES: NO
PAGE BREAK BY DEPARTMENT: YES

** END OF REPORT **

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1738: FY25 General Fund Budget
Recommended By:	Finance Committee
Summary:	The General Fund pays for activities like street repairs, snow plowing, the police department, planning and zoning, building inspections, code enforcement, financial administration, customer service, legislative processes, downtown beautification, the functioning and upkeep of city hall, and many other basic services and operations of the city government. The Finance Committee has recommended an FY 2025 General Fund budget balanced at $6,266,793, with an estimated FY 2024 carryover of $648,261.
Fiscal Impact:	The proposed FY 2025 General Fund budget is approximately 10 percent higher than the FY 2024 budget.
Recommendation:	Consider for submission to the W. Va. State Auditor's Office
Attachments:	1. R-1738 - General Fund Budget FY25 2. FY24-25 Comparison 3. FY2025 General Fund Budget

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

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

(#1738)
March 21, 2024

Fiscal Year 2025 General Fund Budget

WHEREAS, the Treasurer has presented a proposed General Fund Budget for the Fiscal Year 2025 (copy attached and made part of this record); and,

WHEREAS, the Finance Committee of the Elkins Common Council has reviewed and recommends adoption of the same; and,

WHEREAS, Council finds that is in the best interests of the City of Elkins to approve and adopt the proposed General Fund Budget for the Fiscal Year 2025; now ***therefore be it***

RESOLVED, that the Common Council of the City of Elkins hereby approves and adopts the General Fund Budget for the Fiscal Year 2025 as presented.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

REVENUE COMPARISON

	FY2025	FY2024	Difference
Unassigned Fund Balance	$648,261.00	$384,359.00	$263,902.00
Current Property Taxes	$1,220,605.00	$1,185,138.00	$35,467.00
Prior Year Taxes	$5,000.00	$1,000.00	$4,000.00
Supplemental Taxes	$5,000.00	$1,000.00	$4,000.00
Tax Loss Restoration	$500.00	$900.00	**-$400.00**
Tax Penalties	$0.00	$200.00	**-$200.00**
Gas & Oil Severance Tax	$50,000.00	$25,000.00	$25,000.00
Excise Tax	$395,000.00	$370,000.00	$25,000.00
Business & Occupation Tax	$1,604,000.00	$1,410,000.00	$194,000.00
Wine & Liquor Tax	$92,000.00	$92,000.00	$0.00
Animal Control Tax	$1,700.00	$1,500.00	$200.00
Hotel Tax	$200,200.00	$195,000.00	$5,200.00
Sales Tax	$1,400,000.00	$1,400,000.00	$0.00
Fines, Fees & Court Costs	$51,600.00	$76,700.00	**-$25,100.00**
Parking Violations	$4,000.00	$7,500.00	**-$3,500.00**
Reg. Jail Reimbursement	$850.00	$800.00	$50.00
Licenses	$27,500.00	$29,000.00	**-$1,500.00**
Building Permit Fees	$28,000.00	$25,000.00	$3,000.00
Miscellaneous Permits	$200.00	$200.00	$0.00
Franchise Fees	$67,000.00	$80,000.00	**-$13,000.00**
IRP Fees	$60,000.00	$60,000.00	$0.00
Municipal Service Fees	$2,300.00	$1,000.00	$1,300.00
Off Street Parking	$0.00	$8,500.00	**-$8,500.00**
Rents, Royalties, & Concessions	$43,000.00	$38,000.00	$5,000.00
Refuse Collections	$1,500.00	$0.00	$1,500.00
Charges for Services	$0.00	$4,000.00	**-$4,000.00**
Charges to Other Funds	$201,017.00	$155,471.00	$45,546.00
Payment in Lieu of Taxes	$17,000.00	$16,000.00	$1,000.00
Gaming Income	$10,000.00	$11,000.00	**-$1,000.00**
Interest Earned on Investments	$75,000.00	$25,000.00	$50,000.00
Reimbursements	$10,000.00	$20,000.00	**-$10,000.00**
Refunds & Rebates	$9,000.00	$7,000.00	$2,000.00
Filing Fees	$300.00	$0.00	$300.00
Accident Reports	$2,000.00	$1,500.00	$500.00
Recycling Program	$4,260.00	$4,260.00	$0.00
Video Lottery	$25,000.00	$25,000.00	$0.00
Miscellaneous Revenues	$5,000.00	$10,000.00	**-$5,000.00**
TOTAL	**$6,266,793.00**	**$5,672,028.00**	**$594,765.00**

