# CITY OF CHARLES TOWN
## CITY COUNCIL
## AGENDA • OCTOBER 7, 2024

**Regular Session** **COUNCIL CHAMBERS** **7:00 PM**
**101 E Washington Street, Charles Town, WV 25414**

**CALL TO ORDER**

**1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF MINUTES**

: **2024-966:** City Council Meeting Minutes - September 16, 2024
CityCouncilMeetingMinutes_16Sep2024_Draft_rmt.pdf

**3. PUBLIC COMMENT**

**4. WARD REPORTS**

**5. MAYOR'S REPORT**

**6. COMMITTEE REPORTS**

: **2024-991** Infrastructure Committee Report
Committee Report_ Infrastructure September 2024.pdf

**7. CITY MANAGER REPORT**

: **2024-1004:** City Managers Report - October 7, 2024
City Manager Report - October 7, 2024.pdf

**8. POLICE CHIEF REPORT**

**9. UNFINISHED BUSINESS**

: **2024-969:** Second Reading of an Ordinance Authorizing The Acquisition And Construction Of Additions, Betterments And Improvements To The Sewerage Portion Of The Existing Public Combined Waterworks And Sewerage System Of The City Of Charles Town And The Financing Of The Cost Thereof, Not Otherwise Provided, Through The Issuance By The City Of Not More Than $3,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program); Not More Than $1,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program)And Not More Than $1,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 C (West Virginia Srf Program/Forgivable) Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Bond Purchase Agreement Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds And Adopting Other Provisions Relating Thereto.
Memo to Charles Town City Council Regarding Sch(23336642.1).pdf

Resolution 2024-03 Collection System Bonding Resolution.pdf
DRAFT Schedule B CTUB 08262024 ALS.pdf
Schedule B CTUB less FSPS ALS.pdf
BOND ORDINANCE SRF_SRF_Forgiveable-Green.pdf

: **2024-988** Property Acquisition Update - Executive Session

## 10. NEW BUSINESS

: **2024-967:** Opioid Distribution Plan
Discussion and direction on fund distribution
Opioid_Spending_Restrictions.pdf
Opioid_Settlements_Projected_Payments.pdf

: **2024-987** Briefing Article 1102 Animals and Fowl
Referral to Ordinance Committee
Article 1102 Animals and Fowl.pdf

: **2024-993** "But For" Disbursement Plan

: **2024-994** B&O Tax Update - Executive Session

: **2024-1002** Project Presentation CTUB

: **2024-1003** Funding Request for Green-Copeland Highway Marker - Requested by Green-Copeland American Legion Auxiliary

## 11. REFERRALS TO COMMITTEES/COMMISSIONS

: **2024-984** Ann Street Flooding - Infrastructure Committee Referral

## 12. APPROVAL OF BILLS

: **224-1005:** Approval of Bills - October 7, 2024
GENERAL FUND COUNCIL REPORT 2024 10 04.pdf
PARKS N REC COUNCIL REPORT 2024 10 04.pdf
BUILDING COMM COUNCIL REPORT 2024 10 04.pdf
CAPITAL RESERVE COUNCIL REPORT 2024 10 04.pdf

## 13. ADJOURNMENT

## 14. INFORMATION ONLY - NEXT MEETING, October 21, 2024, at 7:00PM

: **2024-968:** Charles Town Police Department August Statistic Report
August 2024 CTPD Stats.pdf

: **2024-985** Supplemental Agreement to Phase 1 Augustine Avenue Trail Executed Version and Resolution
Executed Supplemental Agreement 1 Augustine Trail.pdf

: **2024-989** Article 365 Charles Town Parking District
Article 365 Charles Town Parking District.pdf

: **2024-990** Article 745 Business and Occupation Tax
Article 745 Business and Occupation Tax.pdf

: **2024-992** Memo Role of Charles Town over Charles Town Utility Board
Memo Role of City of Charles Town over the Charles Town Utility Board.pdf

: **2024-995** A Resolution Designating September as Library Card Sign-Up Month
A Resolution Designating September as Library Card Sign-Up Month.pdf

: **2024-997** Constitution Week Proclamation
Constitution Week Proclamation.pdf

**15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:**

**https://www.charlestownwv.us/government/agendas-and-minutes/**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-966: City Council Meeting Minutes - September 16, 2024

**ATTACHMENTS:**

- CityCouncilMeetingMinutes_16Sep2024_Draft_rmt.pdf

# CITY OF CHARLES TOWN

**CITY COUNCIL**

**MINUTES • September 16, 2024**

**Regular Meeting** **Council Chambers** **7:00 PM**

**101 East Washington Street, Charles Town, WV 25414**

## CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
|---|---|---|---|
| Bob Trainor | Mayor | Present | |
| James Kratovil | Councilmember | Present | |
| Elizabeth Ricketts | Councilmember | Present | |
| Jeff Hynes | Councilmember | Present | |
| Kevin Tester | Councilmember | Present | |
| Julie Philabaum | Councilmember | Present | |
| Priscilla Rodd | Councilmember | Present | |
| Micheal George | Councilmember | Present | |
| Andie Sugrue | Councilmember | Remote | |

Mr. John Nissel, City Manager; Ms. Stephanie Grove, City Attorney; Ms. Lori Nice, Finance Director; Ms. Cindy Rezmer, Operations Director; Ms. Kristen Stolipher, Charles Town Utility Board (CTUB) Utility Manager; and Chief Chris Kutcher, Charles Town Police Department (CTPD) were also in attendance.

## 1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

## 2. APPROVAL OF MINUTES

2024-947: City Council Meeting Minutes - September 3, 2024

The following changes were made to the September 3, 2024, meeting minutes:

Packet Page 6, Committee Reports - Agenda Item 2024-893, last line: Add the word "to" after "due" to read: "…hold the meeting due **to** the lack…"

Packet Page 7, New Business - Agenda Item 2024-886, first sentence, second line: Add the words **"American Rescue Plan Act (ARPA)**" after the word "their" to read: "…their **American Rescue Plan Act (ARPA)** donation of $10,000, which…"

## 3. PUBLIC COMMENT

Four people signed up for public comment.

Ms. Burns and Ms. DiCola expressed their concerns regarding the large feral cat population in the Norborne Glebe neighborhood.

Ms. Ballard, on behalf of the American Legion Auxiliary Green-Copeland Unit 63, requested assistance from the City with their efforts to establish a highway marker honoring Shields Green and John Copeland Jr on S. Samuel Street.

Mr. Matz requested that the City consider installing stop signs at the intersection of N. Mildred Avenue and E 1st Avenue.

## 4. WARD REPORTS

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts had nothing to report.

Ward #2

Mr. Hynes reported:

- Attending the "Day of Caring" event with Wright Denny Elementary School students at Happy Retreat.
- That he recommends including funding for sidewalk construction behind Wright Denny Elementary School leading to Happy Retreat in the City's FY2026 Capital Budget.
- Requested that the City research the process for removing the barbed wire fencing adjacent to Washington Village Apartments along Mordington Avenue.
- That he recommends that Council become more familiar with the National Interest Electrical Transmission Corridor (NIETC), which could negatively impact large areas of wards 2 and 4.

Mr. Tester had nothing to report.

Ward #3

Ms. Philabaum had nothing to report.

Ms. Rodd had nothing to report.

Ward #4

Mr. George reported attending the Happy Retreat Craft Music and Beer Festival, and stated that it was a great success.

Ms. Sugrue thanked Liz Cook for her help with the "Walks About Nothing" event, which was well attended. The next walk will be September 18, 2024.

