City of Elkins

Regular Council Meeting

July 11, 2024
7:00 PM
401 Davis Avenue
Council Chamber, 2nd Floor

AGENDA

1. **Invocation and Pledge of Allegiance**
2. **Call to order and roll call**
3. **Public comment**
4. **Minutes**
   a. Proposed minutes for the meeting of June 24, 2024
5. **Correspondence, Notifications, and Recognitions**
   a. Building permits, zoning permits, and vacant property registrations
6. **Councilor Reports**
7. **Staff reports**
   a. Treasurer's report
8. **Approval of vendor invoice payments**
   a. Vendor invoices presented for approval: June 24-July 5, 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.)
9. **New business**
   a. Ordinance 337: Amending the City Charter concerning the date of the Municipal Election (first of two readings)
   b. Resolution 1768: Reappointing R. Leitner to the Elkins Building Commission
   c. Resolution 1769: Adding new holidays: Forest Festival Friday, Thanksgiving Friday, and Christmas and New Year's Eve
   d. Resolution 1770: Budget Revision SAO 2024-001-01
   e. Resolution 1771: Budget Revision SAO 2025-002-01
   f. Resolution 1772: Statement of support for the Ascend WV program
   g. Resolution 1773: Adding sick leave to the leave donation program
   h. Resolution 1774: Accepting a 2024 Community Equi-City Grant Awarded to Elkins Tree Board
   i. Whitmer Water System takeover

10. Mayor’s comments

11. Adjournment

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of June 24, 2024
Recommended By:	City Clerk
Summary:	Minutes for the meeting of June 24
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. city council - 2024_06_24 - minutes_proposed

ELKINS COMMON COUNCIL
SPECIAL COUNCIL MEETING
MINUTES

401 Davis Avenue
Council Chamber, 2nd Floor
June 24, 2024
7:00 p.m.

Elkins Common Council met in regular session in the council chamber of city hall. Present were Mayor Jerry A. Marco; Councilors N.E. Bross-Fregonara, R.C. Chenoweth, G.M. Hinchman, B.C. Kerns, C.C. Lowther, D.C. Parker, 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 (recording secretary).

Councilors Plishka and Carroll were absent.

PUBLIC HEARING

The mayor opened the public hearing on an Ordinance Authorizing the Transfer of City Hall to the Elkins Municipal Building Commission and the Subsequent Leasing of City Hall by the City from the Building Commission; Authorizing the Design, Acquisition and Equipping of Improvements to City Hall and the Issuance by the Building Commission of Not to Exceed $1,200,000 in Aggregate Principal Amount of Lease Revenue Bonds to Pay Costs of Such Project.

The hearing opened at 7:00 p.m. No one appeared to be heard at the hearing. The mayor closed the hearing at 7:01 p.m.

PUBLIC COMMENT

There was no public comment.

MINUTES

Lowther **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 6, 2024.** The motion carried.

APPROVAL OF VENDOR INVOICE PAYMENTS

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

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

- Accounts Payable check transactions for the period June 3-21, 2024.

NEW BUSINESS

Lowther **MOVED APPROVAL OF ORDINANCE 334: AMENDING CITY CODE, CHAPTER 33, ELKINS WATER BOARD § 33.125 ET SEQ (FINAL READING).** The motion carried.

Chenoweth **MOVED APPROVAL OF ORDINANCE 335: AMENDING CHAP 30.20 COMPETITIVE BIDDING, REGARDING COUNCIL PREAPPROVAL OF FORM AND MANNER (FINAL READING).** The motion carried.

Hinchman **MOVED APPROVAL OF ORDINANCE 336: SECOND READING OF AN ORDINANCE AUTHORIZING THE TRANSFER OF CITY HALL TO THE ELKINS MUNICIPAL BUILDING COMMISSION AND THE SUBSEQUENT LEASING OF CITY HALL BY THE CITY FROM THE BUILDING COMMISSION; AUTHORIZING THE DESIGN, ACQUISITION AND EQUIPPING OF IMPROVEMENTS TO CITY HALL AND THE ISSUANCE BY THE BUILDING COMMISSION OF NOT TO EXCEED $1,200,000 IN AGGREGATE PRINCIPAL AMOUNT OF LEASE REVENUE BONDS TO PAY COSTS OF SUCH PROJECT (FINAL READING).** The motion carried.

Lowther **MOVED APPROVAL OF CONSIDERATION OF SUPPLEMENTAL RESOLUTION RELATED TO THE (I) TRANSFER OF THE ELKINS CITY HALL FROM THE CITY TO THE ELKINS MUNICIPAL BUILDING COMMISSION AND SUBSEQUENT LEASING OF CITY HALL BY THE CITY FROM THE COMMISSION; (II) DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO ELKINS CITY HALL; (III) THE ISSUANCE OF THE CITY OF ELKINS MUNICIPAL BUILDING COMMISSION LEASE REVENUE BONDS, SERIES 2024 B (CITY HALL PROJECT); AND (IV) ALL MATTERS IN CONNECTION THEREWITH.** The motion carried.

Bross-Fregonara **MOVED APPROVAL OF RESOLUTION 1763: ADOPTING THE 2024-2029 STRATEGIC PLAN.** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1764: ACCEPTING CONDITIONS OF AGREEMENT BETWEEN UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) ANIMAL PLANT HEALTH INSPECTION SERVICE (APHIS) WILDLIFE SERVICES (WS) AND THE CITY OF ELKINS, AND AUTHORIZING EXECUTION OF AGREEMENT.** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1765: AUTHORIZING CLOSURE OF A MOUNTAIN VALLEY BANK ACCOUNT USED FOR MONIES RELATED TO THE PHASE II SEWER/STORMWATER SEPARATION PROJECT IN THE WASTEWATER FUND.** The motion carried.

Lowther **MOVED APPROVAL OF RESOLUTION 1766: AUTHORIZING A MID-YEAR FUNDING REQUEST FROM LITTLE LEAGUE FOR PAVING AT ITS FIELD COMPLEX IN RIVERBEND PARK, TO BE PAID FROM THE FINANCIAL STABILIZATION ACCOUNT, IN THE AMOUNT OF $61,067.40.** The motion carried.

Hinchman **MOVED APPROVAL OF RESOLUTION 1767: AUTHORIZING A MID-YEAR FUNDING REQUEST FROM ALLEGHENY HIGHLAND TRAILS FOUNDATION FOR GRANT MATCH ASSISTANCE, TO BE PAID FROM THE FINANCIAL STABILIZATION ACCOUNT, IN THE AMOUNT OF $2,500.** The motion carried.

The meeting was adjourned at 7:37 p.m.

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Attest: S.R. Stokes, City Clerk Jerry A. Marco, Mayor

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	Correspondence, Notifications, and Recognitions
Category:	Presentation
Agenda Item Name:	Building permits, zoning permits, and vacant property registrations
Recommended By:	Building and Code Enforcement Officer
Summary:	The attached report shows building permits issued 6/22/2024-7/08/2024. There were 17 projects with a total valuation of $270,853.00. Zoning permits show 1 new business. To date this year, $3,200 in vacant property registration fees have been collected and 2 liens have be placed upon properties. Seven more liens to be placed on properties this week.
Fiscal Impact:	See above
Recommendation:	Review presented information
Attachments:	1. Building Permits - 2024_07_11

The attached report shows building permits issued 6/22/2024-7/08/2024. There were 17 projects with a total valuation of $270,853.00.

Zoning permits show 1 new business.

To date this year, $3,200 in vacant property registration fees have been collected and 2 liens have be placed upon properties. Seven more liens to be placed on properties this week.

BUILDING PERMITS

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7/08/2024  3:29 PM                                    PROJECT MASTER REPORT                                          PAGE:      1
PROJECTS:            THRU ZZZZZZZZZZ                                                          REPORT SEQUENCE: Project
PROJECT TYPE: Exclude: BPZONING                                                 CONTRACTOR CLASS: All        - All Contractor Classes
CONTRACTORS:   All
APPLIED DATES:  6/22/2024 THRU  7/08/2024                                                     EXPIRE DATES:  0/00/0000 THRU 99/99/9999
STATUS INCLUDED: Opened, Complet                                                              ISSUED DATES:  0/00/0000 THRU 99/99/9999
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PROJECT: 240181     - RESIDENTIAL SIDEWALK/DRIVEWAY                      TYPE: BR-SIDE    RES DRIVEWAY/SIDEWALK
       PROPERTY:       116 GRANDVIEW AVE
   APPLIED DATE:  6/24/2024       ISSUED DATE:   6/24/2024    EXPIRATION DATE: 12/25/2024    COMPLETION DATE:  6/26/2024
     CONTRACTOR: SIMON      SIMON CONCRETE SOLUTIONS               ISSUED TO: DAVIS, GLENN
                 1801 LIVINGSTON AVENUE                                        116 GRANDVIEW AVE
                 ELKINS, WV  26241                                             ELKINS, WV  26241
    SQUARE FEET:     1,500
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: COMPLETE       BALANCE:         60.00

PROJECT: 240182     - RESIDENTIAL HVAC CHANGE                            TYPE: HVAC-RES   RESIDENTIAL HVAC CHANGE
       PROPERTY:       131 BUFFALO ST
   APPLIED DATE:  6/24/2024       ISSUED DATE:   6/24/2024    EXPIRATION DATE: 12/25/2024    COMPLETION DATE:  6/26/2024
     CONTRACTOR: SERVICETEC THE SERVICE TECH PRO LLC               ISSUED TO: STOKES, SUTTON & AMY
                 178 BROOKLYN HEIGHTS RD                                       131 BUFFALO ST
                 PARSONS, WV  26287                                            ELKINS, WV  26241
    SQUARE FEET:         1
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: COMPLETE       BALANCE:          0.00

PROJECT: 240183     - RESIDENTIAL FENCE                                  TYPE: FENCE-RES  RESIDENTIAL FENCE
       PROPERTY:       125 HIGH ST
   APPLIED DATE:  6/24/2024       ISSUED DATE:   6/24/2024    EXPIRATION DATE: 12/25/2024    COMPLETION DATE:  0/00/0000
     CONTRACTOR:                                                         ISSUED TO: WOODCOCK, KEVIN
                                                                                    125 HIGH ST
                                                                                    ELKINS, WV  26241
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    SQUARE FEET:       468
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: OPEN           BALANCE:          0.00

PROJECT: 240186     - RESIDENTIAL ROOFING                                TYPE: ROOF-RES   RESIDENTIAL ROOFING
       PROPERTY:       504 CENTRAL ST
   APPLIED DATE:  6/25/2024       ISSUED DATE:   6/25/2024    EXPIRATION DATE: 12/26/2024    COMPLETION DATE:  6/26/2024
     CONTRACTOR: DESIGN     DESIGN ROOFING & SHEET METAL            ISSUED TO: WOOD, CHRIS
                 2224 BEVERLY PIKE                                             504 CENTRAL ST
                 ELKINS, WV  26241                                             ELKINS, WV  26241
    SQUARE FEET:     1,300
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: COMPLETE       BALANCE:          0.00

PROJECT: 240187     - RESIDENTIAL ROOFING                                TYPE: ROOF-RES   RESIDENTIAL ROOFING
       PROPERTY:       108 PLEASANT AVE
   APPLIED DATE:  6/25/2024       ISSUED DATE:   6/25/2024    EXPIRATION DATE: 12/26/2024    COMPLETION DATE:  0/00/0000
     CONTRACTOR: DESIGN     DESIGN ROOFING & SHEET METAL            ISSUED TO: DELAUDER, JENNIFER A
                 2224 BEVERLY PIKE                                             3244 CHENOWETH CREED RD
                 ELKINS, WV  26241                                             ELKINS, WV  26241
    SQUARE FEET:     2,000
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: OPEN           BALANCE:          0.00

PROJECT: 240188     - COMMERCIAL ROOFING                                 TYPE: ROOF-RES   RESIDENTIAL ROOFING
       PROPERTY:       943 TYGART AVE
   APPLIED DATE:  6/25/2024       ISSUED DATE:   6/25/2024    EXPIRATION DATE: 12/26/2024    COMPLETION DATE:  6/26/2024
     CONTRACTOR: DESIGN     DESIGN ROOFING & SHEET METAL            ISSUED TO: SINGLETON, BENSON
                 2224 BEVERLY PIKE                                             941 TYGART AVE
                 ELKINS, WV  26241                                             ELKINS, WV  26241
    SQUARE FEET:     1,700
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: COMPLETE       BALANCE:          0.00

PROJECT: 240189     - HVAC EXCHANGE                                      TYPE: HVAC-RES   RESIDENTIAL HVAC CHANGE
       PROPERTY:       227 DIAMOND ST
   APPLIED DATE:  6/25/2024       ISSUED DATE:   6/25/2024    EXPIRATION DATE: 12/26/2024    COMPLETION DATE:  6/26/2024
     CONTRACTOR: GRAHAMSIMO GRAHAM-SIMON PLUMBING CO LLC            ISSUED TO: SINGLESOURCE PROPERTY SOLUTION
                 176 SIMPSON ST                                                1000 NOBLE ENERGY DR #300
                 CLARKSBURG, WV 26301                                          CANONSBURG, PA 15317
    SQUARE FEET:         1
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: COMPLETE       BALANCE:          0.00

PROJECT: 240190     - RESIDENTIAL FENCE                                  TYPE: FENCE-RES  RESIDENTIAL FENCE
       PROPERTY:      1114 S HENRY AVE
   APPLIED DATE:  6/27/2024       ISSUED DATE:   6/27/2024    EXPIRATION DATE: 12/28/2024    COMPLETION DATE:  0/00/0000
     CONTRACTOR:                                                         ISSUED TO: RYAN, KENNETH
                                                                                    313 DAVIS ST
                                                                                    ELKINS, WV  26241
    SQUARE FEET:       150
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  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: OPEN           BALANCE:          0.00

PROJECT: 240191     - RESIDENTIAL ROOFING                              TYPE: ROOF-RES   RESIDENTIAL ROOFING
       PROPERTY:       103 WASHINGTON AVE
   APPLIED DATE:  6/27/2024       ISSUED DATE:   6/27/2024    EXPIRATION DATE: 12/28/2024    COMPLETION DATE:  0/00/0000
     CONTRACTOR: DESIGN     DESIGN ROOFING & SHEET METAL            ISSUED TO: POTTS, DAVID
                 2224 BEVERLY PIKE                                             103 WASHINGTON AVE
                 ELKINS, WV  26241                                             ELKINS, WV  26241
    SQUARE FEET:     1,521
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: OPEN           BALANCE:          0.00

PROJECT: 240192     - COMMERCIAL ACCESSORY BUILDING                    TYPE: BC-ACC     COMMERCIAL ACCESSORY BLD
       PROPERTY:        31 JONES DR
   APPLIED DATE:  6/27/2024       ISSUED DATE:   6/27/2024    EXPIRATION DATE: 12/28/2024    COMPLETION DATE:  0/00/0000
     CONTRACTOR: LEEREGER   LEE REGER BUILDS INC                   ISSUED TO: CITY OF ELKINS
                 PO BOX 1872                                                   401 DAVIS AVE
                 SHINNSTON, WV 26431                                           ELKINS, WV  26241-3899
    SQUARE FEET:     2,400
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: OPEN           BALANCE:          0.00