EXPENSE COMPARISON

	FY2025	FY2024	Difference
Mayor's Office	$33,730.00	$30,230.00	$3,500.00
City Council	$88,258.00	$87,087.00	$1,171.00
Treasurer's Office	$329,700.00	$325,700.00	$4,000.00
City Clerk's Office	$222,749.00	$194,323.00	$28,426.00
Police Judge's Office	$156,262.00	$129,115.00	$27,147.00
City Attorney	$80,000.00	$90,000.00	**-$10,000.00**
City Auditor	$25,000.00	$25,000.00	$0.00
Main Street Program	$5,000.00	$19,250.00	**-$14,250.00**
Randolph-Tucker Child Advocay	$10,000.00	$5,000.00	$5,000.00
Randolph Co Chamber of Commerce	$2,500.00	$6,000.00	**-$3,500.00**
Appalachain Forest Heritage	$2,000.00	$6,000.00	**-$4,000.00**
Tree Board	$3,700.00	$2,700.00	$1,000.00
Randolph Co Arts	$5,000.00	$5,000.00	$0.00
Randolph Co Development Authority	$13,500.00	$13,500.00	$0.00
Our Town	$2,500.00	$0.00	$2,500.00
Citizens Promoting Community	$2,500.00	$0.00	$2,500.00
Custodial	$154,600.00	$141,700.00	$12,900.00
Regional Development Authority	$8,000.00	$8,000.00	$0.00
Building Inspection	$84,300.00	$127,650.00	**-$43,350.00**
Planning & Zoning	$14,000.00	$0.00	$14,000.00
Elections	$14,600.00	$0.00	$14,600.00
City Hall	$522,000.00	$453,200.00	$68,800.00
Other Buildings	$0.00	$25,970.00	**-$25,970.00**
Public Works Department	$175,550.00	$197,500.00	**-$21,950.00**
Police Department	$1,670,065.00	$1,461,892.00	$208,173.00
Police-Special Duty	$84,153.00	$83,307.00	$846.00
Dog Warden/Humane Society	$19,100.00	$7,000.00	$12,100.00
Ambulance Authority	$50,000.00	$0.00	$50,000.00
Flood Control/Soil Conservation	$51,000.00	$50,000.00	$1,000.00
Streets & Highways	$1,246,550.00	$1,071,363.00	$175,187.00
Street Lights	$108,000.00	$104,500.00	$3,500.00
Signs & Signals	$24,000.00	$27,526.00	**-$3,526.00**
Snow Removal	$25,000.00	$25,000.00	$0.00
Central Garage	$185,300.00	$173,700.00	$11,600.00
Airports	$15,000.00	$18,250.00	**-$3,250.00**
Public Transit	$15,000.00	$14,000.00	$1,000.00
Recycling Center	$4,500.00	$3,000.00	$1,500.00
Local Health Department	$5,500.00	$4,500.00	$1,000.00
Storm Sewer	$15,000.00	$10,000.00	$5,000.00
Parks & Recreation	$305,796.00	$305,796.00	$0.00
Visitors Bureau	$100,000.00	$97,500.00	$2,500.00
Civic Center-PGCC	$125,650.00	$127,250.00	**-$1,600.00**
Historical Commission	$4,000.00	$4,000.00	$0.00
Civic Promotions	$6,934.00	$6,934.00	$0.00
Library	$22,500.00	$22,500.00	$0.00
Beautification Programs	$48,000.00	$50,000.00	**-$2,000.00**
Human Resources	$180,296.00	$111,085.00	$69,211.00
TOTAL	**$6,266,793.00**	**$5,672,028.00**	**$594,765.00**

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS PAGE: 1

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
001-000-300-0301	Committed Comm Outreach	0.00
001-000-301-0001	Current Year Taxes	1,220,605.00CR
001-000-301-0002	Prior Year Taxes	5,000.00CR
001-000-301-0004	Third Year Taxes	0.00
001-000-301-0006	Supplemental Taxes	5,000.00CR
001-000-301-0012	Tax Loss Restoration Dist	500.00CR
001-000-302-0001	Interest A	0.00
001-000-302-0002	Interest B	0.00
001-000-303-0000	Gas & Oil Severance Tax	50,000.00CR
001-000-304-0000	Utility Excise Tax	310,000.00CR
001-000-304-0001	2% City Utility Tax	85,000.00CR
001-000-305-0000	Business & Occupation Tax	1,600,000.00CR
001-000-305-0001	Business & Occupation Penalty	4,000.00CR
001-000-306-0000	Wine & Liquor Tax	92,000.00CR
001-000-307-0000	Animal Control Tax	1,700.00CR
001-000-308-0000	Hotel Occupancy Tax	200,000.00CR
001-000-308-0001	Hotel Occupancy Penalty	200.00CR
001-000-314-0000	Sales Tax	1,400,000.00CR
001-000-320-0000	Fines, Fees & Court Costs	30,000.00CR
001-000-320-0001	Muni Court Restitution	100.00CR
001-000-320-0002	Police Equipment Fees	10,000.00CR
001-000-320-0003	Court Administration Fees	4,000.00CR
001-000-320-0004	Court Tech & Maint Fees	600.00CR
001-000-320-0005	Traffic School	0.00
001-000-320-0006	DUI - State	100.00CR
001-000-320-0007	DUI - City	200.00CR
001-000-320-0008	WV Public Defender Service	100.00CR
001-000-320-0009	Code Enforcement Fines	500.00CR
001-000-320-0010	Bonds	5,000.00CR
001-000-320-0011	Penalties	1,000.00CR
001-000-321-0000	Parking Violations	500.00CR
001-000-321-0001	Parking Violations St. Sweeper	3,000.00CR
001-000-321-0002	Parking Penalties	500.00CR
001-000-322-0000	Reg Jail Ops Part Reimb	850.00CR
001-000-325-0000	Licenses	27,000.00CR
001-000-325-0001	License Penalty	500.00CR
001-000-326-0000	Building Permit Fees	28,000.00CR
001-000-327-0000	Variances	200.00CR
001-000-328-0000	Franchise Fees	67,000.00CR
001-000-330-0000	IRP Fees	60,000.00CR
001-000-341-0000	Municipal Service Fees	1,000.00CR
001-000-341-0001	Rental Agreement Fees	1,300.00CR
001-000-341-0002	Vacant Structure Fees	0.00
001-000-341-0003	Inspection Fees	0.00
001-000-342-0000	Parking Meter Revenues	0.00
001-000-343-0000	Parking	0.00
001-000-345-0000	Rents, Royaltites & Concession	3,000.00CR
	PAGE TOTAL:	5,218,455.00CR