## 5. MAYOR'S REPORT

2024-965: Mayor's Report - September 16, 2024

Mayor Trainor reported attending the Finance Committee and Region 9 meetings. He also thanked City staff and Council members for their preparation and participation in Senator Capito's visit to Charles Town on September 5, 2024.

Mayor Trainor read into the record a proclamation commemorating the two hundred and thirty-seventh anniversary of the drafting of the United States Constitution.

## 6. COMMITTEE REPORTS

2024-948: Personnel Committee Meeting - September 9, 2024

Mr. George reviewed the Personnel Committee report with the Council.

2024-949: Ordinance Committee Meeting - September 12, 2024

Mr. Tester reported that the Ordinance Committee is working on an Outdoor Dining Ordinance. Their next meeting is scheduled for October 17, 2024.

2024-953: Finance Committee Meeting- September 5, 2024

Mayor Trainor reviewed the Finance Committee report with the Council. He pointed out that recent correspondence between HdL Companies and the City, withdraws the Committee's request for Council action regarding the Finance Committee report's item 2024-774 – HdL Update.

## 7. CITY MANAGER REPORT

2024-950: City Manager Report - September 16, 2024

Mr. Nissel reviewed his City Manager Report with the Council.

2024-959: CTUB Memo - Possible Executive Session

This item was not discussed in executive session. Mr. John Stump, Esq. reviewed the August 28, 2024 memo prepared by Mr. Robert R. Rodecker (Charles Town Utility Board's legal counsel) regarding the City's role over the Charles Town Utility Board.

## 8. POLICE CHIEF REPORT

Chief Kutcher reviewed the Charles Town Police Department's (CTPD) August statistics with Council. He thanked everyone involved in the funeral procession for Sergeant Benjamin Anderson. Chief Kutcher also thanked the Charles Town Moose Lodge 948 for their generous monetary donation of $1,000 to the CTPD.

## 9. UNFINISHED BUSINESS

2024-876: Public Hearing: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter 7 Parking, Article 365 Charles Town Parking District.

Mr. Kratovil moved to open the public hearing. Mr. Hynes seconded the motion, and there were no objections.

Staff announced that no one had signed up for the public hearing.

Mr. Kratovil moved to close the public hearing. Mr. Hynes seconded the motion, and there were no objections.

2024-875: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter 7 Parking, Article 365 Charles Town Parking District.

Mr. George moved to approve the second reading and consideration of an amendment to the Codified Ordinances of the City of Charles Town, West

Virginia with Regard to Part 3 Traffic Code, Chapter 7 Parking, Article 365 Charles Town Parking District. Mr. Tester seconded the motion.

Mayor Trainor made the following recommendations:

- Article 365.045, first paragraph, second line (agenda packet page 54): replace the word "**to**" with "**through**" to read, "…for our small businesses, from Thanksgiving **through** New Years Day each year,...".
- Establish the effective date of these changes to the ordinance as Thanksgiving Day 2024 (28 November 2024).

Mr. George moved to approve the above-mentioned recommendations. Mr. Tester seconded the motion, and it passed by unanimous vote.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Micheal George |
| **SECONDER:** | Kevin Tester |
| **AYES:** | Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue |

The original motion as amended passed by a 7-1 vote.

| | |
|---|---|
| **RESULT:** | **APPROVED [7-1]** |
| **MOVER:** | Micheal George |
| **SECONDER:** | Kevin Tester |
| **AYES:** | Kratovil, Hynes, Tester, Philabaum, Rodd, George, Sugrue |
| **NAY:** | Ricketts |

2024-877: Public Hearing: Second Reading and Consideration of an Amendment to the Codified Ordinance of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulation and Taxation Code, Chapter 3 Taxes and Service Charges, Article 745 Business and Occupation Tax

Mr. Kratovil moved to open the public hearing. Mr. Hynes seconded the motion, and there were no objections.

Staff announced that no one had signed up for the public hearing.

Mr. Kratovil moved to close the public hearing. Mr. Hynes seconded the motion, and there were no objections.

2024-878: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulation and Taxation Code, Chapter 3 Taxes and Service Charges, Article 745 Business and Occupation Tax

Ms. Philabaum moved to approve the second reading and consideration of an amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulation and Taxation Code, Chapter 3 Taxes and Service Charges, Article 745 Business and Occupation Tax. Mr. Tester seconded the motion, and it passed by unanimous vote.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Julie Philabaum |
| **SECONDER:** | Kevin Tester |
| **AYES:** | Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue |

## 10. NEW BUSINESS

2024-954: First Reading of an Ordinance Authorizing The Acquisition And Construction Of Additions, Betterments And Improvements To The Sewerage Portion Of The Existing Public Combined Waterworks And Sewerage System Of The City Of Charles Town And The Financing Of The Cost Thereof, Not Otherwise Provided, Through The Issuance By The City Of Not More Than $3,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program); Not More Than $1,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program)And Not More Than $1,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 C (West Virginia Srf Program/Forgivable) Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Bond Purchase Agreement Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds And Adopting Other Provisions Relating Thereto.

Mr. George moved to approve the first reading. Mr. Tester seconded the motion, and it passed by a 5-4 vote.

| | |
|---|---|
| **RESULT:** | **APPROVED [5-4]** |
| **MOVER:** | Micheal George |
| **SECONDER:** | Kevin Tester |
| **AYES:** | Kratovil, Tester, Rodd, George, Trainor |
| **NAYS:** | Ricketts, Hynes, Philabaum, Sugrue |

2024-955: A Resolution Declaring September Library Card Sign-Up Month

Mayor Trainor read the resolution into the record. Ms. Philabaum moved to approve the Resolution Designating September as Library Card Sign-up Month. Mr. Tester seconded the motion, and it passed by unanimous vote.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Julie Philabaum |
| **SECONDER:** | Kevin Tester |
| **AYES:** | Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue |

2024-956: "Loving Our Community" Presentation

Mr. Bob Shefner and Ms. Caroline Wilson (social worker – WVU Medicine) presented an overview of the "Loving our Community" initiative.

Ms. Wilson explained that the "Loving our Community" events are held every month, alternating between Martinsburg and Charles Town. These events bring organizations from all over the panhandle area to one location providing information and creating access to life-saving services, education, and resources to individuals and families impacted by substance use disorders or who are otherwise in need.

2024-957: HdL Related B&O

The Council discussed the HdL Business and Occupation (B&O) Tax collection processes in light of recent changes to Charles Town Codified Code Article 745.34.

2024-958: Article 741 Municipal License Tax - Possible Referral

Mr. George moved to refer Article 741 Municipal License Tax to the Finance Committee to review section 741.99 and provide Council with recommendations. Ms. Rodd seconded the motion, and it passed by unanimous vote.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Micheal George |
| **SECONDER:** | Priscilla Rodd |
| **AYES:** | Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue |

2024-960: Intersection of 1st Avenue & Mildred Street and Intersection of Washington Street & Seminary Street - Possible Referral to Infrastructure Committee.

Mr. Kratovil moved to table this agenda item. There was no second and the motion failed.

Mr. Hynes moved to refer the intersection of N. Mildred Street and E. 1st Avenue to the Infrastructure Committee to research different traffic calming methods. Mr. George seconded the motion, and it passed by unanimous vote.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Jeff Hynes |
| **SECONDER:** | Micheal George |
| **AYES:** | Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue |

## 11. REFERRALS TO COMMITTEES/COMMISSIONS

Agenda Item 2024-958 was referred to the Finance Committee.

Agenda Item 2024-960 was referred to the Infrastructure Committee.

## 12. APPROVAL OF BILLS

2024-961: Payment of Bills - September 16, 2024

Mr. Kratovil moved to approve the payment of the bills. Hearing no objections, Mayor Trainor declared the bills approved for payment.