PROJECT: 240193     - RESIDENTIAL ROOFING                              TYPE: ROOF-RES   RESIDENTIAL ROOFING
       PROPERTY:      1215 S KERENS AVE
   APPLIED DATE:  7/01/2024       ISSUED DATE:   7/01/2024    EXPIRATION DATE:  1/01/2025    COMPLETION DATE:  0/00/0000
     CONTRACTOR: DESIGN     DESIGN ROOFING & SHEET METAL            ISSUED TO: LOCKHART, KATHY
                 2224 BEVERLY PIKE                                             717 PINNACLE CT
                 ELKINS, WV  26241                                             LEXINGTON, KY 40515
    SQUARE FEET:     2,100
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: OPEN           BALANCE:         88.00

PROJECT: 240194     - RESIDENTIAL FENCE                                TYPE: FENCE-RES  RESIDENTIAL FENCE
       PROPERTY:        17 CENTRAL ST
   APPLIED DATE:  7/01/2024       ISSUED DATE:   7/01/2024    EXPIRATION DATE:  1/01/2025    COMPLETION DATE:  0/00/0000
     CONTRACTOR: PHILLIPSRE PHILLIPS REPAIR SERVICE                ISSUED TO: VOLENTIR, CRISTIAN
                 928 S HENRY AVENUE                                            17 CENTRAL ST
                 ELKINS, WV  26241                                             ELKINS, WV  26241
    SQUARE FEET:         1
  DWELLING TYPE: PRIVATE          UNITS:    1
         STATUS: OPEN           BALANCE:          0.00

PROJECT: 240195     - RESIDENTIAL WINDOWS                              TYPE: WIND-RES   RESIDENTIAL WINDOWS
       PROPERTY:       607 YOKUM ST
   APPLIED DATE:  7/02/2024       ISSUED DATE:   7/02/2024    EXPIRATION DATE:  1/02/2025    COMPLETION DATE:  0/00/0000
     CONTRACTOR: HANSHAWENT HANSHAW ENTERPRISES INC                ISSUED TO: SIMMONS, SCOTT L
                 148 MIDDLETOWN RD                                             607 YOKUM ST
                 FAIRMONT, WV  26554                                           ELKINS, WV  26241
    SQUARE FEET:         1
  DWELLING TYPE: PRIVATE          UNITS:    4
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        STATUS: OPEN           BALANCE:         25.00

PROJECT: 240196     - RESIDENTIAL ACCESSORY BUILDING                    TYPE: BR-ACC     RESIDENTIAL ACCESSORY BLD
       PROPERTY:       224 EVERGREEN DR
   APPLIED DATE:  7/02/2024       ISSUED DATE:   7/02/2024    EXPIRATION DATE:  1/02/2025    COMPLETION DATE:  0/00/0000
     CONTRACTOR:                                                   ISSUED TO: SCOTT, DARLENE M
                                                                              1635 TAYLOR AVE
                                                                              ELKINS, WV  26241
    SQUARE FEET:       120
  DWELLING TYPE: PRIVATE          UNITS:    1
        STATUS: OPEN           BALANCE:         28.60

PROJECT: 240197     - RESIDENTIAL ACCESSORY BUILDING                    TYPE: BR-ACC     RESIDENTIAL ACCESSORY BLD
       PROPERTY:        18 CHESTNUT ST
   APPLIED DATE:  7/03/2024       ISSUED DATE:   7/03/2024    EXPIRATION DATE:  1/03/2025    COMPLETION DATE:  0/00/0000
     CONTRACTOR: PHILLIPSRE PHILLIPS REPAIR SERVICE                ISSUED TO: SHREVE, DONNIE
                 928 S HENRY AVENUE                                           18  CHESTNUT ST
                 ELKINS, WV  26241                                            ELKINS, WV  26241
    SQUARE FEET:       216
  DWELLING TYPE: PRIVATE          UNITS:    1
        STATUS: OPEN           BALANCE:          0.00

PROJECT: 240198     - RESIDENTIAL FENCE                                 TYPE: FENCE-RES  RESIDENTIAL FENCE
       PROPERTY:       108 ELEVENTH ST
   APPLIED DATE:  7/08/2024       ISSUED DATE:   7/08/2024    EXPIRATION DATE:  1/08/2025    COMPLETION DATE:  0/00/0000
     CONTRACTOR:                                                   ISSUED TO: HAHN, KECIA K
                                                                              108 ELEVENTH ST
                                                                              ELKINS, WV  26241
    SQUARE FEET:        48
  DWELLING TYPE: PRIVATE          UNITS:    1
        STATUS: OPEN           BALANCE:         25.00

PROJECT: 240199     - RESIDENTIAL REMODEL                               TYPE: BR-REM     RESIDENTIAL REMODEL
       PROPERTY: 505-505 1 DAVIS AVE
   APPLIED DATE:  7/08/2024       ISSUED DATE:   7/08/2024    EXPIRATION DATE:  1/08/2025    COMPLETION DATE:  0/00/0000
     CONTRACTOR:                                                   ISSUED TO: GILLISPIE, SIDNEY A
                                                                              224 ELM ST
                                                                              ELKINS, WV  26241
    SQUARE FEET:       528
  DWELLING TYPE: PRIVATE          UNITS:    1
        STATUS: OPEN           BALANCE:         40.84
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ZONING PERMITS

7/08/2024 3:32 PM PROJECT MASTER REPORT PAGE: 1
PROJECTS: THRU ZZZZZZZZZZ REPORT SEQUENCE: Project
PROJECT TYPE: Include: BPZONING CONTRACTOR CLASS: All - All Contractor Classes
CONTRACTORS: All
APPLIED DATES: 6/22/2024 THRU 7/08/2024 EXPIRE DATES: 0/00/0000 THRU 99/99/9999
STATUS INCLUDED: Opened, Complet ISSUED DATES: 0/00/0000 THRU 99/99/9999

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PROJECT: 240185 - ZONING PERMIT TYPE: BPZONING ZONING
PROPERTY: 115 VALLEY CT
APPLIED DATE: 6/24/2024 ISSUED DATE: 6/24/2024 EXPIRATION DATE: 6/24/2025 COMPLETION DATE: 0/00/0000
CONTRACTOR: ISSUED TO: SHANNA'S TEASE CO LLC
115 VALLEY CT
ELKINS, WV 26241
SQUARE FEET: 1
DWELLING TYPE: PRIVATE UNITS: 1
STATUS: OPEN BALANCE: 0.00

VACANT STRUCTURE BILLING

7/08/2024 3:35 PM F E E C O D E R E P O R T PAGE: 1

LICENSES: THRU ZZZZZZZZZZ
LIC CODES: Include: CE-VAC
LIC STATUS:Pending, Active
FEE CODES: All

ORIGINATION DATE: 3/01/2024 THRU 7/08/2024
EFFECTIVE DATE: 0/00/0000 THRU 99/99/9999
EXPIRATION DATE: 0/00/0000 THRU 99/99/9999
PRINT DATE: 0/00/0000 THRU 99/99/9999

FEE CODE: VACANT - VACANT PROPERTY FEE

LICENSE	PERIOD	LIC CODE	STATUS	REPORT	ISSUED TO		# of Years	CHARGES
24285	3/04/24 - 3/05/24	CE-VAC	Pending	CODE	HOSEY	LINDA	1.0000	200.00
24286	3/04/24 - 3/05/24	CE-VAC	Pending	CODE	HOSEY	LINDA	1.0000	200.00
24287	3/04/24 - 3/05/24	CE-VAC	Active	CODE	HIGGINS	MARIE	1.0000	200.00
24289	3/04/24 - 3/05/24	CE-VAC	Active	CODE	METHENY	MICHE	1.0000	200.00
24290	3/04/24 - 3/05/24	CE-VAC	Active	CODE	MILLER	LINDA	1.0000	200.00
24294	3/12/24 - 3/13/24	CE-VAC	Active	CODE	CHUA	DOMIN	1.0000	200.00
24295	3/12/24 - 3/13/24	CE-VAC	Pending	CODE	ARBOGAST	GARY	1.0000	200.00
24302	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	AUVIL	BENJA	1.0000	200.00
24303	3/19/24 - 3/20/24	CE-VAC	Active	CODE	PROUDFOOT	LINDA	1.0000	200.00
24305	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	HALLE	SHANE	1.0000	200.00
24306	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ARMENTROUT	WILLI	1.0000	200.00
24307	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ARMENTROUT	WILLI	1.0000	200.00
24309	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GUSTKE	JAMES	1.0000	200.00
24310	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GRAHAM	ANNA	1.0000	200.00
24311	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	ANGER	MIKE	1.0000	200.00
24312	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	SHIFFLETT	DAVID	2.0000	200.00
24314	3/19/24 - 3/20/24	CE-VAC	Active	CODE	BEVERLY PIKE LAND LLC		2.0000	200.00
24315	3/19/24 - 3/20/24	CE-VAC	Pending	CODE	GUSTKE	JAMES	2.0000	200.00
24324	4/04/24 - 4/05/24	CE-VAC	Active	CODE	BOGGS	ANGEL	2.0000	200.00
24325	4/04/24 - 4/05/24	CE-VAC	Active	CODE	SHOMO	LINDA	2.0000	200.00
24326	4/04/24 - 4/05/24	CE-VAC	Active	CODE	STEVENSON	JULIA	2.0000	200.00
24327	4/04/24 - 4/05/24	CE-VAC	Active	CODE	YEAGER	MARVI	2.0000	200.00
24328	4/04/24 - 4/05/24	CE-VAC	Active	CODE	KIRKPATRICK	KRIST	2.0000	200.00
24333	4/16/24 - 4/17/24	CE-VAC	Active	CODE	VARNEY	CHARL	2.0000	200.00
24334	4/16/24 - 4/17/24	CE-VAC	Active	CODE	MESSINGER	DAVID	2.0000	200.00
24335	6/24/24 - 6/25/24	CE-VAC	Active	CODE	WHITE	DELAI	2.0000	200.00
24336	4/16/24 - 4/17/24	CE-VAC	Active	CODE	KNUTTI	FREDE	2.0000	200.00
24337	6/04/24 - 6/05/24	CE-VAC	Active	CODE	LOTHES	WILFR	2.0000	200.00
24343	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	KHAN	FARUK	2.0000	200.00
24344	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	HATFIELD	WANDA	2.0000	200.00
24345	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	SHOCKEY	KATHE	2.0000	200.00
24346	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	SHOCKEY	KATHE	2.0000	200.00
24347	4/29/24 - 4/30/24	CE-VAC	Pending	CODE	KIRKPATRICK	REBEC	2.0000	200.00

REPORT TOTALS:	33	51.0000	6,600.00

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	Staff reports
Category:	Presentation
Agenda Item Name:	Treasurer's report
Recommended By:	City Treasurer
Summary:	The attached report from the City Treasurer includes: • General Fund Revenue Detail report showing: most recent month's revenues, YTD revenues, and YTD actual revenues as percentage of budgeted revenues • Bank account balances • Budget control summary • InvoiceCloud report
Fiscal Impact:	n/a
Recommendation:	Review presented information
Attachments:	1. Treasurer's Report - 2024_07_11

General Fund Revenue Detail

	March Revenues	YTD Revenues	Percent of Revenues Collected Per Budget	Percent of Yr. Completed 100
Unassigned Fund Balance				384,359.00
County Tax	$37,390.65	$1,219,144.29	102.60%	1,188,238.00
B & O Tax	$548.39	$1,816,993.27	128.86%	1,410,000.00
Hotel/Motel Tax	$21,627.21	$246,536.29	126.43%	195,000.00
Gas & Oil Severance Tax	$0.00	$70,881.19	283.52%	25,000.00
2% City Utility Tax	$6,980.88	$87,336.93	124.77%	70,000.00
Utility Excise Tax	$5,383.18	$329,792.83	109.93%	300,000.00
Liquor Tax	$0.00	$87,360.62	94.96%	92,000.00
Police	$2,444.76	$12,901.90	53.76%	24,000.00
Municipal Court	$2,074.99	$29,815.54	48.09%	62,000.00
Code Enforcement	$11,833.69	$37,583.40	146.24%	25,700.00
Business License	$12,380.00	$30,200.00	104.14%	29,000.00
Intergovernmental	$24,175.20	$578,859.04	317.23%	182,471.00
Franchise/IRP Fees	$7,604.91	$134,065.18	95.76%	140,000.00
Phil Gainer Community Center	$7,036.00	$62,137.78	159.33%	39,000.00
Misc. Revenue	$163,275.17	$384,462.01	365.25%	105,260.00
Municipal Sales Tax	$0.00	$1,503,742.08	107.41%	1,400,000.00
TOTAL	**$302,755.03**	**$6,631,812.35**	**116.92%**	5,672,028.00

Bank Account Name	Balance as of 6/30/2024
ARPA	$494,461.74
Elkins Building Comm. Sinking Fund	$0.00
Elkins Municipal Building Comm.	$0.00
Financial Stabilization	$788,562.21
Fire Pension Fund	$2,833,449.84
Firemen's Pension & Relief Fund	$0.00
Landfill Access Escrow	$1,888,205.63
Landfill Post Closure	$48,736.14
Opioid	$21,850.37
Payroll	$60,046.58
Police Forfeitures	$4,434.31
Police Pension Fund	$4,679,153.12
Police Seizures	$28,302.11
Policemen's Pension & Relief Fund	$0.00
Pooled Cash-Coal Severance Fund	$187,117.58
Pooled Cash-Fire Fund	$335,238.16
Pooled Cash-General Fund	$1,893,117.58
Pooled Cash-Landfill Fund	$128,245.57
Pooled Cash-Parks Fund	$895,612.52
Pooled Cash-Sanitation Fund	$624,648.77
Pooled Cash-Sewer Fund	$93,964.21
Pooled Cash-Water Fund	$420,117.93
Sewer Depreciation	$224,229.50
Sewer O&M	$498,913.52
Sewer Project	$0.00
Water Depreciation	$194,021.85
Water O&M	$473,168.67