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
001-000-345-0001	PGCC Rents	40,000.00CR
001-000-350-0000	Refuse Collection	1,500.00CR
001-000-361-0000	Charges For Services	0.00
001-000-365-0000	Federal Government Grants	0.00
001-000-366-0000	State Government Grants	0.00
001-000-369-0000	Contributions From Other Funds	0.00
001-000-370-0000	City Hall Chg to Fire	34,989.00CR
001-000-370-0001	City Hall Chg to Parks	4,584.00CR
001-000-370-0002	Ciry Hall Chg to Water	73,534.00CR
001-000-370-0003	City Hall Chg to Sewer	49,033.00CR
001-000-370-0004	City Hall Chg to Sanitation	38,877.00CR
001-000-371-0000	Payment in Lieu of Taxes	17,000.00CR
001-000-376-0000	Gaming Income	10,000.00CR
001-000-379-0000	Property Rehabilitation	0.00
001-000-380-0000	Interest Earned on Investments	75,000.00CR
001-000-381-0000	Reimbursements	10,000.00CR
001-000-382-0000	Refunds & Rebates	9,000.00CR
001-000-383-0000	Sale of Fixed Asset	0.00
001-000-386-0000	Insurance Claims	0.00
001-000-387-0000	Filing Fees	300.00CR
001-000-389-0000	Accident Reports	2,000.00CR
001-000-391-0000	Recycling Program	4,260.00CR
001-000-397-0000	Video Lottery	25,000.00CR
001-000-399-0000	Miscellaneous Revenue	5,000.00CR
001-000-399-0001	PGCC Donations	0.00
001-000-399-0002	Police Donations	0.00
001-000-399-0003	Tree Board Donations	0.00
	PAGE TOTAL:	400,077.00CR
	TOTAL:	5,618,532.00CR
	TOTAL REVENUES:	5,618,532.00CR

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 404	State Grants	
001-404-220-0000	Advertising	0.00
001-404-223-0000	Professional Services	0.00
001-404-230-0000	Contracted Services	0.00
	PAGE TOTAL:	0.00
	DEPT TOTAL:	0.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 409	MAYOR	
001-409-101-0000	Official's Salary	20,000.00
001-409-104-0000	FICA Expense	1,530.00
001-409-211-0000	Telephone	1,400.00
001-409-214-0000	Travel	5,000.00
001-409-220-0000	Advertising	500.00
001-409-221-0000	Training & Education	1,200.00
001-409-222-0000	Dues & Subscriptions	3,500.00
001-409-341-0000	Supplies & Materials	600.00
	PAGE TOTAL:	33,730.00
	DEPT TOTAL:	33,730.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 410	COUNCIL	
001-410-101-0000	Official's Salary	64,800.00
001-410-104-0000	FICA Expense	4,957.00
001-410-105-0000	Group Health Insurance	14,653.00
001-410-106-0000	Retirement	648.00
001-410-214-0000	Travel	1,000.00
001-410-221-0000	Training & Education	1,200.00
001-410-341-0000	Supplies & Materials	1,000.00
	PAGE TOTAL:	88,258.00
	DEPT TOTAL:	88,258.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 413	TREASURER	
001-413-103-0000	Salary & Wages	198,000.00
001-413-104-0000	FICA Expense	16,000.00
001-413-105-0000	Group Health Insurance	48,000.00
001-413-106-0000	Retirement	18,000.00
001-413-108-0000	Overtime/Extra Help	1,000.00
001-413-214-0000	Travel	500.00
001-413-216-0000	Maint of Equipment	500.00
001-413-218-0000	Postage	6,000.00
001-413-220-0000	Advertising	200.00
001-413-221-0000	Training & Education	3,000.00
001-413-222-0000	Dues & Subscription	300.00
001-413-229-0000	Court Costs & Damages	200.00
001-413-230-0000	Contracted Services	25,000.00
001-413-240-0000	Refunds & Reimbursements	0.00
001-413-341-0000	Supplies & Materials	8,000.00
001-413-459-0000	Capital Outlay	5,000.00
	PAGE TOTAL:	329,700.00
	DEPT TOTAL:	329,700.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 415	CITY CLERK	
001-415-103-0000	Salary & Wages	139,304.00
001-415-104-0000	FICA Expense	10,657.00
001-415-105-0000	Group Health Insurance	29,380.00
001-415-106-0000	Retirement	12,538.00
001-415-108-0000	Overtime/Extra Help	750.00
001-415-211-0000	Telephone	720.00
001-415-214-0000	Travel	600.00
001-415-218-0000	Postage	100.00
001-415-220-0000	Advertising	200.00
001-415-221-0000	Training & Education	1,500.00
001-415-222-0000	Dues & Subscriptions	6,000.00
001-415-230-0000	Contracted Services	18,000.00
001-415-341-0000	Supplies & Materials	3,000.00
	PAGE TOTAL:	222,749.00
	DEPT TOTAL:	222,749.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 416	MUNICIPAL JUDGE	
001-416-103-0000	Salary & Wages	42,236.00
001-416-104-0000	FICA Expense	3,248.00
001-416-105-0000	Group Health Insurance	14,808.00
001-416-106-0000	Retirement	3,820.00
001-416-214-0000	Travel	1,300.00
001-416-221-0000	Training & Education	700.00
001-416-222-0000	Dues & Subscriptions	250.00
001-416-223-0000	Professional Services	40,000.00
001-416-230-0000	Contracted Services	20,000.00
001-416-235-0000	Remittance Fee Collected	21,000.00
001-416-240-0000	Refunds/Reimbursements	2,500.00
001-416-341-0000	Supplies & Materials	1,000.00
001-416-353-0000	Computer Software	5,400.00
	PAGE TOTAL:	156,262.00
	DEPT TOTAL:	156,262.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 417	CITY ATTORNEY	
001-417-223-0000	Professional Services	80,000.00
	PAGE TOTAL:	80,000.00
	DEPT TOTAL:	80,000.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 418	CITY AUDITOR	
001-418-223-0000	Professional Services	25,000.00
	PAGE TOTAL:	25,000.00
	DEPT TOTAL:	25,000.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 419	ELKINS MAIN STREET	
001-419-568-0000	MAIN STREET	5,000.00
	PAGE TOTAL:	5,000.00
	DEPT TOTAL:	5,000.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 424	CONT AUTHORITIES/ENTITIES	
001-424-568-0001	Randolph-Tucker Child Advocacy	10,000.00
001-424-568-0002	Kump House	0.00
001-424-568-0003	Rand Co Chamber of Commerce	2,500.00
001-424-568-0004	Appalachain Forest Heritage	2,000.00
001-424-568-0005	Tree Board	3,700.00
001-424-568-0007	Rand Co Arts Council	5,000.00
001-424-568-0009	Rand. Co. Dev. Authority	13,500.00
001-424-568-0010	Our Town Inc	2,500.00
001-424-568-0011	Citizens Promoting Community	2,500.00
	PAGE TOTAL:	41,700.00
	DEPT TOTAL:	41,700.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 429	CLEARANCE/DEMOLITION	
001-429-458-0000	Demolition Expenses	0.00
	PAGE TOTAL:	0.00
	DEPT TOTAL:	0.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