## 13. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the Council. Hearing none he adjourned the meeting at 9:04PM.

## 14. INFORMATION ONLY - NEXT MEETING October 7, 2024, at 7:00PM

2024-944: Charles Town Police Department July Statistic Report

2024-945: Charles Town Police Department Oath of Office - Patrolman Nigel Hall

2024-951: Personnel Committee Report - August 16, 2024

2024-952: Table 1322.04, Zoning District Use Table

2024-964: Charles Town Utility Board Meeting Minutes - August 28, 2024

## 15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas-and-minutes/

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-991 Infrastructure Committee Report

Infrastructure Committee Report

**ATTACHMENTS:**

- Committee Report_ Infrastructure September 2024.pdf

# City of Charles Town
# Infrastructure Committee Report
# September 24, 2024

## I. CALL TO ORDER: Monday, September 24, 2024 at 4:30 PM - City Hall

**ATTENDANCE:** committee members Elizabeth Ricketts (Chair), Priscilla Rodd, James Kratovil; staff member John Nissel; guest: Amanda Stroud- Ranson Councilmember

## II. UNFINISHED BUSINESS

### 2024-974: Park Street and Surrounding Area - Traffic Flows and Parking

The committee continued discussions and reviewed the public comment that was received during the Council Public Hearing on August 5th regarding the proposal to convert Park St. to one-way travel. The committee agreed that changes to Park Street may not address the issues on Liberty Street and that the area should be addressed holistically. After some discussion, the item was **tabled** until the next committee meeting. Staff and the committee will research additional traffic-calming strategies and groups such as *Strong Towns* that could provide assistance.

### 2024-975: Ann Street- Traffic and Parking [*referral from Council*]

The committee learned of an in-fill proposal from a developer that is being discussed within the Planning Commission, which includes the construction of a new road on the Ann St/Academy St block which could change traffic flows. **Tabled** until more info is received.

### 2024-976: ADA Transition Plan

The committee discussed the efforts of the City to develop an ADA Transition Plan. There was discussion of asking Operations Manager Cindy Rezmer to take the lead on the plan which can be a simple document or a more indepth strategic planning document. The HEPMPO staff has also offered to compile some of the needed GIS data for the plan. There was discussion on having a professional study done. This will be an on-going effort.

## III. NEW BUSINESS

### 2024-977: Augustine Avenue Trail Project - Phase 3 Proposals

Staff provided a brief update on the trail project. The Phase 3 proposals will be presented to the full City Council at the second meeting in October.

### 2024-978: Staff Updates

Staff provided updates on:

i. Paving Plan: the following roads (all or in part) are planned for an upcoming repaving

Mt. Parvo Av
Morgan St
Creamery Place

Brownsville Ln
Morrison St (include some parking area paving near JM Park)*
Belvedere St
N. Seminary St
Court St
Eagle Ave
S. Lawrence**
Alla Willow Dr.
Hessey St.

** staff needs to check with CTUB on planned work*
***the committee asked that staff reconsider this street due to planned intersection improvements/construction at Lawrence and Congress.*

ii. Stormwater Study- RFP pending
iii. City Hall improvements - underway inside the building with a bid awarded for roof repairs
iv. Evitts Run walking bridges - new construction contract awarded (previous fell through)
v. Street Light on Washington St near the American Legion has been ordered
vi. Issue with HVAC system air balancing at 661 municipal building

**2024-979: Maintenance Director Report**

City Manager, John Nissel, covered the report from Jim Wysong. The team continues to be busy doing incredible work for the city!

**2024-980: North Mildred and East 1st Ave Stop Sign request** [*referral from Council*]

The Council referred this item after public comment received at the September 16th meeting and additional comments via email. Amanda Stroud from the City of Ranson provided some of the data from Ranson PD's traffic monitoring efforts in the area. The committee reviewed Article 305: Traffic Control and learned that the City Manager has the authority to add traffic control devices to city streets. The committee would recommend that a stop sign be installed at N. Mildred and E. 1st St. after the City Manager and Chief of Police further assess the intersection.

**Recommendations to Council:** *Review Article 305 and consider referring to the Ordinance Committee for updates. Currently the ordinance includes lists of every city road and traffic control sign that is posted (but the list is incomplete).*

**2023-981: HEPMPO Safety Action Plan - Washington St Corridor site visit**

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization completed their regional Safety Action Plan which included assessments of safety concerns in Charles Town. Washington Street was identified as one of the most dangerous corridors in the study area. The next step is a site visit with stakeholders planned for Tuesday, October 22nd.

**Recommendations to Council:** *Please consider attending if available on **10/22***

## IV. ADJOURNMENT

Meeting adjourned at 5:45PM

**Next meeting:** *plan to move regularly scheduled meeting date due to conflict for Chair*

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-1004: City Managers Report - October 7, 2024

**ATTACHMENTS:**

- City Manager Report - October 7, 2024.pdf

City of Charles Town
101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

# City Managers Report
October 7, 2024

- LCWF Pool Grant Award: We just learned that the LWCF (Land Water Conservation Fund) grant application for the Jefferson Memorial Park Pool Renovation project has been awarded by DOI NPS to the state WVDED as the pass-through agency for $1,600,695.00. I want to thank the staff and Council for all their hard work on getting this grant application information to Matt Ward for submittal and award in record time. We had a kick-off meeting last week to flush out the details around how the grant administration will proceed, timelines around bid proposals, construction details, and project administration. We will be assembling a Press release to go out next week on the website and social media.
- We have a pre-bid meeting this week with the roofing contractor for City Hall roof replacement. We will get notices out prior to work commencing which should be in a few weeks.
- The brick work at CW Hall wrapped up last week. We expanded the work to repair the brick archway over the first set of double doors. The entirety of the project with the additional work fell within the budgeted amount.
- The mural at the skate park is well underway however due to recent weather conditions it will take a few more weeks to complete.
- All the basketball courts have been color coated and the fencing around the court at Evitts Run Park is nearly complete. New backboards will be installed at the Jefferson Memorial Park courts within the next few weeks. We have purchased new benches for the courts. New benches and picnic tables have been purchased for the Skatepark.
- Flags: I want to thank Jim Wysong and his crew for installing the flags at City Hall
- We will be meeting with our contractor to renew our snow plowing and salt contract for this coming winter.
- The native tree sale through the Capon Institute was hugely successful this year with a record of 58 trees purchased. I want to thank Jim and his staff for delivering those trees to individual homes. I also want to thank the Tree Board for organizing the sale. One change we will be exploring for next year is assessing a delivery fee to the residents who want their trees delivered to their homes.
- The contract has been signed for the bridge construction at Happy Retreat and Evitts Run Park. Work should commence shortly.
-

- Please excuse our dust as we begin the interior renovations at City Hall. Once Jim's crew completes its work the contractor will be moving forward with the renovations.
- We will be conducting air balancing at the Police/CTUB building. The imbalance of air has resulted in moisture collecting in the ducts which has been an ongoing issue since the building was renovated. Once the contractor has properly adjusted the dampers and balanced the system we will proceed with cleaning the ducts. Hopefully this will correct the temperature variations and humidity issues in the building.
- We are currently conducting an audit regarding the number of streetlights which are currently being billed to the city. According to Potomac Edison we currently have 591 lights that are being billed and an additional 146 that were just installed in Norborne Glebe not yet showing. We anticipate another 90 that are planned in Norborne in 2025.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Ordinance
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

**2024-969: Second Reading of an Ordinance Authorizing The Acquisition And Construction Of Additions, Betterments And Improvements To The Sewerage Portion Of The Existing Public Combined Waterworks And Sewerage System Of The City Of Charles Town And The Financing Of The Cost Thereof, Not Otherwise Provided, Through The Issuance By The City Of Not More Than $3,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program); Not More Than $1,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program)And Not More Than $1,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 C (West Virginia Srf Program/Forgivable) Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Bond Purchase Agreement Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds And Adopting Other Provisions Relating Thereto.**

## Proposed Motion:

Approve the Second Reading of an Ordinance Authorizing The Acquisition And Construction Of Additions, Betterments And Improvements To The Sewerage Portion Of The Existing Public Combined Waterworks And Sewerage System Of The City Of Charles Town And The Financing Of The Cost Thereof, Not Otherwise Provided, Through The Issuance By The City Of Not More Than $3,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program); Not More Than $1,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program)And Not More Than $1,000,000 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 C (West Virginia Srf Program/Forgivable) Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Bond Purchase Agreement Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds And Adopting Other Provisions Relating Thereto.