FY2024 Budget Control Summary

														YTD TOTALS
General Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	$854,865.33	$331,004.66	$543,271.68	$1,105,363.97	$306,582.34	$156,086.32	$893,452.11	$332,503.03	$441,244.31	$924,652.58	$440,010.99	$301,807.07	$912,264.85	$6,630,844.39
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	$443,738.72	$412,809.63	$403,761.70	$535,055.34	$475,531.75	$509,387.32	$442,264.26	$387,599.67	$523,389.54	$408,161.76	$816,165.72	$360,714.13		$5,718,579.54
Sanitation Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	$122,635.34	$129,954.36	$113,859.96	$126,649.07	$130,931.78	$125,560.19	$126,677.20	$132,649.17	$508,615.90	$123,885.92	$124,413.28	$115,903.24	-$299,121.14	$1,881,735.41
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	$375,747.22	$112,032.55	$128,365.08	$150,347.04	$120,339.07	$142,634.08	$220,571.53	$109,677.52	$448,763.46	$131,156.21	$140,426.85	$100,795.94		$2,180,856.55
Sewer Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	$216,491.85	$207,080.31	$217,303.75	$243,124.25	$248,104.41	$215,658.94	$206,231.45	$275,589.81	$294,490.38	$229,240.03	$251,484.99	$252,264.77	-$40,838.09	$2,857,064.94
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	$244,836.96	$222,640.35	$241,235.73	$232,602.45	$312,911.69	$255,922.02	$248,473.42	$215,323.88	$245,346.95	$256,968.52	$268,683.05	$152,958.01		$2,897,903.03
Water Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	$364,356.67	$405,886.10	$373,182.41	$458,593.81	$458,760.49	$412,542.93	$351,123.90	$425,790.59	$401,772.83	$338,813.09	$431,631.38	$369,969.38	$332,529.54	$4,792,423.58
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	$339,127.28	$355,984.86	$432,184.41	$406,387.95	$333,170.84	$403,643.17	$412,082.55	$338,618.06	$385,384.13	$390,958.08	$397,911.22	$264,441.49		$4,459,894.04
Fire Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	$38,221.11	$80,439.36	$155,574.44	$50,475.39	$79,873.97	$77,057.58	$43,948.82	$102,069.38	$117,874.61	$48,323.41	$87,400.44	$59,219.26	-$124,857.51	$940,477.77
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	$90,744.77	$70,132.37	$84,702.51	$125,866.17	$87,272.30	$98,575.93	$83,638.93	$79,413.49	$80,852.52	$84,034.40	$106,527.14	$73,574.75		$1,065,335.28
Landfill Fund														
Revenues	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Revenues Over Expenses	
	$5,921.54	$6,126.90	$6,122.09	$5,838.48	$7,482.12	$8,425.33	$8,754.02	$8,559.34	$8,225.84	$8,848.80	$8,624.09	$8,823.47	$90,142.89	$91,752.02
Expenses	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
	$1,019.07	$6.95	$168.69	$6.97	$11.14	$170.50	$17.42	$15.84	$174.44	$6.59	$11.52	$0.00		$1,609.13

InvoiceCloud™

City of Elkins WV:

Daily Management Report for 6/30/2024:

Invoice Type	YTD #	YTD $	MTD #	MTD $	Day #	Day $	Paperless #	AutoPay #
Utility	12,580	$1,573,016.37	2,209	$261,179.80	30	$2,724.99	2,166	537
Non Utility Payments	232	$33,163.76	68	$11,323.44	0	$0.00	887	0

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CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	Approval of vendor invoice payments
Category:	Action Item
Agenda Item Name:	Vendor invoices presented for approval: June 24-July 5, 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 June 24-July 5
Fiscal Impact:	Report details $597,745.48 in transactions from all funds.
Recommendation:	Consider for approval
Attachments:	1. AP Check Report - 2024_07_11

VENDOR SET: 01 Elkins
BANK: FINST Financial Stabilization
DATE RANGE: 6/24/2024 THRU 7/05/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00140	City of Elkins							
I-CKRequest062624	Trans Fin Stab Sewer Relocate	R	6/26/2024	140,000.00		000018		140,000.00

* * T O T A L S * *	NO		INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1		140,000.00	0.00	140,000.00
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: FINSTTOTALS:	1	140,000.00	0.00	140,000.00
BANK: FINST TOTALS:	1	140,000.00	0.00	140,000.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 6/24/2024 THRU 7/05/2024

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00741		Great-West Trust Company LLC							
	I-VF 202406251655	Voya	D	6/25/2024	595.00		006099		
	I-VF2202406251655	Voya AT	D	6/25/2024	100.00		006099		695.00
00792		WV Consolidated Retirement Boa							
	I-RTD202406111652	Retirement	D	6/26/2024	7,344.59		006100		
	I-RTD202406251655	Retirement	D	6/26/2024	7,459.83		006100		14,804.42
00952		WV Consolidated Retirement Boa							
	I-RTF202406111652	Retirement	D	6/26/2024	2,995.52		006101		
	I-RTF202406251655	Retirement	D	6/26/2024	2,838.38		006101		
	I-RTN202406111652	Retirement	D	6/26/2024	4,445.94		006101		
	I-RTN202406251655	Retirement	D	6/26/2024	5,010.18		006101		15,290.02
00993		WV Consolidated Retirement Boa							
	I-RT6202406111652	Retirement 6%	D	6/26/2024	9,220.76		006102		
	I-RT6202406251655	Retirement 6%	D	6/26/2024	10,312.69		006102		19,533.45
02663		Sherman McKinney							
	I-CK REQ 062124	Training Class - D Coffman	R	6/24/2024	50.00		015567		50.00
02663		Sherman McKinney							
	I-CKREQ 062124	Training Class - DCoffman	R	6/24/2024	50.00		015568		50.00
02439		Dylan Coffman							
	I-PerExpenseRPT	travel-Officer Safety training	R	6/24/2024	361.50		015569		361.50
02490		WVcorp							
	I-CKRequest62524	Reimb claim WV0792024023587	R	6/26/2024	670.67		015570		670.67
02649		Civil & Enviromental Consultan							
	I-406140	survey/bidding sewer relocate	R	6/26/2024	3,500.00		015571		3,500.00
1		A DURER INC							
	I-000202406261656	ST REFUND	R	6/26/2024	52,708.81		015572		52,708.81
00839		Motorola Solutions, Inc.							
	I-1411076794	command central 5 yr service	R	6/27/2024	10,356.00		015573		10,356.00
01927		Simmons Painting							
	I-970101	council chamber work	R	6/27/2024	8,525.00		015574		8,525.00
00149		COE Parks and Recreation							
	I-Support 07/2024	Monthly Support 07/2024	R	7/01/2024	25,483.00		015575		25,483.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 6/24/2024 THRU 7/05/2024

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
00235		Elkins Building Comm.							
	I-07/2024	Monthly Payment 07/2024	R	7/01/2024	3,483.79		015576		3,483.79
00381		Grover C Jackson Jr							
	I-Rent 07/2024	Rent 07/2024	R	7/01/2024	1,800.00		015577		1,800.00
00202		Davis Trust Company							
	I-35239 070124	3113776-35269 070124	R	7/01/2024	29.15		015578		29.15
1		ALLY FINANCIAL INC							
	I-000202406281657	BL REFUND	R	7/01/2024	20.00		015579		20.00
00116		Child Support Enforcement							
	I-CDS202406251655	Child Support	R	6/25/2024	690.10		915287		690.10
00121		Citizens Bank of WVFP							
	I-FP 202406251655	Fire Pension	R	6/25/2024	324.54		915288		324.54
00122		Citizens Bank of WVPP							
	I-PP 202406251655	Police Pension	R	6/25/2024	249.97		915289		
	I-PPN202406251655	Police Pension-2010 Forward	R	6/25/2024	275.50		915289		525.47
00147		COE Misc							
	I-MIS202406251655	Misc Reimbursements	R	6/25/2024	356.01		915290		356.01
00150		COE Payroll							
	I-T1 202406251655	Federal Withholding	R	6/25/2024	14,376.24		915291		14,376.24
00151		COE Payroll							
	I-T3 202406251655	FICA	R	6/25/2024	22,624.02		915292		
	I-T4 202406251655	Medicare	R	6/25/2024	5,604.00		915292		28,228.02
00152		COE Payroll							
	I-T2 202406251655	State Withholding	R	6/25/2024	6,443.00		915293		6,443.00
00203		Davis Trust Company							
	I-CC 202406251655	Employee Christmas Club	R	6/25/2024	2,550.00		915294		2,550.00
00747		Washington National Insurance							
	I-WN 202406251655	Washington National Insurance	R	6/25/2024	604.60		915295		604.60
00837		COE Payroll Reimbursement							
	I-001202406251655	Payroll Reimbursement	R	6/25/2024	65,116.09		915296		
	I-006202406251655	Payroll Reimbursement	R	6/25/2024	10,741.26		915296		
	I-036202406251655	Payroll Reimbursement	R	6/25/2024	13,654.26		915296		
	I-400202406251655	Payroll Reimbursement	R	6/25/2024	24,830.16		915296		
	I-401202406251655	Payroll Reimbursement	R	6/25/2024	13,717.59		915296		
	I-404202406251655	Payroll Reimbursement	R	6/25/2024	13,044.18		915296		141,103.54

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 6/24/2024 THRU 7/05/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
01885	Colonial Life							
I-CL 202406251655	Colionial Life-AT	R	6/25/2024	112.10		915297		
I-CLP202406251655	Colonial Life-PT	R	6/25/2024	52.52		915297		164.62
1	BODKINS, JANICE							
I-000202406191654	US REFUND	R	6/25/2024	20.00		915298		20.00
00006	AFLAC							
I-AF 202406111652	Aflac-After Tax Ins	R	6/26/2024	129.88		915299		
I-AF 202406251655	Aflac-After Tax Ins	R	6/26/2024	129.88		915299		
I-AFL202406111652	Aflac Insurance	R	6/26/2024	68.67		915299		
I-AFL202406251655	Aflac Insurance	R	6/26/2024	68.67		915299		397.10
00032	Absolute Assurance Drug Test L							
I-4439	Pre-Emp Testing 061724	R	6/26/2024	336.00		915300		336.00
00119	First-Citizens Bank & Trust Co							
I-44986837	Kyocera Copier Pmt 070624	R	6/26/2024	52.50		915301		
I-45009885	Konica Printer Cont 070824	R	6/26/2024	55.00		915301		107.50
00140	City of Elkins							
I-CKREQ 062524	Whitmer Utility Pmts to Elkins	R	6/26/2024	2,600.45		915302		2,600.45
00154	COE Sanitation							
I-202406246016	Hauling Sweeper Tallons	R	6/26/2024	181.50		915303		181.50
00242	Elkins Professional Firefighte							
I-EPF202406111652	Elkins Professional FF	R	6/26/2024	135.00		915304		
I-EPF202406251655	Elkins Professional FF	R	6/26/2024	135.00		915304		270.00
00471	Mon Power							
C-Barron Overpmt	Barron overpayment	R	6/26/2024	13,100.81CR		915305		
C-RR Ave overpmt	RR Ave overpayment	R	6/26/2024	151.06CR		915305		
I-Barron 061724	Barron Ave 051524-061324	R	6/26/2024	13,829.99		915305		
I-RR Ave 061424	RR Ave 051424-061224	R	6/26/2024	163.08		915305		741.20
00484	Mountaineer Gas Company							
I-1 Baxter WD 062024	1 Baxter WD 050624-060724	R	6/26/2024	61.56		915306		
I-1Baxter 062024	1 Baxter 050624-060724	R	6/26/2024	128.55		915306		
I-216 4th 062024	216 4th St 050624-060524	R	6/26/2024	162.05		915306		
I-216 4th B 062024	216 4th B 050624-060524	R	6/26/2024	39.23		915306		
I-401 Davis 062024	401 Davis Ave 050624-060624	R	6/26/2024	95.06		915306		
I-917 S RR 062024	917 S RR 050624-060624	R	6/26/2024	72.73		915306		
I-Barron 062024	Barron Ave 050624-060524	R	6/26/2024	39.23		915306		
I-Baxter 062024	Baxter St 050624-060624	R	6/26/2024	61.56		915306		
I-Center St 062024	Center St 050624-0160524	R	6/26/2024	39.23		915306		
I-Flood Ctl 062024	Flood Cntrl 050624-061024	R	6/26/2024	61.56		915306		
I-Glendale 062024	Glendale LS3 050624-060624	R	6/26/2024	50.40		915306		

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 6/24/2024 THRU 7/05/2024

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
	I-Ind Pk 062024	Inds Park 050624-061024	R	6/26/2024	39.23		915306		
	I-RELee 062024	RELee 050624-060624	R	6/26/2024	95.06		915306		
	I-Stewart LS4	Stewart LS4 050724-060624	R	6/26/2024	48.82		915306		994.27
00517		Ohio Valley Bank							
	I-6300002950 070124	6300002950 070124	R	6/26/2024	214.42		915307		214.42
00569		Randolph County Clerk							
	I-CKREQ 062524	Lien Linda Hosey 2 Properties	R	6/26/2024	24.00		915308		24.00
00591		Retiree Health Benefit Trust F							
	I-06/2024 Corcoran	R Corcoran Retiree RHBT	R	6/26/2024	206.27		915309		
	I-Retirees 06/2024	RHBT Retirees 06/2024	R	6/26/2024	1,639.16		915309		1,845.43
00670		Steptoe & Johnson PLLC							
	I-1134990	Compliance USDC 04/2024	R	6/26/2024	4,573.14		915310		
	I-1139083	USDC ND Civil Action Case	R	6/26/2024	2,215.76		915310		6,788.90
00726		USA Bluebook							
	I-INV 00225402	Piston Probe	R	6/26/2024	239.95		915311		
	I-INV00251455	Hose Kit	R	6/26/2024	884.95		915311		
	I-INV00397984	5 Gal Tracing Dye	R	6/26/2024	247.85		915311		1,372.75
00779		Woodford Oil Company							
	I-319216	Diesel #2 420 Gal	R	6/26/2024	1,386.00		915312		1,386.00
00805		WV FBMC							
	I-MFB202406111652	Mt. Flex Benefit	R	6/26/2024	1,717.86		915313		
	I-MFB202406251655	Mt. Flex Benefit	R	6/26/2024	1,755.39		915313		
	I-RChen 06/2024	R Chenoweth 06/2024	R	6/26/2024	49.90		915313		3,523.15
00810		WV Public Employee Insurance A							
	I-Admn Fees 062024	Admn Fees 06/2024	R	6/26/2024	200.00		915314		
	I-BL 202406251655	Basic Life Benefit	R	6/26/2024	188.10		915314		
	I-BL1202406251655	Basic Life Benefit +	R	6/26/2024	1.98		915314		
	I-DL 202406111652	Dependent Life	R	6/26/2024	89.61		915314		
	I-DL 202406251655	Dependent Life	R	6/26/2024	89.61		915314		
	I-HPA202406111652	Ins-Health Plan A	R	6/26/2024	949.00		915314		
	I-HPA202406251655	Ins-Health Plan A	R	6/26/2024	949.00		915314		
	I-HPB202406111652	Ins-Health Plan B	R	6/26/2024	627.50		915314		
	I-HPB202406251655	Ins-Health Plan B	R	6/26/2024	627.50		915314		
	I-ICA202406111652	Ins - Emp/Child-Plan A	R	6/26/2024	2,266.00		915314		
	I-ICA202406251655	Ins - Emp/Child-Plan A	R	6/26/2024	2,266.00		915314		
	I-ICB202406111652	Ins- Emp/child - Plan B	R	6/26/2024	494.50		915314		
	I-ICB202406251655	Ins- Emp/child - Plan B	R	6/26/2024	494.50		915314		
	I-IFA202406111652	Ins - Family - Plan A	R	6/26/2024	16,008.00		915314		
	I-IFA202406251655	Ins - Family - Plan A	R	6/26/2024	16,008.00		915314		
	I-IFB202406111652	Ins - Family - Plan B	R	6/26/2024	5,825.00		915314		