DEPT NO: 433 CUSTODIAL

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
001-433-103-0000	Salary & Wages	79,300.00
001-433-104-0000	FICA Expense	6,100.00
001-433-105-0000	Group Health Insurance	18,500.00
001-433-106-0000	Retirement	7,500.00
001-433-108-0000	Overtime/Extra Help	2,000.00
001-433-211-0000	Telephone	1,000.00
001-433-215-0000	Maint of Bldgs & Grounds	14,000.00
001-433-216-0000	Maint of Equipment	6,000.00
001-433-230-0000	Contracted Services	5,000.00
001-433-341-0000	Supplies & Materials	4,500.00
001-433-343-0000	Automobile Supplies	2,000.00
001-433-345-0000	Uniforms	1,200.00
001-433-459-0000	Capital Outlay	7,500.00
	PAGE TOTAL:	154,600.00
	DEPT TOTAL:	154,600.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 435	REGIONAL DEVELOP AUTH	
001-435-568-0001	Region VII	8,000.00
	PAGE TOTAL:	8,000.00
	DEPT TOTAL:	8,000.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 436	BUILDING INSPECTOR	
001-436-103-0000	Salary & Wages	42,000.00
001-436-104-0000	FICA Expense	3,100.00
001-436-105-0000	Group Health Insurance	15,600.00
001-436-106-0000	Retirement	4,000.00
001-436-108-0000	Overtime/Extra Help	1,000.00
001-436-211-0000	Telephone	1,300.00
001-436-212-0000	Printing	400.00
001-436-214-0000	Travel	800.00
001-436-216-0000	Maint of Equipment	500.00
001-436-217-0000	Maint of Autos & Trucks	500.00
001-436-218-0000	Postage	100.00
001-436-220-0000	Advertising	500.00
001-436-221-0000	Training & Education	3,500.00
001-436-222-0000	Dues & Subscriptions	700.00
001-436-223-0000	Professional Services	500.00
001-436-230-0000	Contracted Services	300.00
001-436-341-0000	Supplies & Materials	3,000.00
001-436-343-0000	Automobile Supplies	2,000.00
001-436-345-0000	Uniforms	500.00
001-436-459-0000	Capital Outlay Equipment	4,000.00
	PAGE TOTAL:	84,300.00
	DEPT TOTAL:	84,300.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 437	PLANNING & ZONING	
001-437-341-0000	Supplies & Materials	14,000.00
	PAGE TOTAL:	14,000.00
	DEPT TOTAL:	14,000.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 438	ELECTIONS	
001-438-212-0000	Printing	3,900.00
001-438-220-0000	Advertising	2,000.00
001-438-230-0000	Contracted Services	8,500.00
001-438-341-0000	Supplies & Materials	200.00
	PAGE TOTAL:	14,600.00
	DEPT TOTAL:	14,600.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 440	CITY HALL	
001-440-211-0000	Telephone	1,800.00
001-440-213-0000	Utilities	45,000.00
001-440-215-0000	Maint of Bldgs & Grounds	0.00
001-440-216-0000	Maint of Equipment	0.00
001-440-218-0000	Postage	5,000.00
001-440-220-0000	Advertising	6,000.00
001-440-222-0000	Dues & Subscriptions	4,000.00
001-440-223-0000	Professional Services	15,000.00
001-440-226-0000	Insurance & Bonds Gen Lia	80,000.00
001-440-226-0001	Insurance & Bonds W/C	30,000.00
001-440-230-0000	Contracted Services	200,000.00
001-440-232-0000	Bank Charges	200.00
001-440-341-0000	Supplies & Materials	15,000.00
001-440-353-0000	Computer Software	35,000.00
001-440-459-0000	Capital Outlay Equipment	85,000.00
	PAGE TOTAL:	522,000.00
	DEPT TOTAL:	522,000.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 441	OTHER BUILDINGS	
001-441-213-0000	Darden House Utilities	0.00
001-441-213-0001	Kump House Utilities	0.00
001-441-230-0000	Contracted Serv-Darden House	0.00
001-441-230-0001	Contracted Serv-Kump House	0.00
001-441-341-0000	Supplies&Materl-Darden House	0.00
	PAGE TOTAL:	0.00
	DEPT TOTAL:	0.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 444	TRANSFER TO OTHER FUNDS	
001-444-214-0005	Transfer To Other Funds	0.00
	PAGE TOTAL:	0.00
	DEPT TOTAL:	0.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 566	PUBLIC WORKS DEPT	
001-566-103-0000	Salary & Wages	117,000.00
001-566-104-0000	FICA Expense	7,000.00
001-566-105-0000	Group Health Insurance	11,500.00
001-566-106-0000	Retirement	8,000.00
001-566-108-0000	Overtime/Extra Help	2,000.00
001-566-211-0000	Telephone	3,000.00
001-566-214-0000	Travel	1,000.00
001-566-217-0000	Maint of Autos & Trucks	1,000.00
001-566-218-0000	Postage	500.00
001-566-220-0000	Advertising	300.00
001-566-221-0000	Training & Education	1,500.00
001-566-222-0000	Dues & Subscriptions	750.00
001-566-226-0000	Insurance & Bonds	500.00
001-566-230-0000	Contracted Services	5,000.00
001-566-341-0000	Supplies & Materials	5,000.00
001-566-343-0000	Automobile Supplies	1,500.00
001-566-353-0000	Computer Software	2,000.00
001-566-459-0000	Capital Outlay Equipment	8,000.00
	PAGE TOTAL:	175,550.00
	DEPT TOTAL:	175,550.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 699	CONTINGENCIES	
001-699-000-0000	Contingencies	0.00
	PAGE TOTAL:	0.00
	DEPT TOTAL:	0.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 700	POLICE	
001-700-103-0000	Salary & Wages	734,637.00
001-700-104-0000	FICA Expense	66,910.00
001-700-105-0000	Group Health Insurance	196,253.00