## Alternative Proposed Motion:

**ATTACHMENTS:**

- Memo to Charles Town City Council Regarding Sch(23336642.1).pdf
- Resolution 2024-03 Collection System Bonding Resolution.pdf
- DRAFT Schedule B CTUB 08262024 ALS.pdf
- Schedule B CTUB less FSPS ALS.pdf
- BOND ORDINANCE SRF_SRF_Forgiveable-Green.pdf

**John C. Stump, Esquire**
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Charleston, WV 25326-1588
304.353.8196 Office 304.933.8704 Fax
304.549.8196 Cell
john.stump@steptoe-johnson.com

# MEMORANDUM

**To:** **The City Council of the City of Charles Town**
**The Honorable Robert Trainor, Mayor**

**From:** **John C. Stump**

**Date:** **August 23, 2024**

**Re:** **Proposed Ordinance Schedule for Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 A and Series 2024 B**

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The purpose of this memorandum is to propose a schedule for the necessary actions of the City Council (the "Council") of the City of Charles Town (the "City") and the Charles Town Utility Board (the "Utility Board") related to enactment of an ordinance (the "Bond Ordinance") authorizing the issuance by the City of its Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 A and Series 2024 B, in an aggregate principal amount not to exceed $5,000,000 (collectively, the "Bonds"). The proceeds of the Bonds will be used to finance the design, acquisition, construction and equipping of the Collection System Project, the description of which is below:

Collection System Project. The intent of this project is to reduce sewer flow in the Old Town Ranson gravity sewer system and address various necessary infrastructure improvements within the sanitary sewerage collection system. The project includes improvements to the Burr East Pump Station, the Moose Lodge Pump Station, the Jett's Farm Pump Station and force main, and the Flowing Springs Pump Station. Also included in the Project is the decommissioning of the Forrest Avenue and 11th Street Pump Stations, construction of the Lakeland Place Pump Station, extension of the Clarence Drive Pump Station force main through Jefferson Memorial Park, and upgrade of the Evitt's Run gravity line. Collectively all of the above discussed additions, betterments, and improvements, together with all appurtenant facilities, are referred to as the "Collection System Project."

A proposed schedule for enactment of the Bond Ordinance to authorize the issuance of the Bonds is set forth below. In preparing this schedule, I have assumed (i) the shortest time frames between each step permitted by state law while accommodating the newspaper publication schedule; and (ii) as well as affirmative Council action at each meeting. These assumptions are made solely for purposes of preparing this schedule and are not meant to infer that any decision by Council or CTUB is pre-determined. This schedule does not contemplate a referral of the Bond Ordinance to the ordinance committee.

August 28, 2024 — 4:00 p.m. CTUB Regular Meeting

- Consideration of Resolution Requesting Issuance of Bonds

September 16, 2024 — 7:00 p.m. Council Regular Meeting

- First Reading and Approval of Bond Ordinance

October 7, 2024 — 7:00 p.m. Council Regular Meeting

- Second Reading and Adoption of Bond Ordinance

October 9, 2024 — First Publication in the *Spirit of Jefferson and Farmer's Advocate* of Notices of Public Hearing for October 21, 2024 for:*

- Public Hearing on Bond Ordinance

October 16, 2024 — Second Publication in the *Spirit of Jefferson and Farmer's Advocate* of Notices of Public Hearing for October 21, 2024 for:*

- Public Hearing on Bond Ordinance

October 21, 2024 — 7:00 p.m. Council Regular Meeting

- Public Hearing on Bond Ordinance
- Third Reading and Enactment of Bond Ordinance

*Steptoe & Johnson will arrange all publications for the public hearing.

Finally, please note that the enactment of the Bond Ordinance does not, in anyway, obligate the City to issue the Bonds or proceed with the Collection System Project. Following the enactment of the Bond Ordinance and the receipt of construction bids for the Collection System Project, City Council will be presented with a Supplemental Parameters Resolution (the "Resolution") for consideration. The Resolution is the final official action of the City Council which is required for the issuance of the Bonds.

# Charles Town
## Utility Board

661 S. George Street, Suite 101 Charles Town, WV 25414
Phone: (304) 725-2316 ♦ Fax: (304) 725-7150 ♦ Web: www.ctubwv.com



**UTILITY BOARD**

CHAIRMAN
*City of Charles Town City Manager John Nissel*

VICE CHAIRMAN
*City of Ranson Mayor Duke Pierson*

TREASURER
*Thomas Stocks*

SECRETARY
*Ashley Stottlemyer*

*Board Member Heidi Parker*

UTILITY MANAGER
*Kristen Stolipher*


RESOLUTION NO. 2024-03
CHARLES TOWN UTILITY BOARD

Combined Waterworks and Sewerage System
Revenue Bonds, Series 2024 A and Series 2024 B

WHEREAS there is need for the Charles Town Utility Board by and for Water and Sewer operations to adopt Water and Sewer Budgets for Fiscal Year 2025;

WHEREAS it has been determined that certain CITY OF CHARLES TOWN (WEST VIRGINIA) Combined Waterworks and Sewerage System Refunding Revenue Bonds require the following:

The Charles Town Utility Board ("CTUB") hereby petitions the Council of the City of Charles Town ("City") to enact an ordinance directing the issuance by the City of its Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 A and Series 2024 B, in an aggregate principal amount not to exceed $5,000,000 (collectively, the "Bonds") pursuant to the provisions of Chapter 8, Article 20 of the West Virginia Code of 1931, as amended, such bonds to be in an aggregate amount not to exceed $5,000,000, in one or more series, for the purpose of financing the costs of design, acquisition, construction and equipping of certain additions, betterments and improvements to the sanitary sewerage portion of the combined waterworks and sewerage system of the City, specifically the following:

Collection System Project. The intent of this project is to reduce sewer flow in the Old Town Ranson gravity sewer system and address various necessary infrastructure improvements within the sanitary sewerage collection system. The project includes improvements to the Burr East Pump Station, the Moose Lodge Pump Station, the Jett's Farm Pump Station and force main, and the Flowing Springs Pump Station. Also included in the Project is the decommissioning of the Forrest Avenue and 11th Street Pump Stations, construction of the Lakeland Place Pump Station, extension of the Clarence Drive Pump Station force main through Jefferson Memorial Park, and upgrade of the Evitt's Run gravity line. Collectively all of the above discussed additions, betterments, and improvements, together with all appurtenant facilities, are referred to as the "Collection System Project."

Proceeds of the Bonds will also be used to pay the costs of issuance thereof and related costs.

NOW, THEREFORE, BE IT RESOLVED, that the Charles Town Utility Board hereby petitions the City to enact an ordinance for the funding and construction of the Collection System Project, dated this day, August 28, 2024.