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 6/24/2024 THRU 7/05/2024

VENDOR	I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
	I-IFB202406251655	Ins - Family - Plan B	R	6/26/2024	6,702.72		915314		
	I-IFD202406111652	Ins-Fam-Plan B - Post Tax	R	6/26/2024	582.50		915314		
	I-IFD202406251655	Ins-Fam-Plan B - Post Tax	R	6/26/2024	582.50		915314		
	I-ISA202406111652	Ins - Single - Plan A	R	6/26/2024	3,750.00		915314		
	I-ISA202406251655	Ins - Single - Plan A	R	6/26/2024	3,750.00		915314		
	I-ISB202406111652	Ins-Single - Plan B	R	6/26/2024	3,653.00		915314		
	I-ISB202406251655	Ins-Single - Plan B	R	6/26/2024	3,653.00		915314		
	I-OL 202406111652	Optional Life	R	6/26/2024	370.20		915314		
	I-OL 202406251655	Optional Life	R	6/26/2024	377.10		915314		
	I-RChen 06/2024	R Chenoweth Health/Life 06/24	R	6/26/2024	1,335.98		915314		
	I-TOF202406111652	Tobacco Surcharge Family	R	6/26/2024	325.00		915314		
	I-TOF202406251655	Tobacco Surcharge Family	R	6/26/2024	350.00		915314		
	I-TOS202406111652	Tobacco Surcharge Single	R	6/26/2024	100.00		915314		
	I-TOS202406251655	Tobacco Surcharge Single	R	6/26/2024	100.00		915314		72,716.30
01185		InfoUSA Marketing Inc							
	I-10004222845	Polk City Directory-Elkins	R	6/26/2024	740.00		915315		740.00
01427		K&K Collision & Towing							
	I-14543062	21FD Police Interceptor Tice	R	6/26/2024	1,327.03		915316		1,327.03
01594		Pace Analytical Services LLC							
	I-2430511465	Backwash WV 3304203	R	6/26/2024	74.62		915317		
	I-2430512265	73-102306 WV 3304203	R	6/26/2024	421.00		915317		
	I-2430521706	Analytical Chgs 30678952	R	6/26/2024	177.00		915317		
	I-2430522437	WV3304203 Analytical Chgs	R	6/26/2024	421.00		915317		
	I-2430525078	WV3304203 Anaylitical Chgs	R	6/26/2024	177.00		915317		
	I-2430525880	WV3004203 Analytical Chgs	R	6/26/2024	496.60		915317		
	I-2430526528	WV3004203 Analytical Chgs	R	6/26/2024	421.00		915317		2,188.22
01833		P3 Cost Analysts							
	I-24295	Visa VUIRF June 2024	R	6/26/2024	510.90		915318		510.90
02215		Tucker County Solid Waste Auth							
	I-00143146	Sweeper Tallons 18.22 tons	R	6/26/2024	971.13		915319		971.13
02347		LEAF							
	I-16687924	Tosh E4515AC 071124	R	6/26/2024	301.50		915320		
	I-16701771	Tosh ES4515AC 071324	R	6/26/2024	133.78		915320		435.28
02615		Chris Jones							
	I-CKREQ 022724	Referee fees 2 games	R	6/26/2024	50.00		915321		50.00

VENDOR SET: 01 Elkins
BANK: Pool Pooled Cash
DATE RANGE: 6/24/2024 THRU 7/05/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02664	Summit Publishing LLC							
I-18684	Blue Ridge Outdoors Mag Ad	R	6/26/2024	4,995.00		915322		4,995.00

* * T O T A L S * *	NO		INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	49		407,140.59	0.00	407,140.59
HAND CHECKS:	0		0.00	0.00	0.00
DRAFTS:	4		50,322.89	0.00	50,322.89
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:	53	457,463.48	0.00	457,463.48
BANK: Pool TOTALS:	53	457,463.48	0.00	457,463.48

VENDOR SET: 01 Elkins
BANK: SEIZU Police Seizure
DATE RANGE: 6/24/2024 THRU 7/05/2024

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
02665	Courtney McGee							
I-CKrequest62724	reimburse property seizure	R	7/01/2024	282.00		000020		282.00

* * T O T A L S * *	NO		INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:	1		282.00	0.00	282.00
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: SEIZU TOTALS:	1	282.00	0.00	282.00
BANK: SEIZU TOTALS:	1	282.00	0.00	282.00
REPORT TOTALS:	55	597,745.48	0.00	597,745.48

SELECTION CRITERIA

VENDOR SET: 01-Elkins
VENDOR: ALL
BANK CODES: Exclude: PCARD
FUNDS: All

CHECK SELECTION

CHECK RANGE: 000000 THRU 999999
DATE RANGE: 6/24/2024 THRU 7/05/2024
CHECK AMOUNT RANGE: 0.00 THRU 999,999,999.99
INCLUDE ALL VOIDS: YES

PRINT OPTIONS
SEQUENCE: CHECK NUMBER

PRINT TRANSACTIONS: YES
PRINT G/L: NO
UNPOSTED ONLY: NO
EXCLUDE UNPOSTED: NO
MANUAL ONLY: NO
STUB COMMENTS: NO
REPORT FOOTER: NO
CHECK STATUS: NO
PRINT STATUS: * - All

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Ordinance 337: Amending the City Charter concerning the date of the Municipal Election (first of two readings)
Recommended By:	
Summary:	The Elkins City Charter gives conflicting dates for city elections, as follows: **SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.** (d) Election. Council elections shall be conducted every odd-numbered year **on the first Tuesday of June**. One member of the council for each ward shall be elected. **SECTION 6.01. CITY ELECTIONS.** (a) Regular Elections. The regular City election shall be held **on the second Tuesday in June** in each odd-numbered year beginning in the year 2023. The attached ordinance fixes this inconsistency by eliminating any statement about election dates except in Section 6.01 (i.e., confirming that city elections are on the second Tuesday in June of odd-numbered years). See attached memo for markup showing specific changes.
Fiscal Impact:	None
Recommendation:	Consider for approval
Attachments:	1. Memo - Election Date Conflict in City Charter 2. O-337 - Amending Article II Section 2.02 concerning election date

Election Date Conflict in City Charter

The Elkins City Charter gives conflicting dates for city elections (current wording):

> **SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.**
> (d) Election. Council elections shall be conducted every odd-numbered year **on the first Tuesday of June**. One member of the council for each ward shall be elected.
>
> **SECTION 6.01. CITY ELECTIONS.**
> (a) Regular Elections. The regular City election shall be held **on the second Tuesday in June** in each odd-numbered year beginning in the year 2023.

Changing Section 2.02 as follows will correct this issue:

> **SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.**
> (a) Composition. There shall be a City Council of ten members. Two Councilors shall reside in and ~~be elected to~~ represent each of the five wards of the City. ~~Councilors shall be elected by the qualified voters of the wards they reside in and represent.~~ **[MOVED TO (d)]**
> (b) Eligibility. Only resident voters of the City, as defined by this Charter, shall be eligible to hold the office of Councilor. Councilors shall reside in the Ward to be represented at the time of nomination and throughout the term of office. There shall be no other eligibility requirements. Council shall be the final arbiter of the eligibility of any prospective candidate and the continued eligibility of an elected Councilor.
> (c) Nomination. Any person who is eligible to hold office as a Councilor may file for election in compliance with West Virginia and City law.
> (d) Election. ~~Council elections shall be conducted every odd-numbered year on the first Tuesday of June.~~ Councilors shall be elected by the qualified voters of the wards they reside in and represent. One member of the council for each ward shall be elected at each City election.
> (e) Term. Councilmembers shall serve a term of four (4) years, beginning on the first day of July immediately following the election of that member, and until the successor in office is elected and qualified.
> (f) Special Elections. Special elections for any purpose must be authorized by a two-thirds majority public vote of a quorum of the Council and called by the Mayor. Notices of all special elections must be given by publication in a newspaper of general circulation, published in the City of Elkins.
> (g) Canvas. The Council shall sit as the Board of Election Canvassers in compliance with State and City law. In the case of a tie vote for any office, Council shall by majority vote determine the winning candidate.
> (h) Vacancy. The office of a Councilmember shall become vacant upon death, resignation, or forfeiture or removal from office in any manner authorized by law or by this Charter. A vacancy shall also exist whenever a Councilmember shall remove from the ward from which the nomination to serve was made. The vacancy shall be filled by appointment of a qualified person by Council. The office shall be placed on the next election for service of the remainder of the vacated term or for a new term, whichever is appropriate.

ORDINANCE 337

AN ORDINANCE OF THE COMMON COUNCIL OF ELKINS, WEST VIRGINIA AMENDING CITY CODE, ARTICLE II: LEGISLATIVE BRANCH, §2.02 COMPOSITION, ELEGIBILTIY, ELECTION AND TERMS

WHEREAS, the Common Council of the City of Elkins, West Virginia previously adopted Ordinance 274, which revised, amended, restated, codified and compiled certain existing general ordinances and in so doing adopted Article II: Legislative Branch,, §2.02 Composition, Eligibility, Election and Terms; and

WHEREAS, subsequent to the passages of Ordinance 274, it has become apparent these certain provisions of the City Code need to be changed and amended for clarity purposes; and

WHEREAS the Common Council has determined that by making this change and amendment to said section of the City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms is in the best interests of the City and its residents.

NOW THEREFORE BE IT ORDAINED and ENACTED by the Common Council that City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms be amended as follows:

SECTION 2.02. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

(a) Composition. There shall be a City Council of ten members. Two Councilors shall reside in and represent each of the five wards of the City.

(b) Eligibility. Only resident voters of the City, as defined by this Charter, shall be eligible to hold the office of Councilor. Councilors shall reside in the Ward to be represented at the time of nomination and throughout the term of office. There shall be no other eligibility requirements. Council shall be the final arbiter of the

eligibility of any prospective candidate and the continued eligibility of an elected Councilor.

(c) Nomination. Any person who is eligible to hold office as a Councilor may file for election in compliance with West Virginia and City law.

(d) Election. Councilors shall be elected by the qualified voters of the wards they reside in and represent. One member of the council for each ward shall be elected at each City election.

(e) Term. Councilmembers shall serve a term of four (4) years, beginning on the first day of July immediately following the election of that member, and until the successor in office is elected and qualified.

(f) Special Elections. Special elections for any purpose must be authorized by a two-thirds majority public vote of a quorum of the Council and called by the Mayor. Notices of all special elections must be given by publication in a newspaper of general circulation, published in the City of Elkins.

(g) Canvas. The Council shall sit as the Board of Election Canvassers in compliance with State and City law. In the case of a tie vote for any office, Council shall by majority vote determine the winning candidate.

(h) Vacancy. The office of a Councilmember shall become vacant upon death, resignation, or forfeiture or removal from office in any manner authorized by law or by this Charter. A vacancy shall also exist whenever a Councilmember shall remove from the ward from which the nomination to serve was made. The vacancy shall be filled by appointment of a qualified person by Council. The office shall be placed on the next election for service of the remainder of the vacated term or for a new term, whichever is appropriate.

The changes to City Code, Article II: Legislative Branch, §2.02 Composition, Eligibility, Election and Terms are only to the section referred to herein specifically and all other sections of said Article shall remain unchanged and in full force and effect.

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

This Ordinance shall become effective upon passage.

PASSED AND APPROVED ON FIRST READING: _____, 2024.

PASSED AND APPROVED ON FINAL READING: _____, 2024.

CITY OF ELKINS, WEST VIRGINIA

_____
Jerry A. Marco, Mayor

Attest:

_____
Sutton Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1768: Reappointing R. Leitner to the Elkins Building Commission
Recommended By:	City Clerk
Summary:	Reappoints R. Leitner to the Elkins Building Commission
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. R-1768 - reappointing Leitner to Building Commission

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1768)
July 11, 2024

Reappointment of R. Leitner to the
Elkins Municipal Building Commission

WHEREAS, the term of Richard Leitner, member of the Elkins Building Commission expires August 31; and,

WHEREAS, Mayor J. Marco, upon the advice of the current Elkins Building Commission, recommends that Richard Leitner be reappointed for another five year term beginning September 1, 2024; and,

WHEREAS, Mr. Letiner has faithfully served the Board since January 2019 and wishes to continue in this role;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby reappoints Richard Leitner to the Elkins Building Commission of the City of Elkins for a term ending August 31, 2029.

_____
Jerry A. Marco, Mayor

Attest:

_____
Sutton R. Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1769: Adding new holidays: Forest Festival Friday, Thanksgiving Friday, and Christmas and New Year's Eve
Recommended By:	Personnel Committee
Summary:	The city is in the practice of "closing city hall" but requiring employees to use paid time off for the following days of the year: • MSFF Coronation Day (last Friday of the festival) • Thanksgiving Friday • Christmas and New Year's Eves (closed at noon). This unusual practice harms employee morale with little related benefit to the city organization or its customers. Adding these four dates as official holidays will further strengthen recruitment and retention by improving employee work/life balance. See attached memos for more information.
Fiscal Impact:	Increased overtime/holiday pay for departments required to work on these dates.
Recommendation:	Consider for approval
Attachments:	1. Memo - new holidays - 2024_06_28 2. R-1769 - adding four new holidays

Memo

To: Personnel Committee

From: Sutton Stokes, City Clerk

Date: June 28, 2024

Re: Proposed new holiday

The city is in the practice of "closing city hall" but requiring employees to use paid time off for the following four days each year:

- MSFF Coronation Day (last Friday of the festival)
- Thanksgiving Friday
- Christmas and New Year's Eves (currently closed at noon).

Employees who do not wish to use paid time off must report for work, even though most of their coworkers and even their supervisors may not be present, and customers will not have access to the building. The most recently hired employees typically lack sufficient accrued leave time to take these days off and are forced to report to a closed building whether they want to or not.

This is an eccentric practice that harms employee morale while delivering little or no value to the city organization or its customers.

Proposed Action

The committee is requested to consider amending the personnel policy as follows:

- Add the above dates to the list of holidays observed by the city
- Stipulate that, in years when Christmas/New Year's Eve falls on a weekend, that holiday will be observed on the preceding Friday

Cost

This change would result in increased overtime costs for emergency services and several other departments whose responsibilities require them to report for duty on some or all holidays.

All holidays cost money, of course, like all other components of the city benefits and compensation package. However, by strengthening recruitment and retention, an even more

robust package of observed holidays may provide significant cost-saving benefits that should be taken into account as well.