001-700-106-0000	Retirement	58,179.00
001-700-107-0000	Pensions Paid	25,000.00
001-700-108-0000	Overtime/Extra Help	175,000.00
001-700-211-0000	Telephone	12,000.00
001-700-214-0000	Travel	5,000.00
001-700-216-0000	Maint of Equipment	1,500.00
001-700-217-0000	Maint of Autos & Trucks	15,000.00
001-700-218-0000	Postage	300.00
001-700-220-0000	Advertising	3,000.00
001-700-221-0000	Training & Education	15,000.00
001-700-222-0000	Dues & Subscriptions	2,500.00
001-700-223-0000	Professional Services	10,000.00
001-700-227-0000	K-9	35,000.00
001-700-230-0000	Contracted Services	13,000.00
001-700-341-0000	Supplies & Materials	40,000.00
001-700-341-0001	Tactical Supplies/Materials	15,000.00
001-700-343-0000	Automobile Supplies	60,000.00
001-700-345-0000	Uniforms	20,000.00
001-700-353-0000	Computer Software	20,000.00
001-700-459-0000	Capital Outlay Equipment	146,786.00
	PAGE TOTAL:	1,670,065.00
	DEPT TOTAL:	1,670,065.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 704	POLICE ADMINISTRATION	
001-704-103-0000	Salary & Wages	64,080.00
001-704-104-0000	FICA Expense	4,902.00
001-704-105-0000	Group Health Insurance	7,404.00
001-704-106-0000	Retirement	5,767.00
001-704-108-0000	Overtime/Extra Help	2,000.00
001-704-226-0000	Insurance & Bonds	0.00
	PAGE TOTAL:	84,153.00
	DEPT TOTAL:	84,153.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 707	DOG WARDEN/HUMANE SOC	
001-707-341-0000	Supplies & Materials	100.00
001-707-568-0000	Animal Control Contributions	19,000.00
	PAGE TOTAL:	19,100.00
	DEPT TOTAL:	19,100.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 709	AMBULANCE AUTHORITY	
001-709-568-0000	Rand Co EMS	50,000.00
	PAGE TOTAL:	50,000.00
	DEPT TOTAL:	50,000.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 714	FLOOD CONTROL	
001-714-222-0000	Dues & Subscriptions	1,000.00
001-714-341-0000	Supplies & Materials	50,000.00
	PAGE TOTAL:	51,000.00
	DEPT TOTAL:	51,000.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 750	STREET DEPARTMENT	
001-750-103-0000	Salary & Wages	402,100.00
001-750-104-0000	FICA Expense	34,000.00
001-750-105-0000	Group Health Insurance	102,400.00
001-750-106-0000	Retirement	40,000.00
001-750-108-0000	Overtime/Extra Help	42,000.00
001-750-211-0000	Telephone	4,000.00
001-750-213-0000	Utilities	30,000.00
001-750-214-0000	Travel	500.00
001-750-215-0000	Maint of Bldgs & Grounds	4,000.00
001-750-216-0000	Maint of Equipment	32,000.00
001-750-217-0000	Maint of Autos & Trucks	25,000.00
001-750-219-0000	Bldgs & Equipment & Rents	26,000.00
001-750-220-0000	Advertising	500.00
001-750-221-0000	Training & Education	500.00
001-750-223-0000	Professional Services	500.00
001-750-230-0000	Contracted Services	20,000.00
001-750-341-0000	Supplies & Materials	25,000.00
001-750-341-0001	Paving	240,000.00
001-750-341-0002	Grinding	35,000.00
001-750-341-0003	Patching	20,800.00
001-750-341-0004	Grading	11,000.00
001-750-343-0000	Automobile Supplies	35,000.00
001-750-345-0000	Uniforms	9,000.00
001-750-353-0000	Computer Software	250.00
001-750-457-0000	Capital Outlay Buildings	10,000.00
001-750-458-0000	Capital Outlay Improvements	12,000.00
001-750-459-0000	Capital Outlay Equipment	85,000.00
	PAGE TOTAL:	1,246,550.00
	DEPT TOTAL:	1,246,550.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 751	STREET LIGHTS	
001-751-213-0000	Utilities	108,000.00
	PAGE TOTAL:	108,000.00
	DEPT TOTAL:	108,000.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 752	SIGNS & SIGNALS	
001-752-213-0000	Utilities	8,000.00
001-752-216-0000	Maint of Equipment	2,000.00
001-752-341-0000	Supplies & Materials	14,000.00
	PAGE TOTAL:	24,000.00
	DEPT TOTAL:	24,000.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 753	SNOW REMOVAL	
001-753-341-0000	Supplies & Materials	25,000.00
	PAGE TOTAL:	25,000.00
	DEPT TOTAL:	25,000.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 754	CENTRAL GARAGE	
001-754-103-0000	Salary & Wages	82,300.00
001-754-104-0000	FICA Expense	6,300.00
001-754-105-0000	Group Health Insuranace	29,500.00
001-754-106-0000	Retirement	7,500.00
001-754-108-0000	Overtime/Extra Help	4,000.00
001-754-211-0000	Telephone	3,300.00
001-754-213-0000	Utilities	9,000.00
001-754-216-0000	Maint of Equipment	3,000.00
001-754-217-0000	Maint of Autos & Trucks	1,000.00
001-754-219-0000	Buildings & Equipment & Rents	9,000.00
001-754-222-0000	Dues & Subscriptions	200.00
001-754-230-0000	Contracted Services	1,000.00
001-754-341-0000	Supplies & Materials	7,000.00
001-754-343-0000	Automobile Supplies	6,000.00
001-754-345-0000	Uniforms	1,200.00
001-754-459-0000	Capital Outlay Equipment	15,000.00
	PAGE TOTAL:	185,300.00
	DEPT TOTAL:	185,300.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 758	AIRPORT AUTHORITY	
001-758-568-0000	Airport Contributions	15,000.00
	PAGE TOTAL:	15,000.00
	DEPT TOTAL:	15,000.00