CHARLES TOWN UTILITY BOARD

By: _____
Its: Chairman

## Charles Town Utility Board - 2022 Sewer Collection System Project

**Option A**

**DRAFT**

**IJDC PROJECT 2021S-2041** **CWSRF Project C544686** **8/26/2024**

| A. COST OF PROJECT | TOTAL | CWSRF Loan (0.25%, 0.25% admin, 40yr) | CWSRF Loan (2.75%, 0.25% admin, 20yr) | CWSRF "Green" Principal Forgiveness | Capacity Improvement Fee | CTUB Internal Funding Contribution | Economic Enhancement Grant |
|---|---|---|---|---|---|---|---|
| | **9,582,000.00** | **2,844,984.00** | **216,016.00** | **500,000.00** | **3,347,200.00** | **1,053,800.00** | **1,620,000.00** |
| 1 Construction | | | | | | | |
| a. Contract 1 | 7,530,100.00 | 2,829,659.00 | 200,691.00 | 500,000.00 | 2,379,750.00 | 0.00 | 1,620,000.00 |
| 2 Construction Contingency | 753,010.00 | 0.00 | 0.00 | 0.00 | 753,010.00 | 0.00 | 0.00 |
| | | | | | | | |
| 3 Legal | 140,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 140,000.00 | 0.00 |
| 4 Accountant (Kunkle) | 30,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 30,000.00 | 0.00 |
| 5 Technical Services | | | | | | | |
| a Study and Report | 58,500.00 | 0.00 | 0.00 | 0.00 | 0.00 | 58,500.00 | 0.00 |
| b. Preliminary Design | 168,720.00 | 0.00 | 0.00 | 0.00 | 0.00 | 168,720.00 | 0.00 |
| c Final Design | 230,280.00 | 0.00 | 0.00 | 0.00 | 0.00 | 230,280.00 | 0.00 |
| d Bidding and Negotiation | 37,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 37,000.00 | 0.00 |
| e Eng. During Construction | 100,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 100,000.00 | 0.00 |
| f Project Inspection | 200,000.00 | 0.00 | 0.00 | 0.00 | 200,000.00 | 0.00 | 0.00 |
| g Special Services | | | | | | | |
| i. Geotechnical | 18,990.00 | 0.00 | 0.00 | 0.00 | 0.00 | 18,990.00 | 0.00 |
| ii. Land Surveys & Easement | 47,700.00 | 0.00 | 0.00 | 0.00 | 0.00 | 47,700.00 | 0.00 |
| iii. Engineering Surveys | 30,700.00 | 0.00 | 0.00 | 0.00 | 0.00 | 30,700.00 | 0.00 |
| iv. Funding Applications | 4,200.00 | 0.00 | 0.00 | 0.00 | 0.00 | 4,200.00 | 0.00 |
| 6 Administration | | | | | | | |
| a Project Administrator | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| b Other Admin (legal ads, conf calls) | 10,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | 0.00 |
| | | | | | | | |
| 7 Lands / Easements | | | | | | | |
| a Easements | 50,600.00 | 0.00 | 0.00 | 0.00 | 0.00 | 50,600.00 | 0.00 |
| b R/W Agent | 102,200.00 | 0.00 | 0.00 | 0.00 | 0.00 | 102,200.00 | 0.00 |
| 8 Permits | 7,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,000.00 | 0.00 |
| 9 Plats | 12,350.00 | 0.00 | 0.00 | 0.00 | 12,000.00 | 350.00 | 0.00 |
| 10 Project Contingency | 10,000.00 | 0.00 | 0.00 | 0.00 | 2,440.00 | 7,560.00 | 0.00 |
| 11 Sub Total line 1 thru 10 | **9,541,350.00** | **2,829,659.00** | **200,691.00** | **500,000.00** | **3,347,200.00** | **1,043,800.00** | **1,620,000.00** |
| **B. Cost of Financing** | | | | | | | |
| 12 Registrar Fees | 650.00 | 325.00 | 325.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 13 Bond Counsel (S&J) | 40,000.00 | 15,000.00 | 15,000.00 | 0.00 | 0.00 | 10,000.00 | 0.00 |
| 14 Sub Total Cost of Financing | 40,650.00 | 15,325.00 | 15,325.00 | 0.00 | 0.00 | 10,000.00 | 0.00 |
| **15 Total Project Cost (Line 10 + Line 14)** | **9,582,000.00** | **2,844,984.00** | **216,016.00** | **500,000.00** | **3,347,200.00** | **1,053,800.00** | **1,620,000.00** |
| **C. SOURCES OF OTHER FUNDS** | | | | | | | |
| 16 State Grant (EEGF) | 1,620,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,620,000.00 |
| 17 Federal Grant (CWSRF) | 500,000.00 | 0.00 | 0.00 | 500,000.00 | 0.00 | 0.00 | 0.00 |
| 18 Capital Improvement Fee | 3,347,200.00 | 0.00 | 0.00 | 0.00 | 3,347,200.00 | 0.00 | 0.00 |
| 19 Internal Funding Contribution | 1,053,800.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,053,800.00 | 0.00 |
| 20 City APRA Contribution | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 21 Total Grants | 6,521,000.00 | 0.00 | 0.00 | 500,000.00 | 3,347,200.00 | 1,053,800.00 | 1,620,000.00 |
| **22 Total Bond Issue** | **3,061,000.00** | **2,844,984.00** | **216,016.00** | **0.00** | **0.00** | **0.00** | **0.00** |
| **23 Total Project Funding (Line 21 + Line 22)** | **9,582,000.00** | | | | | | |