Factors to Consider

In considering adding these new holidays, the following factors seem worth considering:

- The proposed dates already have limited/no public access and little productivity/value.
- The selected dates are especially likely to be used for family travel/gatherings, significantly adding to employee quality of life.
- New employees won't feel excluded from holidays in their first months working for the city.
- City employees can better show appreciation for and participate more fully in the city's keystone annual public event (MSFF).
- Although adding these four holidays will put us over the number of holidays officially provided to state employees in code, state employees typically receive numerous additional “unofficial” days off each year announced on short notice by the governor, including three of the above proposed new city holidays. By adding these as standing holidays, city employees will be better able to make plans and take full advantage of the time off.
- Expanded holidays are helpful for recruiting and retention, which in turn *benefits* the city organization and the public we serve, including by saving money. (Studies show that work/life balance is of unprecedented importance to the youngest generation currently entering the work force.)

In conclusion, the city is limited in its ability to show direct appreciation to employees; this is one way to further strengthen the compensation package for employees while remaining in compliance with these rules, and at relatively low cost averaged citywide.

##

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1769)
July 11, 2024

Adding Four New Holidays to the City's Annual Calendar

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

WHEREAS, Council's Personnel Committee has recommended changes to the manual's policies in Chapter 10, regarding Holidays, namely adding Forest Festival Coronation Day, Thanksgiving Friday, and Christmas and New Year's Eve to the list of holidays observed as paid days off by the City of Elkins; and,

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

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby adds Forest Festival Coronation Day, Thanksgiving Friday, and Christmas and New Year's Eve to the list of holidays observed as paid days off by the City of Elkins.

_____
Jerry A. Marco, Mayor

Attest:

_____
Sutton R. Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1770: Budget Revision SAO 2024-001-01
Recommended By:	City Treasurer
Summary:	Revises the FY 2025 General Fund's Unassigned Fund ("carryover") balance from $648,261 to $1,348,261.
Fiscal Impact:	Captures an additional $700,000 in carryover funds above what was projected.
Recommendation:	Consider for approval
Attachments:	1. SAO 2025-001-01

LGSD BR (Ver. 2020)

Ora Ash, Deputy State Auditor
West Virginia State Auditor's Office
200 West Main Street
Clarksburg, WV 26301
Phone: 627-2415 ext. 5114
Fax: 304-340-5090
Email: lgs@wvsao.gov

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
Fiscal Year Ending: 2025
Fund: 1
Revision Number: 1
Pages: 1 of 1

City of Elkins
GOVERNMENT ENTITY

401 Davis Ave.
STREET OR PO BOX

Elkins — CITY
26241 — ZIP CODE

Municipality
Government Type

Person To Contact Regarding Request:
Name: **Tracy Judy**
Phone: **304-636-1414, ext 1317**
Fax: **304-635-7135**
Email: tjudy@cityofelkinswv.com

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	648,261	700,000		1,348,261
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 700,000

Explanation for Account # 378, Municipal Specific:
Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
424	Contributions to Comms/Authorities	41,700	5,188		46,888
440	City Hall	522,000	148,250		670,250
699	Contingencies*		404,515		404,515
750	Streets and Highways	1,246,550	140,000		1,386,550
901	Visitors Bureau	100,000	2,047		102,047
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures 700,000

APPROVED BY THE STATE AUDITOR

BY:
Deputy State Auditor, Local Government Services Division **Date**

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

City of Elkins

Ph. 304-636-1414 Ext. 1317 Fax: 304-635-7135

401 Davis Avenue, Elkins, WV 26241

City Treasurer – Tracy R. Judy

RE: General Fund State Budget Revision #1 Details

Revenues: Increase account 299 (Unassigned Fund Balance) by $700,000

Expenditures:
Account 424-Contributions to Comms/Authorities/Tree Board, increase by $5,188 carryover amount.

Account 440-City Hall, increase by $148,250.

Account 699-Contingencies, increase by $404,515 for potential use for HVAC.

Account 750-Street Department, increase by $140,000 for sewer line relocation on 11th St. property.

Account 901-Visitors Bureau, increase by $2,047 for increased hotel tax in June.

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Ordinance
Agenda Item Name:	Resolution 1771: Budget Revision SAO 2025-002-01
Recommended By:	City Treasurer
Summary:	Revises the FY 2025 Coal Severance Fund balance from $185,000 (projected) to $188,012 (actual as of July 1).
Fiscal Impact:	Captures additional $3,012 above what was projected.
Recommendation:	Consider for approval
Attachments:	1. SAO 2025-002-01

LGSD BR (Ver. 2020)

Ora Ash, Deputy State Auditor
West Virginia State Auditor's Office
200 West Main Street
Clarksburg, WV 26301
Phone: 627-2415 ext. 5114
Fax: 304-340-5090
Email: lgs@wvsao.gov

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
Fiscal Year Ending: **2025**
Fund: **2**
Revision Number: **1**
Pages: **1 of 1**

City of Elkins
GOVERNMENT ENTITY

401 Davis Ave.
STREET OR PO BOX

Elkins — CITY
26241 — ZIP CODE

Municipality
Government Type

Person To Contact Regarding Request:
Name: **Tracy Judy**
Phone: **304-636-1414, ext 1317**
Fax: **304-635-7135**
Email: tjudy@cityofelkinswv.com

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
298	Assigned Fund Balance	185,000	3,012		188,012
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 3,012

Explanation for Account # 378, Municipal Specific:
Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
440	City Hall	197,000	3,012		200,012
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures 3,012

APPROVED BY THE STATE AUDITOR

BY:
Deputy State Auditor, Local Government Services Division **Date**

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1772: Statement of support for the Ascend WV program
Recommended By:	City Clerk
Summary:	This resolution expresses non-binding support for the Ascend WV program, some of whose members will be in the audience at this meeting. Here are some facts about Ascend WV in the Greater Elkins area. Learn more about Ascend WV here: https://ascendwv.com/ GREATER ELKINS • Greater Elkins opened for applications in November 2022 • Applications reviewed, interviewed, and first cohort selected April 2023 • First cohort moved by November 2023 • Rolling applications opened Fall 2023 • 25 members in town, 10-15 more on their way in the next 6 months • 21% native WV; 79% non-native to WV • 32% have purchased homes; 68% are renting TOP INDUSTRIES • Other Professional, Scientific and Technical Services • Management, Scientific, and Technical Consulting Services • Health Care • Computer Systems Design and Related Services • Advertising and Related Services • Insurance Carriers and Related Activities
Fiscal Impact:	n/a

CITY OF ELKINS
AGENDA ITEM REPORT

Recommendation:	Consider for approval
Attachments:	1. R-1772 - statement of support for Ascend WV program

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1772)
July 11, 2024

Resolution of Support and Appreciation for the Ascend WV Program

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WHEREAS, the State of West Virginia is actively seeking creative solutions to address population decline; and,

WHEREAS, the Brad & Alys Smith Outdoor Economic Development Collaborative (OEDC) has a mission of empowering West Virginia's communities and partners to advance the state's economy and enhance quality of life through outdoor recreation; and,

WHEREAS, the OEDC program Ascend WV, a collaborative between West Virginia University, the Wing 2 Wing Foundation and the West Virginia Department of Tourism, aims to attract remote workers to live, work, and play in The Mountain State; and,

WHEREAS, Greater Elkins was accepted into Ascend WV in November 2022 and the first Ascend WV cohort moved to the Greater Elkins area by November 2023, with 25 members currently residing in Elkins and approximately a dozen more arriving in the next six months; and,

WHEREAS, Ascend WV members are already making positive contributions to Elkins by purchasing homes, patronizing area businesses, establishing friendships, and joining community organizations; and,

WHEREAS, Ascend WV is playing a significant role in the continued growth and success of Elkins;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council wishes to extend a warm welcome to current and future Ascend WV members moving to Greater Elkins, and, further, to express its strong appreciation and support for the Ascend WV program.

_____
Jerry A. Marco, Mayor

Attest:

_____
Sutton R. Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1773: Adding sick leave to the leave donation program
Recommended By:	Personnel Committee
Summary:	The city's leave donation program is currently limited to donations of annual (vacation) leave. Resolution 1773 would amend this policy as follows: • Also allow donations of sick leave • Require that any donation leave at least 160 hours combined annual/sick leave for the donor (enough to cover at least two full pay periods, an increase from the current minimum of 80 hours) See attached memo for more information.
Fiscal Impact:	Goal is improved morale and employee retention, which results in cost-savings
Recommendation:	Consider for approval
Attachments:	1. Memo_ Sick leave donation 2. Resolution 1773 - Adding sick leave to the leave donation program

City of Elkins, West Virginia

Memo

To: Personnel Committee

From: Melissa Washington, Human Resources

cc: Sutton Stokes, City Clerk

Date: 07/01/2024

Re: Leave Donation

Full time employees of the City of Elkins are eligible to participate in a voluntary Leave Donation Program under which leave accumulated by an employee may, if voluntarily agreed to by the employee, be transferred as donated leave to another designated employee if the requesting employee has exhausted all available paid leave due to a medical emergency.

Under our current policy leave can transferred as donated leave to another designated employee if the requesting employee has exhausted all available paid leave due to a medical emergency.

Under the current leave donation in Appendix D page 71 – 80 donations shall be in the form of whole hours of annual leave only.

Recommendation

It is proposed to amend this policy as follows:

- Also allow donations of sick leave
- Require that any donation leave at least 160 hours combined annual/sick leave for the donor (enough to cover at least two full pay periods, an increase from the current minimum of 80 hours)

Context of the City's Current Program

Currently we follow WV Division of Personnel in policy, WV organizations have their own leave donation programs including WV Dept. of Education, WVU and WV Div. of Personnel.

West Virginia Code §29-6-27 directs the state Division of Personnel to establish a leave donation program for employees of state agencies. That program is the basis for the city's current program. West Virginia Code §18A-4-10f lays out a program for school personnel similar to that devised by the DOP.

WV Div. of Personnel does not allow the usage of sick leave is because it rolls over from year to year and there is a cap on the annual leave which has a carryover rate. Some employees that know they are going to lose some of their annual leave may be more apt to donate it to another employee. Also, some sick leave can be used for retirement purposes she mentioned, they have different rules when it comes to retirement. Lastly, is the budgetary concern in allowing to have their staff use the annual leave, if they would allow w/ no carry over limit they would have an increase in budget.

However, there does not seem to be a legal restriction against including sick time in such programs. For example, West Virginia University allows employees to donate both sick and annual leave. https://eberly.wvu.edu/files/d/b778882f-3931-4dd2-8a1c-34f72f8e73ff/catastrophic-leave-policy.pdf

- Donation of Leave 4.1 Donors may contribute accumulated sick or annual leave either to the WVU Catastrophic Leave Bank or directly to specific individuals who have been approved for catastrophic leave.

##

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1773)
July 11, 2024

Adding Sick Leave to the City's Leave Donation Program

WHEREAS, the Common Council ("Council") of the City of Elkins, West Virginia ("City") first enabled employees to donate leave to fellow employees facing medical emergencies who have exhausted their own reserves of leave via Resolution 386, adopted in 2012, and subsequently modified this program via Resolutions 500 (in 2013) and 860 (in 2016); and,

WHEREAS, under the current Leave Donation policy, only annual leave may be donated, with a requirement that, after donating, the donor must retain at least 80 hours of combined sick and annual leave; and,

WHEREAS, Council's Personnel Committee has recommended enabling employees to also donate sick leave, provided that a minimum of 160 hours of combined sick and annual leave be retained after donation;

NOW, THEREFORE, BE IT RESOLVED, THAT:

The Elkins Common Council hereby adds sick leave to the Leave Donation program, with the stipulation that, after donating, the donor must retain at least 160 hours of combined sick and annual leave.

_____
Jerry A. Marco, Mayor

Attest:

_____
Sutton R. Stokes, City Clerk

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Resolution
Agenda Item Name:	Resolution 1774: Accepting a 2024 Community Equi-City Grant Awarded to Elkins Tree Board
Recommended By:	Elkins Tree Board
Summary:	To assist in reaching for its urban canopy goal, the Elkins Tree Board applied for a Community Equi-City Grant and was successful in receiving funds for three projects under the umbrella of a Grow Elkins Greener Initiative: the Elkins Tree Nursery Improvement Project, Glendale Park Tree Expansion Project and a Grow Elkins Greener public education campaign. There is no funding or in-kind match requirement. This resolution authorizes acceptance of the grant.
Fiscal Impact:	Awards $23,227 to the Elkins Tree Board
Recommendation:	Consider for approval
Attachments:	1. Memo - Council report For Equi-Grant 2024 2. R-1774 - Community Equi-City Grant acceptance by Tree Board

2024 Community Equi-City Grant
WV Division of Forestry/USDA Department of Agriculture
Awarded to Elkins Tree Board

Date of award notification: July 1, 2024
Amount: $23,227
Time period of grant: Date of agreement signed - June 30,2025
Agreement parameters: Vendor (COE) certifies that it has reviewed the Terms and Conditions, fully understands them and will be bound by their provisions.

PURPOSE OF GRANT

The Elkins Tree Board has an over-arching goal of increasing our town's urban canopy from its current level of approximately 30 percent to the recommended 40%. Certain neighborhoods are lacking the benefit of having tree-lined streets. They have lost trees as they've aged out or have suffered from damaging tree-topping practices. In addition, our newer city parks need more tree cover and our oldest park is experiencing trees losses due to age and wet soil conditions.

To assist in reaching for the urban canopy goal, the ETB applied for a Community Equi-City Grant and was successful in receiving funds for three projects under the umbrella of a ***Grow Elkins Greener*** Initiative: the Elkins Tree Nursery Improvement Project, Glendale Park Tree Expansion Project and a Grow Elkins Greener public education campaign.

Tree Nursery Improvement Project

The Tree Nursery Improvement Project will take place at the Kump House location and will include the construction of a protective fence. Each year, the ETB purchases small, quality trees which it nurtures in its nursery. Unfortunately, like many urban environments, deer continually damage them. Erecting a more protective fence will highly contribute to our tree nursery's success.

The nursery stock, when they have reached the proper age, is used for planting trees in our city parks and other municipal properties and our Adopt-A-Tree program. This latter program has successfully resulted in almost 50 new trees being planted in residential neighborhoods.

Public Education Campaign: Grow Elkins Greener

Our goal is to have a more targeted approach by matching trees with neighborhoods. Part of the 2024-25 work plan for the ETB will create and distribute door hangers in underrepresented neighborhoods and areas lacking appropriate tree coverage. Another goal of Adopt-A-Tree is to increase the number of trees distributed.

Additionally, city council ward representatives will be asked to assist in identifying areas of specific need and the City of Elkins will distribute information on its various digital platforms. We recognize adoptees must feel their tree plantings will make a difference and inspire a valued conservation ethic.

The ETB completed a citizen survey in November 2023 regarding tree issues as part of the process in creating the Urban Forest Management Plan. Among the significant results was that 65% of respondents indicated they would be willing to plant a tree on their property and 47% said they

would like to participate in the Elkins Adopt-A-Tree program. Nearly 60% of respondents indicated that they would like to see more trees planted in residential areas.