BUDGET : 25-2024-2025 Budget

FUND : 001 GENERAL FUND

ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 759	PUBLIC TRANSIT	
001-759-568-0000	Public Transit Contributions	15,000.00
	PAGE TOTAL:	15,000.00
	DEPT TOTAL:	15,000.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 802	RECYCLING	
001-802-230-0000	Contracted Services	4,500.00
	PAGE TOTAL:	4,500.00
	DEPT TOTAL:	4,500.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 803	HEALTH DEPARTMENT	
001-803-568-0000	Health Dept Contribution	5,500.00
	PAGE TOTAL:	5,500.00
	DEPT TOTAL:	5,500.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 805	STORM SEWER	
001-805-341-0000	Supplies & Materials	15,000.00
	PAGE TOTAL:	15,000.00
	DEPT TOTAL:	15,000.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 900	PARKS & RECREATION	
001-900-566-0000	Parks Contributions	305,796.00
	PAGE TOTAL:	305,796.00
	DEPT TOTAL:	305,796.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 901	VISITOR'S BUREAU	
001-901-235-0001	Depot Welcome Center	100,000.00
	PAGE TOTAL:	100,000.00
	DEPT TOTAL:	100,000.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 910	PGCC	
001-910-211-0000	Telephone	600.00
001-910-213-0000	Utilities	27,000.00
001-910-214-0000	Travel	0.00
001-910-215-0000	Maint of Bldgs & Grounds	5,000.00
001-910-218-0000	Postage	50.00
001-910-220-0000	Advertising	1,000.00
001-910-222-0000	Dues & Subscriptions	6,000.00
001-910-223-0000	Professional Services	1,000.00
001-910-230-0000	Contracted Services	15,000.00
001-910-240-0000	Refunds & Reimbursements	0.00
001-910-341-0000	Supplies & Materials	12,000.00
001-910-459-0000	Capital Outlay	58,000.00
	PAGE TOTAL:	125,650.00
	DEPT TOTAL:	125,650.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 911	HISTORIC LANDMARKS COMM	
001-911-568-0000	Historic Landmarks Commission	4,000.00
	PAGE TOTAL:	4,000.00
	DEPT TOTAL:	4,000.00