Charles Town Utility Board

RK&K, LLP

## Charles Town Utility Board - 2022 Sewer Collection System Project

**Option B**

**DRAFT**

**IJDC PROJECT 2021S-2041** **CWSRF Project C544686** **8/26/2024**

| A. COST OF PROJECT | TOTAL | CWSRF Loan (0.25%, 0.25% admin, 40yr) | CWSRF Loan (2.75%, 0.25% admin, 20yr) | CWSRF "Green" Principal Forgiveness | Capacity Improvement Fee | CTUB Internal Funding Contribution | Economic Enhancement Grant |
|---|---|---|---|---|---|---|---|
| | **6,614,960.00** | **2,844,984.00** | **216,016.00** | **500,000.00** | **1,312,960.00** | **664,000.00** | **1,077,000.00** |
| 1 Construction | | | | | | | |
| a. Contract 1 | 7,530,100.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| b. Deduct - FS Pump Station (*Project in FY 2025) | (2,710,000.00) | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 2 Sub Total line 1 | 4,820,100.00 | 2,824,659.00 | 195,691.00 | 500,000.00 | 222,750.00 | 0.00 | 1,077,000.00 |
| 3 Construction Contingency | 497,000.00 | 0.00 | 0.00 | 0.00 | 497,000.00 | 0.00 | 0.00 |
| **4 Sub Total line 2 and 3** | **5,317,100.00** | **2,824,659.00** | **195,691.00** | **500,000.00** | **719,750.00** | **0.00** | **1,077,000.00** |
| **B. Cost of Legal, Engineering and Soft Costs** | | | | | | | |
| 5 Legal | 140,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 140,000.00 | 0.00 |
| 6 Accountant (Kunkle) | 30,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 30,000.00 | 0.00 |
| 7 Technical Services | | | | | | | |
| a Study and Report | 58,500.00 | 0.00 | 0.00 | 0.00 | 58,500.00 | 0.00 | 0.00 |
| b. Preliminary Design | 168,720.00 | 0.00 | 0.00 | 0.00 | 168,720.00 | 0.00 | 0.00 |
| c Final Design | 230,280.00 | 0.00 | 0.00 | 0.00 | 0.00 | 230,280.00 | 0.00 |
| d Bidding and Negotiation | 37,000.00 | 0.00 | 0.00 | 0.00 | 37,000.00 | 0.00 | 0.00 |
| e Eng. During Construction | 100,000.00 | 0.00 | 0.00 | 0.00 | 100,000.00 | 0.00 | 0.00 |
| f Project Inspection | 200,000.00 | 0.00 | 0.00 | 0.00 | 200,000.00 | 0.00 | 0.00 |
| g Special Services | | | | | | | |
| i. Geotechnical | 18,990.00 | 0.00 | 0.00 | 0.00 | 18,990.00 | 0.00 | 0.00 |
| ii. Land Surveys & Easement | 47,700.00 | 0.00 | 0.00 | 0.00 | 0.00 | 47,700.00 | 0.00 |
| iii. Engineering Surveys | 30,700.00 | 0.00 | 0.00 | 0.00 | 0.00 | 30,700.00 | 0.00 |
| iv. Funding Applications | 4,200.00 | 0.00 | 0.00 | 0.00 | 0.00 | 4,200.00 | 0.00 |
| 8 Administration | | | | | | | |
| a Project Administrator | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| b Other Admin (legal ads, conf calls) | 10,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | 0.00 |
| 9 Lands / Easements | | | | | | | |
| a Easements | 50,600.00 | 0.00 | 0.00 | 0.00 | 0.00 | 50,600.00 | 0.00 |
| b R/W Agent | 102,135.00 | 0.00 | 0.00 | 0.00 | 0.00 | 102,135.00 | 0.00 |
| 10 Permits | 7,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,000.00 | 0.00 |
| 11 Plats | 11,385.00 | 0.00 | 0.00 | 0.00 | 0.00 | 11,385.00 | 0.00 |
| 12 Project Contingency | 10,000.00 | 0.00 | 0.00 | 0.00 | 10,000.00 | 0.00 | 0.00 |
| **13 Sub Total line 5 thru 12** | **1,257,210.00** | **0.00** | **0.00** | **0.00** | **593,210.00** | **664,000.00** | **0.00** |
| **C. SOURCES OF OTHER FUNDS** | | | | | | | |
| 14 Registrar Fees | 650.00 | 325.00 | 325.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 15 Bond Counsel (S&J) | 40,000.00 | 20,000.00 | 20,000.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **16 Sub Total line 14 thru 15** | **40,650.00** | **20,325.00** | **20,325.00** | **0.00** | **0.00** | **0.00** | **0.00** |
| **17 Total Project Cost Line 4+13+16** | **6,614,960.00** | **2,844,984.00** | **216,016.00** | **500,000.00** | **1,312,960.00** | **664,000.00** | **1,077,000.00** |
| **D. SOURCES OF OTHER FUNDS** | | | | | | | |
| 18 CWSRF Loan (40 Year) | 2,844,984.00 | 2,844,984.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 19 CWSRF Loan (20 Year) | 216,016.00 | 0.00 | 216,016.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **20 Sub Total Bond Issue** | **3,061,000.00** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 21 State Grant (EEGF) | 500,000.00 | 0.00 | 0.00 | 500,000.00 | 0.00 | 0.00 | 0.00 |
| 22 Federal Grant (CWSRF) | 1,077,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 1,077,000.00 |
| **23 Sub Total Grant Funds** | **1,577,000.00** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 24 Capital Improvement Fee | 1,312,960.00 | 0.00 | 0.00 | 0.00 | 1,312,960.00 | 0.00 | 0.00 |
| 25 Internal Funding Contribution | 664,000.00 | 0.00 | 0.00 | 0.00 | 0.00 | 664,000.00 | 0.00 |
| **26 Sub Total Internal Funds** | **1,976,960.00** | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| **27 Total Project Funding (Line 18, 21 and 24)** | **6,614,960.00** | | | | | | |

* **FSPS Rehab Project - $950,000 to be completed in 2025 and funded with internal funds. The costs for the CS Project is $6,614,960 plus the $950,000 for a total of $7,564,960.**

Charles Town Utility Board

RK&K, LLP

**CITY OF CHARLES TOWN**

**BOND ORDINANCE**

ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SEWERAGE PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS AND SEWERAGE SYSTEM OF THE CITY OF CHARLES TOWN AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN $3,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 A (WEST VIRGINIA SRF PROGRAM); NOT MORE THAN $1,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 B (WEST VIRGINIA SRF PROGRAM)AND NOT MORE THAN $1,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 C (WEST VIRGINIA SRF PROGRAM/FORGIVABLE) PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF CHARLES TOWN:

## ARTICLE I

## STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance (together with any ordinance, order or resolution supplemental hereto or amendatory hereof, the "Bond Legislation") is enacted pursuant to the provisions of Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Act"), and other applicable provisions of law.

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

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

B. The Issuer deems it necessary and desirable for the health and welfare of the inhabitants of the Issuer that there be constructed additions, betterments and improvements to the sewerage portion of the existing public combined waterworks and sewerage system, including (i) improvements to the Burr East Pump Station, the Moose Lodge Pump Station, the Jett's Farm Pump Station and force main, and, if determined by the Board to be cost effective, the Flowing Springs Pump Station; (ii) the decommissioning of the Forrest Avenue and 11th Street Pump Stations; (iii) construction of the Lakeland Place Pump Station; (iv) construction of a force main through Jefferson Memorial Park; (v) upgrade of the Evitt's Run gravity line, and (vi) all necessary appurtenances (collectively, the "Project") (the Project and any further extensions, additions, betterments and improvements thereto are herein called the "System"), in accordance with the plans and specifications prepared by the Consulting Engineers, which plans and specifications have heretofore been filed with the Recorder of the Issuer.

C. It is deemed necessary for the Issuer to issue its Combined Waterworks and Sewerage System Revenue Bonds, in the total aggregate principal amount of not more than $5,000,000 in two or more series, initially planned to be the (i) Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 A (West Virginia SRF Program), in the total aggregate principal amount of not more than $3,000,000 (the "Series 2024 A Bonds"); (ii) Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 B (West Virginia SRF Program), in the total aggregate principal amount of not more than $1,000,000 (the "Series 2024 B Bonds")and (ii) Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 C (West Virginia SRF Program/Forgivable), in the total aggregate principal amount of not more than $1,000,000 (the "Series 2024 C Bonds"), (collectively, the "Series 2024 Bonds"), to permanently finance the costs of acquisition and construction of the Project. Said costs shall be deemed to include the cost of all property rights, easements and franchises deemed necessary or convenient therefore and eligible under the SRF Program; amounts which may be deposited in the Series 2024 A Bonds Reserve Account (as hereinafter defined); engineering and legal expenses; expenses for estimates of costs and revenues; expenses for plans, specifications and surveys; other expenses necessary or incident to determining the feasibility or practicability of the enterprise; administrative expense; commitment fees; fees and expenses of the Authority, including the SRF Administrative Fee (as hereafter defined); discount; initial fees for the services of registrars, paying agents, depositories or trustees or other costs in connection with the sale of the Series 2024 Bonds and such other expenses as may be necessary or incidental to the financing herein authorized; the acquisition or construction of the Project and the placing of same in operation; and the performance of the things herein required or permitted, in connection with any thereof; provided, that reimbursement to the Issuer for any amounts expended by it for allowable costs prior to the issuance of the Series 2024 Bonds or the repayment of indebtedness incurred by the Issuer for such purposes shall be deemed Costs of the Project, as hereinafter defined.