Part of this project will include printing door hangers that will be distributed by ETB, Friends of Trees and other volunteers, in targeted residential areas in need of increased urban canopy. These will be distributed in very early spring, 2025.

The Glendale Park Tree Expansion Project
This project includes planting 11 trees in one of the most popular parks in Elkins. The species were chosen for height, variety, and their ability to thrive in the open, moist conditions at the park. The planting sites were chosen by the park director and will help cool the asphalt roadway through the park and provide needed shade for visitors. A certified arborist, along with the ETB, provided guidance in choosing the species.

Part of the project also includes installing 15 new tree identification markers along the Glendale Park pedestrian path.

OBLIGATIONS

There is no financial obligation incurred by accepting this grant. There is no match of any kind.

Administrative obligations include:

- Input from Parks and Recreation Director on location of tree planting at Glendale and approval of species. This has been standard operating procedure for all trees planted in Elkins' parks.
- Assistance from Treasurer's office with writing checks to vendors in a timely way. Like most grants, the grant recipient (City of Elkins), must pay the vendors first. Upon completion of the grant and receipt of the necessary paperwork, the city receives payment from the grant provider. This is similar to previous Division of Forestry Demonstration City grants. The ETB plans to complete the grant projects in March 2025. (There may be the ability to receive payments quarterly.) As per previous grants, treasurer's office will need to provide proof of payment.
- Mayor signing the grant acceptance documents and federal forms regarding drug-free workplace and disbarment.
- City attorney reviewing Adopt-A-Tree agreement language.
- COE Communications distributing PR regarding the campaigns. Materials/graphics, as in the past, provided by ETB.
- Occasional copying assistance provided by the executive secretary.

Tree Board obligations:

- Provide the invoices and proof of payment of items purchased by Tree Board.
- Ensure all aspects of the grants are fulfilled as proposed.
- Make sure deadlines are met and proper post-grant documents filed.

Of.note¿The.Elkins.Tree.Board.has.successfully.administered.four.previous.DOF.Demonstration.City.grants¡.

IN THE COMMON COUNCIL OF THE CITY OF ELKINS, WV

A RESOLUTION OF COMMON COUNCIL

(#1774)
July 11, 2024

Authorizing Acceptance by the Elkins Tree Board of a 2024 Community Equi-City Grant from the WV Division of Forestry/USDA Department of Agriculture

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WHEREAS, the Common Council of the City of Elkins ("Council") has, via Elkins City Code §93.093, established a City Tree Board ("Elkins Tree Board," or "the Board"); and,

WHEREAS, the Board's establishing ordinance charges it with responsibility for developing and administering a written plan for the planting and care of trees and shrubs along streets and in other public areas; and,

WHEREAS, Council adopted the Board's 2024 Tree Plan via Resolution 1715, on February 1, 2024; and,

WHEREAS, in keeping with its 2024 Tree Plan, the Board applied for a 2024 Community Equi-City Grant from the WV Division of Forestry/USDA Department of Agriculture ("the Grant"), which has now been awarded; and,

WHEREAS, also in keeping with its 2024 Tree Plan, the Board plans to use the awarded funds to improve its tree nursery, launch a public education campaign to promote participation in the Board's annual Adopt-A-Tree program, and plant new trees in Glendale Park; and,

WHEREAS, acceptance of this Grant does not require funding or in-kind match from the city; and,

WHEREAS, upon the recommendation of the Elkins Tree Board, the Common Council believes it is in the best interest of the citizens of Elkins to accept this grant funding.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Common Council hereby endorses and supports acceptance of the 2024 Community Equi-City Grant from the WV Division of Forestry/USDA Department of Agriculture, and authorizes the Mayor, or his designee, to execute agreements and take other administrative actions as necessary to receive and administer grant funds pursuant to provisions of this program.

_____
Attest: Sutton R. Stokes, City Clerk

_____
Jerry A. Marco, Mayor

CITY OF ELKINS
AGENDA ITEM REPORT

Meeting Date:	July 11, 2024
Section:	New business
Category:	Action Item
Agenda Item Name:	Whitmer Water System takeover
Recommended By:	Mayor
Summary:	Opportunity for attorney-client consultation concerning the PSC ordered takeover by Elkins of the Whitmer Water Utility
Fiscal Impact:	TBD
Recommendation:	Enter executive session under the attorney-client consultation
Attachments:	1. Whitmer briefing

401 Davis Avenue
Elkins, West Virginia 26241
Telephone: 304-636-1414
www.cityofelkinswv.com

Summary of Events involving Whitmer

(Summary Regarding the Current Operational Status of Whitmer)

Operationally we have gotten Whitmer to a place where we can safely and reliably produce and provide water to its 94 customers. We have already adopted many of the operation and maintenance practices used within our own system. This year we have installed 12 new water services, with 8 of those being for a new campground. If this campground succeeds it will add a total of 40 new services. Hence increasing Whitmer's customer base by over 40%. We are starting to sort through the regulatory issues that Whitmer incurred over the past few years. The Health Department has been very gracious in aiding us with this process. The Meter system is over 12 years old and is showing signs of weakness within the radio program. We are hoping to replace them soon with grant funding. We are also planning to expand the water plants' capacity to serve them as a back up water supply for the Harman and Dry Fork area.

- November 14, 2022 – The Randolph County Commission filed a petition to the WV Public Service Commission to consider Whitmer Water Association a Distressed and failing utility.
- May 25, 2023 - The WV Public Service Commission found that Whitmer is a distressed utility and Elkins Is the most suitable capable proximate utility. The PSC then directed Elkins to acquire Whitmer.
- July 13, 2023 – Elkins and Whitmer filed a joint application for an Interim Operating Agreement between Elkins and Whitmer. Since Whitmer Water Association was no longer a corporation in good standing and had no Board, it had to be brought up to the standards of a legal entity to even be able to enter into this Agreement.
- Sept 13, 2023 - the WV Public Service Commission approved interim rates for Whitmer and an Interim Operating agreement between Elkins and Whitmer.
- December 15, 2023 - Elkins sent out the first round of billing processed by Elkins. As an example of the dire financial straits of Whitmer, we received a shut-off notice from First Energy for an electric bill of over $9,000 which had been unpaid for several months.
- January 1, 2024 - Elkins assumed full operations of the Whitmer Water System doing so under the Interim Operating Agreement.
- Feb 1, 2024 - the WV Public Service Commission approved the interim water rates as the final rates and required both parties to close on the purchase agreement.
- On April 30, 2024 - Elkins filed a petition to Reopen the Whitmer and Elkins cases. Elkins determined that unknown and unexpected issues with Whitmer continue to prevent the parties from closing on the purchase agreement. Issues include:

Summary of Events involving Whitmer

- Whitmer monthly revenue is not sufficient to sustain the operations. Whitmer is only bringing in approximately $4400 per month and the operating expenses are approximately $11,000 per month. As a result, Elkins has incurred about $197,668 to date.
- Unpaid federal and state income taxes from June 30, 2019, to December 31, 2023, Along with legal and account fees are expected to be approximately $200,000.
- Capital Costs – Replace Water Meters, Plant and System Upgrades are projected at $695,739.27
- WDTRF Outstanding Water Fund Bond - remaining balance is $200,917.

- On May 10, 2024 - The WV Public Service Commission Ruled that
  - the petition filed on April 30th be reopened
  - That the WV IJDC and the WDA approve the request to fund the request of $1,294,325 to the extent that the request qualifies for their funding
- On May 24 representatives from Elkins met with the IJDC and WDA to discuss the possibilities of the request on the PSC Order from May 10th.
  - The two entities both agreed that due to various limitations involving grant funding the only item they could help with is the Capital Costs of $695,739.27.
  - These entities recommended that we approach the County Commission to help with the remaining expenses.
- Until these expenses are resolved we are essentially at a standstill with the purchase/acquisition agreement.
- Elkins cannot continue to assume these costs that are detrimental to its own customers and system, especially with no path of getting aid or reimbursement.
- We respectfully request that you consider helping the residents of Whitmer by assisting in the funding of some of these expenses incurred from Whitmer to make it a viable and stable water utility for the Whitmer residents.

02:45 PM APR 30 2024 EXEC SEC DIV

CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.

CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.

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02:45 PM APR 30 2024 EXEC SEC DIV

KAY CASTO & CHANEY PLLC
Attorneys at Law

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E-Mail: rrodecker@kaycasto.com
Direct: 304/391-8838

April 30, 2024

Ms. Karen Buckley
Executive Secretary
Public Service Commission
of West Virginia
201 Brooks Street
Charleston, West Virginia 25301

RE: CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.

CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.

Dear Ms. Buckley:

Enclosed herein please find a Petition To Reopen Requesting A Commission Recommendation In Support Of A Distressed Utilities Fund Grant.

As evidenced by the Certificate of Service attached thereto, a copy of the filing has today been served upon all parties of record.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Robert R. Rodecker
WV State Bar No. 3145

CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.

CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.

SEPARATION PAGE

PETITION TO REOPEN REQUESTING
A COMMISSION RECOMMENDATION
IN SUPPORT OF A DISTRESSED UTILITIES FUND GRANT

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 22-0993-W-DU

WHITMER WATER ASSOCIATION, INC.
Petition for determination that Whitmer Water Association is a failing utility under the Distressed and Failing Utilities Improvement Act.

CASE NO. 23-0590-W-19A-PC-W-PC

CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.
Joint Application For Consent and Approval of an Asset Purchase Agreement, approval of an Interim Operating Agreement; and Emergency Rate Relief for Whitmer Water Association, Inc.

PETITION TO REOPEN REQUESTING
A COMMISSION RECOMMENDATION
IN SUPPORT OF A DISTRESSED UTILITIES FUND GRANT

The City of Elkins, ("Elkins"), respectfully submits this Petition to Reopen and requests that the Commission issue an expedited Order containing a recommendation to support a request for a grant from the Distressed Utilities Fund pursuant to *W. Va. Code* §§ 24-2H-9(e) and 31-15A-9(i). Receipt of the Commission's recommendation and thereafter approval of the grant by the West Virginia Infrastructure and Jobs Development Council ("WVIJDC") are necessary to permit Elkins to close on the acquisition of the assets of the Whitmer Water Association, Inc. ("Whitmer") as provided in the Asset Purchase Agreement

between Elkins and Whitmer. Expedited consideration is requested so that Whitmer and Elkins can apply for Distressed Utilities Funds by May 31, 2024 with the goal of receiving grant funds prior to June 30, 2024, and close on the Asset Purchase Agreement as soon as possible. Elkins understands that the Distressed Utilities Funding for the fiscal years ending June 30, 2025 and June 30, 2026 are committed to other projects. Thus, without expedited treatment of this Request, Elkins cannot acquire Whitmer without some other, as yet unidentified, funding source.

In support of the Request, Elkins states as follows:

1. In its Final Order entered on May 25, 2023, in Whitmer Water Assoc., Inc., Case No. 22-0993-W-DU ("Whitmer Case"), the Commission found that Whitmer is a distressed utility and directed Whitmer to be acquired by Elkins through a mutual agreement. Whitmer Case, Rec. Dec. at 10, 13-14 (May 5, 2023, final May 25, 2023).

2. On July 13, 2023, Elkins and Whitmer filed a Joint Application requesting Commission consent and approval of an Interim Operating Agreement and Asset Purchase Agreement. Elkins was willing to acquire the assets of the Whitmer potable water treatment, storage, and distribution system (the "Whitmer System") and provide service to Whitmer customers conditioned upon receipt of appropriate funds for the acquisition, repair and upgrade of the Whitmer System. As consideration, Elkins agreed to assume the unpaid balance of water revenue

bonds of Whitmer held by the West Virginia Water Development Authority on behalf of the Drinking Water Treatment Revolving Fund (the "Bonds") as of Closing and make post-closing investments necessary to carry out its responsibility as the new owner and operator of the Whitmer System. City of Elkins & Whitmer Water Assoc., Inc. ("Joint Case"), Case No. 23-0590-W-19A-PC.

3. On September 13, 2023, the Commission approved interim rates for Whitmer and approved a modified Interim Operating Agreement and the Asset Purchase Agreement. Joint Case, Case No. 23-0590-W-19A-PC, Comm'n Order at 8 (Sept. 13, 2023).

4. On January 9, 2024, Elkins and Whitmer filed a copy of the signed Interim Operating Agreement.

5. On February 1, 2024, the Commission approved the interim rates as final rates for Whitmer and required Elkins and Whitmer to close on the Asset Purchase Agreement ("APA") within thirty (30) days. Joint Case, Case No. 23-0590-W-19A-PC, Commission Order at 2 (Feb. 1, 2024).

6. Elkins is located more than 25 miles from Whitmer by way of mountainous roadways, making service significantly more costly than the revenues generated from customers of Whitmer. In addition to the cost of travel for its employees in order to serve Whitmer, since the commencement of operations of Whitmer, Elkins has faced previously unknown and unexpected issues related to the Whitmer System which continue to prevent closing.

7. Because of delays in obtaining accurate billing records, accounting records and customer information from Whitmer, Elkins was delayed in accessing the bank accounts of Whitmer and establishing a separate bank account for payments received from the customers of the Whitmer System. These factors, along with many others, have prevented Elkins from integrating the Whitmer customers into the Elkins water system.. Since Elkins began billing the Whitmer customers at the Commission approved rates, less than $4,000 of revenue per month is being realized through water sales to Whitmer customers. Contributing to this situation is the fact that some customers have not paid their bills on a timely basis and some customers have alternative well water for use and are cutting back on purchased water.

8. While revenues are substantially lower than expected, expenses have been higher than expected and significantly exceed revenues. In addition to higher operation and maintenance expenses, a major part of the monthly cost of operating the Whitmer System is a principal payment of $1,028.00 on Whitmer's current bond debt. Table 1 below shows the average monthly cost for Elkins to serve Whitmer based upon operations between January 1, 2024 and March 31, 2024.

Table 1

Expense	Average monthly cost
Sampling	$1,131.67
Supplies and Materials	400.95
Chemicals	84.17
Dues and subscriptions	295.67
Contracted services	238.50

Postage	9.95
Travel	1,000.00
Wages for Elkins employees	5,000.00
Utilities -- phone and internet	373.77
Utilities -- power	911.55
Bond Payment	1,028.00
Total monthly average	$10,474.23

9. In addition to the ongoing impact of the current operations on the Elkins' finances where the cost of operation the Whitmer System exceeds revenues by more than $6,000 per month, Elkins has incurred costs associated with this proceeding which are not covered by the rates being charged. In addition, since Elkins took over operations of Whitmer, it has had to address many issues which were caused by the failure of Whitmer to address its cost responsibilities prior to Elkins' take over. Many of these issues have already impacted Elkins and Elkins believes others exist which require financial assistance in order for Elkins to complete the acquisition. Table 2 below reflects some of the costs incurred to date:

A. Elkins has incurred expenses for legal and accounting services provided in the preparation of documents to assist Whitmer to be in a position to reinstate its corporate status and to transfer the real and personal property comprising the Whitmer System.