BUDGET : 25-2024-2025 Budget
FUND : 001 GENERAL FUND
ITEMS PRINTED: ANNUAL BUDGET AMOUNTS

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 912	CIVIC PROMOTIONS	
001-912-341-0000	Supplies & Materials	6,934.00
	PAGE TOTAL:	6,934.00
	DEPT TOTAL:	6,934.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 916	LIBRARY	
001-916-567-0000	Library Contributions	22,500.00
	PAGE TOTAL:	22,500.00
	DEPT TOTAL:	22,500.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 950	BEAUTIFICATION	
001-950-230-0000	Contracted Services	28,000.00
001-950-341-0000	Supplies & Materials	20,000.00
	PAGE TOTAL:	48,000.00
	DEPT TOTAL:	48,000.00

ACCOUNT NO#	===== ACCOUNT NAME ======	ANNUAL BUDGET
DEPT NO: 955	HUMAN RESOURCES	
001-955-103-0000	Salary & Wages	88,919.00
001-955-104-0000	FICA Expense	6,803.00
001-955-105-0000	Group Health Insurance	29,306.00
001-955-106-0000	Retirement	8,003.00
001-955-214-0000	Travel	4,000.00
001-955-221-0000	Training & Education	4,000.00
001-955-222-0000	Dues & Subscriptions	300.00
001-955-230-0000	Contracted Services	30,000.00
001-955-341-0000	Supplies & Materials	7,965.00
001-955-353-0000	Computer Software	1,000.00
	PAGE TOTAL:	180,296.00
	DEPT TOTAL:	180,296.00
	TOTAL EXPENDITURES:	6,266,793.00
	NET REVENUES/EXPENDITURES:	648,261.00

SELECTION CRITERIA

FUND: Include: 001
ACCOUNTS: ALL
DIGIT SELECTION:

PRINT OPTIONS

ITEMS TO PRINT: Annual Budget
BUDGET TO PRINT: 25-2024-2025 Budget
INCLUDE LINE ITEM DETAIL: NO
INCLUDE ACCOUNT BUDGET NOTES: NO
PAGE BREAK BY DEPARTMENT: YES

** END OF REPORT **

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1739: Renaming the police station
Recommended By:	Municipal Properties Committee
Summary:	The Municipal Properties Committee recommends council approval of a proposal to rename the Elkins Police Department station office to honor two past EPD chiefs, both killed in the line of duty: • Chief Robert Lilly (killed 1901). Learn more :https://www.odmp.org/officer/8134-chief-of-police-robert-allen-lilly • Chief Page Marstiller (killed 1902). Learn more: https://www.odmp.org/officer/8598-chief-of-police-page-campbell-marstiller
Fiscal Impact:	Cost of sign/plaque
Recommendation:	Consider for approval
Attachments:	1. R-1739 - renaming the police station

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

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

(#1739)
March 21, 2024

Renaming the Elkins Police Department Headquarters
as the Robert Lilly & Page Marstiller Police Station

At a regular session of the Elkins Common Council, the following order was made and entered:

The Elkins Common Council hereby renames the Elkins Police Department's headquarters as the Robert Lilly & Page Marstiller Police Station.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1740: Eliminating a no-parking zone on South Davis Avenue
Recommended By:	Municipal Properties Committee
Summary:	Because of a change in business usage at the property formerly home to T-Mart and now used by Woodford Oil, the no-parking zone adjacent to this property on South Davis Avenue is no longer necessary. The committee recommends elimination of this no-parking zone to create additional parking spaces for business patrons downtown.
Fiscal Impact:	None
Recommendation:	Consider for approval
Attachments:	1. R-1740 - eliminate a no parking zone on South Davis Avenue

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

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

(#1740)
March 21, 2024

Authorizing Elimination of a No Parking Zone on South Davis Avenue

---

WHEREAS, the Common Council of the City of Elkins ("Council") desires to promote and support access to the downtown and patronage of downtown businesses; and,

WHEREAS, the Municipal Properties Committee recommends the elimination of a no-parking zone on the west side of South Davis Avenue, immediately north of its intersection with 13th Street, as shown on the attached map; and,

WHEREAS, Council finds that taking action as recommended is vital to the enhancement of the downtown and the community; ***now, therefore, be it***

RESOLVED, THAT:

The Elkins Common Council hereby orders the elimination of a no-parking zone on the west side of South Davis Avenue, immediately north of its intersection with 13th Street, as shown on the attached map.