D. The period of usefulness of the System after completion of the Project is not less than 40 years.

E. It is in the best interests of the Issuer that its Series 2024 Bonds be sold to the Authority pursuant to the terms and provisions of a Bond Purchase Agreement by and among the Issuer, the Authority and the West Virginia Department of Environmental Protection (the "DEP"), in form satisfactory to the Issuer, the Authority, and the DEP (the "Bond Purchase Agreement"), to be approved hereby if not previously approved by resolution of the Issuer.

F. The Issuer will have the following Outstanding obligations which will rank on a parity with the Series 2024 A Bonds and Series 2024 B Bonds as to liens, pledge, source of and security for payment, being the Issuer's:

1. (1) Combined Waterworks and Sewerage System Revenue Bonds, Series 1987 B (West Virginia Water Development Authority), dated November 18, 1987, issued in the original aggregate principal amount of $413,629 (the "Series 1987 B Bonds");

2. Combined Waterworks and Sewerage System Revenue Bonds, Series 1988 B-1 (West Virginia Water development Authority), dated May 4, 1988, issued in the original aggregate principal amount of $295,916 (the "Series 1988 B-1 Bonds");

3. Combined Waterworks and Sewerage System Revenue Bonds, Series 1988 B-2 (West Virginia Water Development Authority), dated May 20, 1988, issued in the original aggregate principal amount of $558,000 (the "Series 1988 B-2 Bonds");

4. Combined Waterworks and Sewerage System Revenue Bonds, Series 1989 B (West Virginia Water Development Authority), dated April 13, 1989, issued in the original aggregate principal amount of $117,480 (the "Series 1989 B Bonds");

5. Combined Waterworks and Sewerage System Revenue Bonds, Series 2002 A (West Virginia Water Development Authority), dated August 22, 2002, issued in the original aggregate principal amount of $1,100,000 (the "Series 2002 A Bonds");

6. Combined Waterworks and Sewerage System Revenue Bonds, Series 2002 B (West Virginia Infrastructure Fund), dated August 22, 2002, issued in the original aggregate principal amount of $3,600,000 (the "Series 2002 B Bonds");

7. Combined Waterworks and Sewerage System Revenue Bonds, Series 2010 A (West Virginia DWTRF Program), dated January 13, 2010, issued in the original aggregate principal amount of $912,458 (the "Series 2010 A Bonds");

8. Combined Waterworks and Sewerage System Revenue Bonds, Series 2010 B (West Virginia DWTRF Program/ARRA), dated January 13, 2010, issued in the original aggregate principal amount of $100,000 (the "Series 2010 B Bonds");

9. Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2010 C (West Virginia SRF Program), dated December 2, 2010, issued in the original aggregate principal amount of $1,250,000 (the "Series 2010 C Bonds");

10. Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2010 D (West Virginia SRF Program), dated December 2, 2010, issued in the original aggregate principal amount of $500,000 (the "Series 2010 D Bonds");

11. Combined Waterworks and Sewerage System Revenue Bonds, Series 2011 A (West Virginia SRF Program), dated July 22, 2011, issued in the original aggregate principal amount of $13,147,192 (the "Series 2011 A Bonds");

12. Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2013 A (West Virginia SRF Program), dated June 27, 2013, issued in the original aggregate principal amount of $591,977 (the "Series 2013 A Bonds");

13. Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 A (West Virginia SRF Program), dated June 18, 2014, issued in the original aggregate principal amount of $4,058,900 (the “Series 2014 A Bonds”);

14. Combined Waterworks and Sewerage System Revenue Bonds, Series 2016 A (Tax-Exempt), dated March 17, 2016, issued in the original aggregate principal amount of $7,695,000 (the “Series 2016 A Bonds”);

15. Combined Waterworks and Sewerage System Revenue Bonds, Series 2016 B (Tax-Exempt), dated August 18, 2016, issued in the original aggregate principal amount of $3,895,000 (the “Series 2016 B Bonds”);

16. Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-1 (West Virginia Water Development Authority), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 1988 B (West Virginia Water Development Authority) dated May 5, 1998, issued in the original aggregate principal amount of $425,767 (the “Series 2018 A-1 Bonds”);

17. Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-3 (West Virginia Infrastructure Fund), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 1998 C (West Virginia Infrastructure Fund) dated June 25, 1998, issued in the original aggregate principal amount of $662,039 (the “Series 2018 A-3 Bonds”);

18. Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-4 (West Virginia SRF Program), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 1999 A (West Virginia SRF Program) dated December 8, 1999, issued in the original aggregate principal amount of $378,363 (the “Series 2018 A-4 Bonds”);

19. Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-5 (West Virginia SRF Program), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 2000 A

(West Virginia SRF Program) dated June 22, 2000, issued in the original aggregate principal amount of $1,154,889 (the "Series 2018 A-5 Bonds");

20. Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-6 (West Virginia SRF Program), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 2008 A (West Virginia SRF Program) dated June 18, 2008, issued in the original aggregate principal amount of $2,005,000 (the "Series 2018 A-6 Bonds");

21. Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-7 (West Virginia DWTRF Program), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, 2014 A (West Virginia DWTRF Program) dated April 17, 2014, issued in the original aggregate principal amount of $985,000 (the "Series 2018 A-7 Bonds");

22. Combined Utility System Revenue Bonds, Series 2018 B (Bank Qualified), dated December 27, 2018, issued in the original aggregate principal amount of $3,065,000 (the "Series 2018 B Bonds");

23. Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2020 A (Bank Qualified), dated July 14, 2020, issued in the original aggregate principal amount of $4,575,000 (the "Series 2020 A Bonds");

24. Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2022 A (Bank Qualified), dated February 2, 2022, issued in the original aggregate principal amount of $4,380,000 (the "Series 2022 A Bonds");

25. Combined Waterworks and Sewerage System Revenue Bonds, Series 2022 B (Bank Qualified), dated September 7, 2022, issued in the original aggregate principal amount of $5,620,000 (the "Series 2022 B Bonds"); and

26. Combined Waterworks and Sewerage System Revenue Bonds, Series 2022 C (Taxable), dated September 7, 2022, issued in the original aggregate principal amount of $1,815,000 (the "Series 2022 B Bonds") (collectively, the "Prior Bonds").

The Series 2024 A Bonds shall be issued on a parity with the Prior Bonds with respect to liens, pledge and source of and security for payment and in all respects. Prior to the issuance of the Series 2024 Bonds, the Issuer will obtain (i) a certificate of an Independent Certified Public Accountant stating that the coverage and parity tests of the Prior Bonds are met, and (ii) the written consent of the Holders of the Prior Bonds, to the issuance of the Series 2024 A Bonds on a parity with the Prior Bonds. Other than the Prior Bonds, there are no outstanding bonds or obligations of the Issuer which are secured by revenues or assets of the System. The Issuer is in compliance with the covenants of the Prior Bonds and the Prior Ordinances.

G. The estimated revenues to be derived in each year after completion of the Project from the operation of the System will be sufficient to pay all costs of operation and maintenance of the

System, the principal of and interest on the Bonds (as hereinafter defined) and to make all payments into all funds, accounts and other payments provided for herein.

H. The Issuer has complied with all requirements of West Virginia law and the Bond Purchase Agreement relating to authorization of the acquisition and construction of the Project and the operation of the System and issuance of the Series 2024 Bonds, or will have so complied prior to issuance of any thereof, including, among other things and without limitation, the approval of the Project and the financing thereof by the West Virginia Infrastructure and Jobs Development Council and the obtaining of a certificate of public convenience and necessity from the Public Service Commission of West Virginia.

I. The Project has been reviewed and determined to be technically and financially feasible by the West Virginia Infrastructure and Jobs Development Council as required under Chapter 31, Article 15A of the West Virginia Code of 1931, as amended.