B. Elkins' O&M costs related to operations of the Whitmer System incurred to date have exceeded $160,000.

C. When Elkins began operation of the Whitmer System, it discovered that electric service was scheduled for termination for non-payment. To keep the Whitmer System operating, Elkins had no choice but to pay Monongahela Power Company $9,363.15, because Whitmer had no funds to pay the arrearage. In addition, to reinstate service necessary to operate the telemetry for the Whitmer System, Elkins had to pay more than $500 for overdue bills for telephone and internet service.

D. Recently, Elkins learned that the State Tax Department has placed a lien on property titled in Whitmer's name for unpaid withholding taxes of $7,835.83 for the period from June 30, 2019 to December 31, 2023. (See Exhibit 1 attached hereto.) As long as that debt is unpaid, the amount owed will continue to incur additional penalties and interest. Further, **no closing can take place until the lien is released.** Whitmer's records do not reflect what other obligations may be outstanding and Elkins is concerned that Federal withholding taxes may also be owed. Elkins has no records of Federal or State tax filings by Whitmer which, if no Federal returns have been filed, can result in a Federal claim for unpaid taxes, penalties and interest for a period of up to ten (10) years. If Federal taxes were not paid as required, Elkins believes that the cost in unpaid taxes, penalties and interest, along with legal and accounting services to resolve the Whitmer Federal and state tax issues, may exceed $125,000. Elkins has no alternative but to

determine whether unpaid Federal taxes exist; otherwise Elkins may risk assuming responsibility for such tax liability.

E. Currently there is no property insurance coverage for the Whitmer System. As long as the real and personal property remain in the name of Whitmer, Elkins does not have an insurable interest and thus is unable to add such facilities to its insurance coverage. Elkins is informed and believes it to be true that the premium for insurance for the Whitmer facilities will cost an additional $1,500.00 per month.

Table 2

Incurred Costs to Date	
$26,363.82	Legal and accounting fees related to Elkins' acquisition of the Whitmer System, July 2023 to April 25, 2024
$161,377.06	O&M Costs, September 19, 2023 to April 25, 2024
$9,363.15	Monongahela Power
$564.71	Phone/internet
$197,668.74	Total Incurred Costs to date

10. In addition to the current costs and the amounts already spent by Elkins, the Consulting Engineer for Elkins has determined that there are approximately $700,000 in projected capital costs to repair, maintain and replace the Whitmer System. Those costs are summarized in Table 3 below.

Table 3

Projected Capital Costs	
$309,239.27 $170,000.00 $50,000.00	Immediately necessary costs a. 35 gate valves. March 5, 2024 Ferguson Waterworks quote. b. New meters. CEC Opinion of Probable Construction Cost. c. Septic tank and disposal field for sanitary sewer service at Whitmer water treatment plant. CEC Opinion of Probable Construction Cost.
$18,000.00 $30,000.00 $15,000.00	Engineering fees related to immediate capital expenditures a. Gate valves. CEC Estimate of Fee. b. New meters. CEC Estimate of Fee. c. Septic tank and surveying fees. CEC Estimate of Fee.
$65,000.00	More fuel efficient vehicle. CEC Opinion of Probable Cost.
$35,000.00	Preliminary Engineering Report for future improvements. CEC Estimate of Fee.
$3,500.00	Back-up well pump for water treatment plant. CEC Opinion of Probable Cost.
$695,739.27	Total Projected Capital Costs

11. *W. Va. Code* § 24-2H-8(e) provides that a nonprofit acquiring utility may seek grant funding from the Distressed Utilities Account established pursuant *W. Va. Code* § 31-15A-9(i) to repair, improve, and replace the distressed water utility facilities as needed.

12. *W. Va. Code* § 31-15A-9(i) provides as follows:

> **The Water Development Authority shall establish a separate restricted account within the infrastructure fund to be expended for the repair and improvement of failing water and wastewater systems by nonprofit public utilities from grants approved by the [West Virginia Infrastructure and Jobs Development] council and supported by recommendations from the Public Service Commission in accordance with the plan developed under § 24-2H-1 *et seq.* of this code.** The restricted account shall be known as the Distressed Utilities Account. Annually, the council may request the Water Development Authority to transfer from the uncommitted loan balances for each year a total amount not to exceed $5 million to the restricted account to fund the grants approved by the council during that fiscal year. Notwithstanding the provisions of § 31-15A-10(b) of this code, the council may approve grants from this account for up to 100 percent of the cost of failing utility repairs, replacements and improvements and such grant along with other grants awarded by the council may exceed 50 percent of the total project cost; *Provided,* That at no time may the balance of the restricted account exceed $5 million. (Emphasis added)

13. Elkins' acquisition of the Whitmer System was approved by the Commission as state law requires. In order for Elkins to repair, replace and improve the Whitmer System, Elkins must be able to acquire the Whitmer System. That cannot happen unless the outstanding tax lien and other obligations of Whitmer can be met by funds from the Distressed Utilities Account. It is Elkins' position that the operational and acquisition costs are integral to the ability of Elkins to carry out the Commission's order to acquire Whitmer as a distressed utility. It is Elkins' further position that it should not be required to spend its resources to pay for the failure of Whitmer to meet its obligations to State and Federal tax authorities and it should be reimbursed for costs expended to reinstate Whitmer's

corporate status to permit the transfer of the Whitmer System to Elkins. Finally, Elkins believes that funds should be provided to retire Whitmer's outstanding indebtedness which currently, after deducting the funds presently on deposit in the debt service reserve account for the Bonds, stands at approximately $200,917 (as of December 31, 2023). The amount set forth in Table 4 below is intended to cover the known and estimated costs of acquisition of Whitmer.

Table 4

Costs of Acquisition of Whitmer	
$197,668.74	Incurred Costs to Date from Table 2
$200,000.00	Legal and Accounting Fees to Resolve Tax Liability and close on acquisition
$695,739.27	Projected Capital Costs from Table 3
$200,917.00	Outstanding DWTRF Bond
$1,294,325.01	Total Acquisition Costs

14. Elkins intends to file a request with WVIJDC for a grant from the Distressed Utilities Account in the amount of $1,294,325.01 for the amounts set forth in Table 4 herein related to Elkins' acquisition of and repairs, maintenance, and replacements to the Whitmer System, and the retirement of the outstanding debt owed by Whitmer. Costs for several of these items, such as Elkins' personnel expenses and legal and accounting services, are ongoing and will continue to be incurred until the transaction is complete. The planned capital improvements will reduce operational costs as Elkins continues to serve Whitmer, though Elkins will continue to subsidize the Whitmer System.

15. Elkins has been informed that Distressed Utilities Funding has to date not been used for any project in the State and a process for accessing such funding is being established. One requirement for receipt of such funds is that the request to the WVIJDC must be supported by a recommendation from the Commission. *W. Va. Code* § 31-15A-9(i).

16. Elkins requests the Commission to issue an Order containing a recommendation to the WVIJDC in support of the Petitioners' request for $1,239,408.01 from the Distressed Utilities Fund as itemized above, and that such recommendation be entered not later than May 31, 2024 so that an application for such funds can be submitted to the WVIJDC for award prior to the end of the current fiscal year.

17. Elkins requests expedited treatment of this request in order to be in a position to close on the acquisition of Whitmer by Elkins as soon as possible.

Respectfully submitted,

CITY OF ELKINS
By Counsel

Robert R. Rodecker (WVSB#3145)
John R. McGhee (WVSB#5205)
Cynthia L. Wilson (WVSB#5239)
Kay Casto & Chaney PLLC
P.O. Box 2031
Charleston, WV 25327
(304) 345-8900

rrodecker@kaycasto.com
jmcghee@kaycasto.com
cwilson@kaycasto.com

April 30, 2024

EXHIBIT 1

APRIL 5, 2024 SATE OF WEST VIRGINIA TAX DEPARTMENT STATEMENT OF ACCOUNT

000016

STATE OF WEST VIRGINIA
State Tax Department, Compliance Division
153 West Main St. Suite E
Clarksburg, WV 26301-2908

Matthew R. Irby, State Tax Commissioner

WHITMER WATER ASSOCIATION INC
PO BOX 23
WHITMER WV 26296-0023

Letter Id:	L1496585376
Issued:	04/05/2024
Account #:	2262-3742
Account:	Withholding

STATEMENT OF ACCOUNT

The state of West Virginia hereby notifies you of the estimated taxes, interest and penalties due as stated on this notice. This is not a Notice of Assessment of Tax. Please refer to the reverse side of this notice for a further explanation of this liability. Payment must be made on or before the Pay by Date or additional penalties will continue to accrue. If you have any questions regarding this notice, please contact the Compliance Division at (304) 627-2185.

Periods Ending	Stage	Return Due Date	Tax	Penalty & Additions	Interest	Balance
12/31/2023	Statement of Account	1/31/2024	[illegible]	[illegible]	[illegible]	[illegible]
9/30/2023	Statement of Account	10/31/2023	[illegible]	$37.62	$13.25	[illegible]
6/30/2023	Statement of Account	7/31/2023	[illegible]	$53.44	$12.28	[illegible]
3/31/2023	Statement of Account	5/1/2023	[illegible]	$46.50	$17.32	[illegible]
12/31/2022	Lien & Distress Warrant	1/31/2023	$128.70	$41.77	$18.52	$188.99
9/30/2022	Lien & Distress Warrant	10/31/2022	[illegible]	$49.07	$23.81	$217.26
6/30/2022	Lien & Distress Warrant	8/1/2022	$268.07	$105.75	$35.14	$408.96
3/31/2022	Lien & Distress Warrant	5/2/2022	[illegible]	$157.44	$88.15	$648.56
12/31/2021	Lien & Distress Warrant	1/31/2022	$298.10	$115.28	$66.62	$481.00
9/30/2021	Lien & Distress Warrant	11/1/2021	[illegible]	$138.40	$96.17	$550.34
6/30/2021	Lien & Distress Warrant	[illegible]	[illegible]	$166.32	$107.06	$684.50
3/31/2021	Lien & Distress Warrant	6/30/2021	[illegible]	$144.48	$84.61	$595.10
12/31/2020	Lien & Distress Warrant	2/1/2021	$326.16	[illegible]	[illegible]	$464.07
9/30/2020	Lien & Distress Warrant	11/2/2020	$347.44	$113.92	$80.03	$441.39
6/30/2020	Lien & Distress Warrant	[illegible]	$312.36	$50.10	$82.23	$360.89
3/31/2020	Lien & Distress Warrant	[illegible]	$244.94	[illegible]	$92.16	$408.99
12/31/2019	Lien & Distress Warrant	[illegible]	$265.72	$78.48	$106.37	$450.57
9/30/2019	Lien & Distress Warrant	10/31/2019	$294.98	$126.62	$125.57	$547.43
6/30/2019	Lien & Distress Warrant	7/31/2019	$192.64	$86.67	$85.68	$374.99
				Amount Due:		**$7,835.83**

Please cut off and return with payment

Withholding Tax **QM**
Account ID: 2262-3742
WHITMER WATER ASSOCIATION INC
PO BOX 23
WHITMER WV 26296-0023

Amount Due: **$7,835.83**
Pay By: **5/1/2024**
Amount Enclosed:

Mail Payment To: Revenue Division - P.O. Box 2745 - Charleston, WV 25330-2745
For electronic payment options, please visit our website at www.tax.wv.gov.

COLPYM 01170 00003686278087 L1496585376 ttL02 v.130

000017

Statement of Account

The State Tax Department hereby notifies you of tax, estimated taxes, interest and penalties due as stated on the reverse side of this notice. Your failure to respond to this matter by the due date indicated on this notice will result in a Notice of Proposed Tax Lien or Notice of Assessment being issued in accordance with W. Va. Code § 11-10 as amended.

Notice of Tax Lien & Distress Warrant

In compliance with the provisions of W. Va. Code § 11-10-12, as amended, notice and certification are hereby given that the taxpayer(s) named on the reverse side is indebted to the West Virginia State Tax Department for accrued taxes, interest, additions to tax, and penalties as hereinafter set forth. The taxes, interest, additions to tax and penalties shown on the reverse side of this notice are unpaid debt to the State and constitute a lien upon all property of the taxpayer.

TO ANY OFFICER AUTHORIZED TO LEVY: You are commanded in the name of the State of West Virginia under authority of W. Va. Code § 11-10-13, to forthwith levy upon and distrain so much of the property, real or personal, tangible or intangible, of the above named taxpayer as shall be sufficient to satisfy the taxes, interest, and additions to tax due, owed, and unpaid to the State Tax Department as set forth on the reverse side of this notice.

Please Note:

1. Interest: Pursuant to W. Va. Code § 11-10-17a, the Tax Commissioner is required to establish an interest rate for tax underpayments and overpayments based on the adjusted prime rates. This shall not be less than eight percent. The adjusted rate is to be determined every six months. INTEREST IS STATUTORY AND CANNOT BE WAIVED.

2. Additions to tax: The purpose of imposing penalties (additions to tax) is to encourage voluntary compliance with this State's tax laws. These additions are determined with regard to any extension of time for filing and may be waived only if it is proven that failure to file and/or pay was due to reasonable cause and not willful neglect (W. Va. § 11-10-18a).

[illegible]

Use this space to make name, address and phone number changes.

Name: _____

Street: _____

City: _____ **State:** _____ **Zip:** _____

Phone: _____ **Signature:** _____

000018

Letter Id: L1496585376

Return this page with any correspondence back to the Tax Department.

This page is inserted intentionally. Return this page with any correspondence mailed to the Tax Department. By including this page with your correspondence, the Tax Department will be able to process your request faster and more efficiently.

CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.

CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.

SEPARATION PAGE

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Robert R. Rodecker, counsel for the City of Elkins do hereby certify that the foregoing Petition To Reopen has been served upon the following parties of record in the manner so indicated on this 30th day of April, 2024:

VIA EMAIL AND 1st CLASS MAIL, POSTAGE PREPAID:

Chris Howard, Esquire
Public Service Commission
of West Virginia
Post Office Boxv812
Charleston, WV 25323
choward@psc.state.wv.us

Paula J. Teter
Whitmer Water Association, Inc.
Post Office Box 104
Whitmer, WV 26296-0104
Gandy73@hotmail.com

Christopher D. Siler
Randolph County Commission
4 Randolph Avenue, suite 102
Elkins, WV 26241
csiler@randolphctywv.org

Ronald Vance, Manager
Midland Public Service District
Post Office Box 544
Elkins, WV 26241
midlandpsd@cebridge.net

Christopher D. Negley, Esq.
Counsel, Huttonsville PSD
Shuman, McCuskey & Slicer PLLC
Post Office Box 3953
Charleston, WV 25339
cnegley@shumanlaw.com

Robert F. Williams, Director
Consumer Advocate Division
Director
300 Capitol Street, Ste. 810
Charleston, WV 25301
rwilliams@cad.state.wv.us

VIA FIRST CLASS U.S. MAIL:
Christopher See, President
Randolph County Commission
4 Randolph Avenue—Suite 102
Elkins, WV 26241

Robert R. Rodecker

Robert R. Rodecker

000021

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 10th day of May 2024.