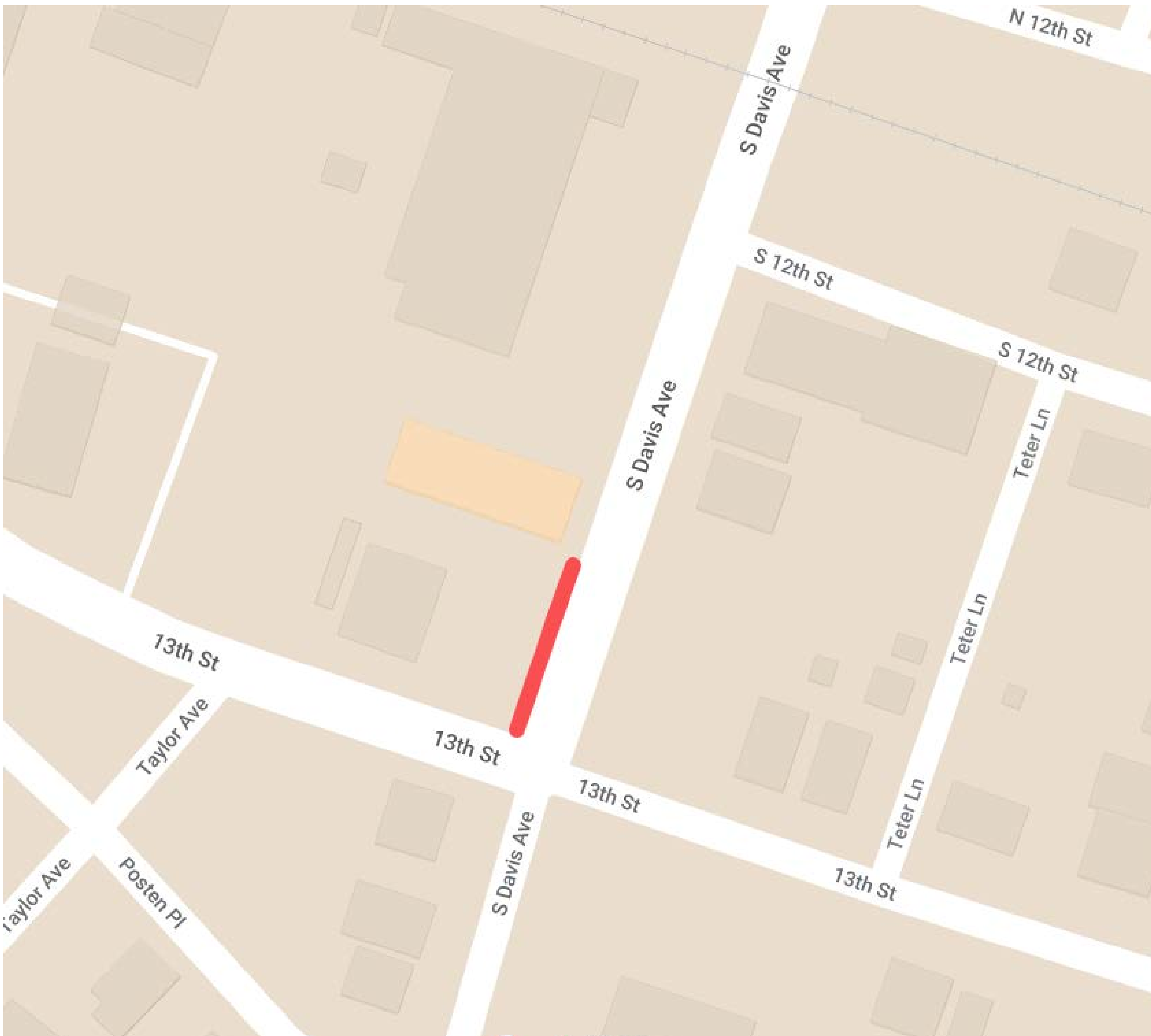
____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk

Resolution 1740
Attachment

The no-parking zone proposed for elimination is indicated in red on the map below.



CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	March 21, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1741: Establishing terms of lease for reserved no-parking in front of the Tygart Hotel
Recommended By:	Municipal Properties Committee
Summary:	When council approved use of two reserved loading/unloading spaces in front of the Tygart Hotel, staff was directed to research the status of other leased spaces around the city. There are three such accounts, as follows: • Busch, Zurbuch, & Thompson – 3 parking spaces @ $35.00 each per month (Bill Quarterly $315.00) • Davis Trust Company – 2 parking spaces @ $35.00 each per month (Bill Quarterly $210.00) • Mountain Valley Bank – 4 parking spaces @ $35.00 each per month (Bill Annually $1,680.00)
Fiscal Impact:	The attached resolution would impose $35 monthly leases on two spaces, or $70 month in increased city revenue. The Tygart Hotel will produce its own signs.
Recommendation:	Consider for approval
Attachments:	1. R-1741 - Establishing terms of lease for reserved no-parking in front of the Tygart Hotel

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1741)
March 21, 2024

Establishing Terms of a Lease with the Tygart Hotel for Two Reserved Loading/Unloading Spaces on Davis Avenue

---

WHEREAS, the Common Council of the City of Elkins, West Virginial ("Council") has previously established a rate of $35/month/space for reserved parking spaces on the downtown streets; and,

WHEREAS, the Tygart Hotel has applied for two reserved spaces in front of its building, on Davis Avenue, for a guest loading/unloading zone; and,

WHEREAS, Council has previously granted the above request, via Resolution 1724, adopted February 15, 2024, which included the stipulation that Council reserved the right to require payment for these spaces via later action;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby orders that the Tygart Hotel must remit $35/month for each of the two previously granted spaces (for a total of $70/month), with specific due date, additional terms of lease, and related administrative requirements to be established by the City Treasurer, in accordance with similar requirements imposed on other current lease holders.

____
Jerry A. Marco, Mayor

Attest:

____
Sutton R. Stokes, City Clerk