CASE NO. 22-0993-W-DU

WHITMER WATER ASSOCIATION, INC.
Petition for determination that Whitmer Water Association is a failing utility under the Distressed and Failing Utilities Improvement Act.

and

CASE NO. 23-0590-W-19A-PC

CITY OF ELKINS, dba ELKINS MUNICIPAL WATER DEPARTMENT and WHITMER WATER ASSOCIATION, INC.
Joint Application for consent and approval of an Asset Purchase Agreement, approval of an Interim Operating Agreement, and emergency rate relief for Whitmer Water Association, Inc.

COMMISSION ORDER

The Commission grants the Petition to Reopen and recommends the West Virginia Infrastructure and Jobs Development Council (WVIJDC) approve the City of Elkins (Elkins) request for funding from the Distressed Utilities Account.

BACKGROUND[1]

On November 14, 2022, in Whitmer Water Association, Inc., Case No. 22-0993-W-DU, the Randolph County Commission requested that the Commission review Whitmer Water Association, Inc. (Whitmer) under the Distressed and Failing Utilities Improvement Act, W. Va. Code § 24-2H-1 et seq.[2]

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[1] For a complete procedural history, access the prior filings and orders in the above captioned cases on the Commission web docket at www.psc.state.wv.us.

[2] Whitmer, Letter of the Randolph County Commission.

By Final Order issued May 25, 2023, the Commission found that Whitmer is a distressed utility and that Elkins is the most suitable capable proximate utility. The Commission directed Elkins to acquire Whitmer through a mutual agreement as provided by W. Va. Code § 24-2H-7(b)(5) and to file the acquisition agreement once completed, consistent with W. Va. Code §§ 24-2-12 and 24-2H-8.[3]

On July 13, 2023, Elkins and Whitmer initiated Elkins Municipal Water Department, Case No. 23-0590-W-19A-PC, by filing a Joint Application[4] seeking Commission consent and approval of an Interim Operating Agreement and an Asset Purchase Agreement (Purchase Agreement), and requesting emergency rate relief. Elkins agreed to acquire Whitmer's water treatment, storage, and distribution system (Whitmer System) "conditioned upon receipt of appropriate funds for the acquisition and post-acquisition improvement of the Whitmer" System. As consideration, Elkins will assume the unpaid balance of Whitmer's water revenue bonds at closing and make the necessary post-acquisition investment in the Whitmer System.[5]

On September 13, 2023, the Commission approved interim rates for Whitmer, a modified Interim Operating Agreement and the Purchase Agreement.[6] A copy of the signed Interim Operating Agreement was filed on January 9, 2024.

On February 1, 2024, the Commission approved the interim rates as final rates and required the parties to close on the Purchase Agreement within thirty days.[7]

On April 30, 2024, Elkins filed a Petition to Reopen in the Whitmer and Elkins cases and requested expedited treatment. According to Elkins, unknown and unexpected issues with the Whitmer System continue to prevent the parties from closing on the Purchase Agreement. Since commencing operation of the Whitmer System, revenues have been substantially lower than expected, Operation and Maintenance (O&M) expenses have been higher than expected and on average exceed revenues by more than $6,000 each month, and Elkins has incurred $197,669 in costs to date. Elkins recently learned of a state lien against Whitmer

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[3] Whitmer, at 10, 12-14 (Rec. Dec., May 5, 2023; Final Order, May 25, 2023).

[4] Despite the Joint Application naming "City of Elkins" as a party to Case No. 23-0590-W-19A-PC, it was docketed as "Elkins Municipal Water Department and Whitmer Water Association, Inc." Elkins, Joint Application at Bates 4; see generally, docket of the case.

[5] Id. at Bates 6-9, Exhibits A and B.

[6] Elkins, Comm'n Order at 8.

[7] Elkins, Comm'n Order at 2.

property for unpaid withholding taxes from June 30, 2019 to December 31, 2023 and believes federal taxes are likely unpaid as well. Also, Whitmer does not have property insurance, which is expected to cost an additional $1,500 monthly. Furthermore, the consulting engineer for Elkins has projected $695,739 in capital costs to repair, maintain and replace the Whitmer System.[8]

Based on the aforementioned known and estimated costs, Elkins proposed a total acquisition purchase price of $1,294,325 as shown in the table below.[9]

Costs of Acquisition of Whitmer System	
$197,668.74	Costs Incurred to Date
$200,000.00	Legal and Accounting Fees to Resolve Tax Liability and Close on Acquisition
$695,739.27	Projected Capital Costs
$200,917.00	Outstanding Drinking Water Treatment Revolving Fund Bond
$1,294,325.01	Total Acquisition Costs

The acquisition of the Whitmer System is predicated on Elkins securing the necessary funds. Thus, Elkins requested that the Commission issue an expedited order pursuant to W. Va. Code § 31-15A-9(i) to provide a recommendation in support of Elkins to the WVIJDC for $1,294,325 from the Distressed Utilities Account, in order for Elkins to secure the necessary funding and close on the acquisition of the Whitmer System as soon as possible.[10]

DISCUSSION

West Virginia Code § 24-2H-8(e) provides, in part, that "[a] nonprofit acquiring public utility may seek grant funding from the Distressed Utilities Account established pursuant to § 31-15A-9(i) of this code to repair, maintain, and replace the distressed water and wastewater utilities as needed." Pursuant to W. Va. Code § 31-15A-9(i):

> The Water Development Authority shall establish a separate restricted account within the infrastructure fund to be expended for the repair and improvement of failing water and wastewater systems by

[8] Whitmer, Petition to Reopen at Bates 7-11, Ex. 1; Elkins, Petition to Reopen at Bates 7-11, Ex. 1.

[9] Id. at Bates 10, 13.

[10] Id. at Bates 11.

> nonprofit public utilities from grants approved by the council and supported by recommendations from the Public Service Commission in accordance with the plan developed under §24-2H-1 *et seq.* of this code. The restricted account shall be known as the Distressed Utilities Account.

The Commission has previously determined that Whitmer is a distressed utility as defined by W. Va. Code § 24-2H-3 because it is unable to provide adequate, efficient, safe and reasonable utility service, based in part on Whitmer's declining financial position, mechanical problems and inoperative equipment at its treatment plant. Elkins projects that it needs $695,739 in capital costs to repair, maintain and replace the distressed facilities. Elkins is currently operating and maintaining the Whitmer System and is in the process of acquiring Whitmer's assets, but in order to close on the acquisition the balance of Whitmer's bonds, unpaid taxes and state tax lien must be satisfied.

For the reasons discussed herein, the Commission recommends that the WVIJDC approve Elkins' request for grant funding from the Distressed Utilities Account to the extent that the request qualifies under the statute. The Commission encourages Elkins to continue its efforts to identify and secure other sources of funding, in addition to the Distressed Utilities Account grant funds, so that it can acquire and make improvements to the Whitmer System without further delay. Elkins should file an update with the Commission regarding the status of the proposed grant funding thirty days after the issuance of this Order.

The Commission will correct the style of Case No. 23-0590-W-19A-PC to change "Elkins Municipal Water Department" to "City of Elkins, dba Elkins Municipal Water Department," because the Joint Application, Interim Operating Agreement and Purchase Agreement clearly identify "City of Elkins" as a party and do not refer to Elkins Municipal Water Department.

FINDINGS OF FACT

1. Unexpected issues have prevented the parties from closing on the Purchase Agreement.

2. Elkins proposed a total acquisition purchase price of $1,294,325 for the Whitmer System and intends to secure that amount in grant funding from the Distressed Utilities Account.

3. Since commencing operation of the Whitmer System, Elkins has incurred substantial costs and learned of outstanding financial obligations and indebtedness owned by Whitmer.

4. Under the terms of the Purchase Agreement, Elkins' acquisition of the Whitmer System is conditioned upon securing funds to cover the acquisition costs and the capital investment to repair, maintain and replace the distressed facilities.

CONCLUSIONS OF LAW

1. Because Elkins is a nonprofit public utility seeking to acquire a distressed utility, it may seek grant funding from the Distressed Utilities Account to repair, maintain, and replace the distressed Whitmer System as needed.[11]

2. The Commission should recommend that the WVIJDC approve Elkins' request for $1,294,325 from the Distressed Utilities Account.[12]

ORDER

IT IS THEREFORE ORDERED that the Petition to Reopen filed by the City of Elkins, dba Elkins Municipal Water Department on April 30, 2024, is granted.

IT IS FURTHER ORDERED that the Commission recommends the West Virginia Infrastructure and Jobs Development Council approve the City of Elkins' request for $1,294,325 from the Distressed Utilities Account to the extent that the request qualifies under W. Va. Code § 31-15A-9(i).

IT IS FURTHER ORDERED that the parties prepare all closing documents immediately and close on the acquisition within thirty days after the City of Elkins receives funding for the acquisition of and investments to Whitmer Water Association, Inc.'s distressed utility assets.

IT IS FURTHER ORDERED that, within thirty days of the date of this Order, the City of Elkins make a closed case filing that provides an update regarding the status of the grant funding discussed herein and an update on the status of the acquisition.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission revise the style of Case No. 23-0590-W-19A-PC to reflect "City of Elkins, dba Elkins Municipal Water Department" as a party to the case.

IT IS FURTHER ORDERED that upon entry of this Order the cases shall be removed from the Commission docket of active cases.

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[11] W. Va. Code § 24-2H-8(e).

[12] W. Va. Code § 31-15A-9(i).

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, and by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Commission Staff by hand delivery.

A True Copy, Teste,

Karen Buckley

Karen Buckley, Executive Secretary

NNT/pkb
220993ca

04:23 PM JUN 10 2024 EXEC SEC DIV

KAY CASTO & CHANEY PLLC
Attorneys at Law

1500 Chase Tower • 707 Virginia Street East • Charleston, WV 25301
Mailing Address: P.O. Box 2031 • Charleston, WV 25327
Telephone (304) 345-8900 • Fax (304) 345-8909
www.kaycasto.com
E-Mail: rodecker@kaycasto.com
Direct: 304/391-8858

May 10, 2024

Via Electronic Delivery:
Ms. Karen Buckley
Executive Secretary
Public Service Commission
of West Virginia
201 Brooks Street
Charleston, West Virginia 25301

RE: CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.

CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.
(Closed Entry)

Dear Ms. Buckley:

On April 30, 2024, the City filed its Petition to Reopen Requesting a Commission Recommendation in Support of a Distressed Utilities Fund Grant ("Petition to Reopen") to permit the City to comply with the May 25, 2023, Final Order in Whitmer Water Association Inc. Case No. 22-0993-W-DU where the Commission found that Whitmer is a distressed utility and directed Whitmer to be acquired by Elkins.

In an Order entered May 10, 2024, the Commission granted the City's Petition to Reopen and ordered as follows:

> IT IS FURTHER ORDERED that the Commission recommends the West Virginia Infrastructure and Jobs Development Council approve the City of Elkins' request for $1,294,325 from the Distressed Utilities Account to the extent that the request qualifies under W. Va. Code § 31-1 5A-9(i).

Said Order further required that "within thirty days of the date of this Order, the City of Elkins make a closed case filing that provides an update regarding the status of the grant funding discussed herein and an update on the status of the acquisition."

This letter is submitted on behalf of the City of Elkins ("City"), by counsel, as its closed case filing in the above-referenced matters as required by the Commission's May 10, 2024, Order ("May 10 Order").

Following the entry of the May 10 Order, representatives of the City met with representatives of the West Virginia Infrastructure and Jobs Development Council ("WVIJDC") and the West Virginia Water Development Authority ("WDA") on May 24, 2024, to discuss the City's eligibility for funding as set forth in the City's Petition and the Commission's May 10 Order.

The City set forth on Table 4 of its Petition to Reopen, the costs for which it was seeking funding assistance under the Distressed Utilities Act as follows:

Costs of Acquisition of Whitmer	
$197,668.74	Incurred Costs to Date from Table 2
$200,000.00	Legal and Accounting Fees to Resolve Tax Liability and close on acquisition
$695,739.27	Projected Capital Costs from Table 3
$200,917.00	Outstanding DWTRF Bond
$1,294,325.01	Total Acquisition Costs

During the discussions with the representatives of the IJDC and the WDA, the City was informed that all of the money under the Distressed Utilities Act for fiscal years 2024 and 2025 are currently committed. Further, the only amounts that would be potentially eligible for grant funding under the Distressed Utilities Act, and other sources of State funds would be amounts for Capital costs.

As a result of the May 24 discussions, the only amounts set forth above that would potentially be available for funding from State sources of funding would be:

$695,739.27	Projected Capital Costs from Table 3

The City is in the process of developing funding applications for the projected Capital costs through an application with the IJDC and it is preparing to meet with the Randolph County Commission to solicit a funding commitment for

the remaining amount of $598,585.74 in projected costs in order to permit the City to move forward with the acquisition of the Whitmer water system.

As evidenced by the Certificate of Service attached hereto, a copy of the filing has today been served upon all parties of record.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Robert R. Rodecker /JLG

Robert R. Rodecker
WV State Bar No. 3145

000004

CASE NO. 22-0993-W-DU
WHITMER WATER ASSOCIATION, INC.

CASE NO. 23-0590-W-19A-PC-W-PC
CITY OF ELKINS and
WHITMER WATER ASSOCIATION, INC.

SEPARATION PAGE

CERTIFICATE OF SERVICE

000005

CERTIFICATE OF SERVICE

I, Robert R. Rodecker, counsel for the City of Elkins do hereby certify that the foregoing Update Letter has been served upon the following parties of record in the manner so indicated on this 10th day of June, 2024:

VIA EMAIL AND 1st CLASS MAIL, POSTAGE PREPAID:

Chris Howard, Esquire
Public Service Commission
of West Virginia
Post Office Boxv812
Charleston, WV 25323
choward@psc.state.wv.us

Paula J. Teter
Whitmer Water Association, Inc.
Post Office Box 104
Whitmer, WV 26296-0104
gandy73@hotmail.com

Christopher D. Siler
Randolph County Commission
4 Randolph Avenue, suite 102
Elkins, WV 26241
csiler@randolphctywv.org

Ronald Vance, Manager
Midland Public Service District
Post Office Box 544
Elkins, WV 26241
midlandpsd@cebridge.net

Christopher D. Negley, Esq.
Counsel, Huttonsville PSD
Shuman, McCuskey & Slicer PLLC
Post Office Box 3953
Charleston, WV 25339
cnegley@shumanlaw.com

Robert F. Williams, Director
Consumer Advocate Division
Director
300 Capitol Street, Ste. 810
Charleston, WV 25301
rwilliams@cad.state.wv.us

VIA FIRST CLASS U.S. MAIL:
Christopher See, President
Randolph County Commission
4 Randolph Avenue—Suite 102
Elkins, WV 26241

Robert R. Rodecker /JJG
Robert R. Rodecker

000006