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

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

"Act" means, collectively, Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended and in effect on the date of enactment hereof.

"Authority" means the West Virginia Water Development Authority, which is expected to be the original purchaser and Registered Owner of the Series 2024 Bonds, or any other agency, board or department of the State of West Virginia that succeeds to the functions of the Authority, acting in its administrative capacity and upon authorization from the DEP under the Act.

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

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

"Bond Purchase Agreement" means the Bond Purchase Agreement heretofore entered into, or to be entered into, by and among the Issuer, the Authority and the DEP, providing for the purchase of the Series 2024 Bonds from the Issuer by the Authority, the form of which shall be approved, and the execution and delivery by the Issuer authorized and directed or ratified by the Supplemental Resolution.

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

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

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

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

"Cash Working Capital Reserve" means the cash working capital reserve required by Chapter 24, Article 1, Section 1(k) of the Code of West Virginia, 1931, as amended.

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

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

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

"Completion Date" means the completion date of the Project, as defined in the SRF Regulations.

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

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

"DEP" means the West Virginia Department of Environmental Protection, or any other agency, board or department of the State that succeeds to the functions of the DEP.

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

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

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

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

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

"Gross Revenues" means the aggregate gross operating and non-operating revenues of the System, as hereinafter defined, determined in accordance with generally accepted accounting principles, after deduction of prompt payment discounts, if any, and reasonable provision for uncollectible accounts; provided, that "Gross Revenues" does not include any gains from the sale or other disposition of, or from any increase in the value of, capital assets (including Qualified Investments, as hereinafter defined, purchased pursuant to Article 8.01 hereof) or any Tap Fees, as hereinafter defined.

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

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

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

"Mayor" means the Mayor of the Issuer.

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

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

"Operating Expenses" means the reasonable, proper and necessary costs of repair, maintenance and operation of the System and includes, without limiting the generality of the foregoing, administrative, engineering, legal, auditing and insurance expenses, other than those capitalized as part of the Costs, the SRF Administrative Fee, fees and expenses of the Authority, fiscal agents, the Depository Bank, the Registrar and the Paying Agent (all as herein defined), other than those capitalized as part of the Costs, payments to pension or retirement funds, taxes and such other reasonable operating costs and expenses as should normally and regularly be included under generally accepted accounting principles; provided, that "Operating Expenses" does not include payments on account of the principal of or redemption premium, if any, or interest on the Bonds, charges for depreciation, losses from the sale or other disposition of, or from any decrease in the value of, capital assets, amortization of debt discount or such miscellaneous deductions as are applicable to prior accounting periods.

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

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

"Paying Agent" means the Commission or other entity or authority designated as a Paying Agent by the Issuer in the Supplemental Resolution, with the written consent of the Authority.

"Prior Bonds" means, collectively, the Series 1987 B Bonds, Series 1988 B-1 Bonds, Series 1988 B-2 Bonds, Series 1989 B Bonds, Series 2002 A Bonds, Series 2002 B Bonds, Series 2010 A Bonds, Series 2010 B Bonds, Series 2010 C Bonds, Series 2010 D Bonds, Series 2011 A Bonds, Series 2013 A Bonds, Series 2014 A Bonds, Series 2016 A Bonds, Series 2016 B Bonds, Series 2018 A-1 Bonds, Series 2018 A-3 Bonds, Series 2018 A-4 Bonds, Series 2018 A-5 Bonds, Series 2018 A-6 Bonds, Series 2018 A-7 Bonds, Series 2018 B Bonds, Series 2020 A Bonds, Series 2022 A Bonds, Series 2022 B Bonds and Series 2022 C Bonds.

"Prior Ordinances" means the ordinances authorizing the Prior Bonds.

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

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

"Recorder" means the Recorder of the Issuer.

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

"Registrar" means the Bond Registrar.

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

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

"Reserve Accounts" means, collectively, the reserve account established by Section 5.02 hereof for the Series 2024 A Bonds, the Series 2024 B Bonds and the reserve accounts established for the Prior Bonds pursuant to the Prior Ordinances.

"Reserve Requirement" means collectively, the respective amounts required to be on deposit in any Reserve Account pursuant to this Ordinance and the Prior Ordinances.

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

"Series 1987 B Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 1987 B, dated November 18, 1987, issued in the original aggregate principal amount of $413,629.

"Series 1988 B-1 Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 1988 B-1, dated May 4, 1988, issued in the original aggregate principal amount of $295,916.

"Series 1988 B-2 Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 1988 B-2, dated May 20, 1988, issued in the original aggregate principal amount of $558,000.

"Series 1989 B Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 1989 B, dated April 13, 1989, issued in the original aggregate principal amount of $117,480.

"Series 2002 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2002 A (West Virginia Water Development Authority), dated August 22, 2002, issued in the original aggregate principal amount of $1,100,000.

"Series 2002 B Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2002 B (West Virginia Infrastructure Fund), dated August 22, 2002, issued in the original aggregate principal amount of $3,600,000.

"Series 2010 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2010 A (West Virginia DWTRF Program), dated January 13, 2010, issued in the original aggregate principal amount of $912,458.

"Series 2010 B Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2010 B (West Virginia DWTRF Program/ARRA), dated January 13, 2010, issued in the original aggregate principal amount of $100,000.

"Series 2010 C Bonds" means the Issuer's Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2010 C (West Virginia SRF Program), dated December 2, 2010, issued in the original aggregate principal amount of $1,250,000.

"Series 2010 D Bonds" means the Issuer's Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2010 D (West Virginia SRF Program), dated December 2, 2010, issued in the original aggregate principal amount of $500,000.

"Series 2011 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2011 A (West Virginia SRF Program), dated July 22, 2011, issued in the original aggregate principal amount of $13,147,192.

"Series 2013 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2013 A (West Virginia SRF Program), dated June 27, 2013, issued in the original aggregate principal amount of $591,977.

"Series 2014 A Bonds" means the Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 A (West Virginia SRF Program), dated June 18, 2014, issued in the original aggregate principal amount of $4,058,900.

"Series 2016 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2016 A (Tax-Exempt), dated March 17, 2016, issued in the original aggregate principal amount of $7,695,000.

"Series 2016 B Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2016 B (Tax-Exempt), dated August 18, 2016, issued in the original aggregate principal amount of $3,895,000.

"Series 2018 A-1 Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-1 (West Virginia Water Development Authority), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 1988 B (West Virginia Water Development Authority) dated May 5, 1998, issued in the original aggregate principal amount of $425,767.

"Series 2018 A-3 Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-3 (West Virginia Infrastructure Fund), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 1998 C (West Virginia Infrastructure Fund) dated June 25, 1998, issued in the original aggregate principal amount of $662,039.

"Series 2018 A-4 Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-4 (West Virginia SRF Program), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 1999 A (West Virginia SRF Program) dated December 8, 1999, issued in the original aggregate principal amount of $378,363.

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"Series 2018 A-5 Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-5 (West Virginia SRF Program), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 2000 A (West Virginia SRF Program) dated June 22, 2000, issued in the original aggregate principal amount of $1,154,889.

"Series 2018 A-6 Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-6 (West Virginia SRF Program), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, Series 2008 A (West Virginia SRF Program) dated June 18, 2008, issued in the original aggregate principal amount of

$2,005,000.

"Series 2018 A-7 Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 A-7 (West Virginia DWTRF Program), dated December 27, 2018, replacing the Jefferson County Public Service District Sewer Revenue Bonds, 2014 A (West Virginia DWTRF Program) dated April 17, 2014, issued in the original aggregate principal amount of $985,000.

"Series 2018 B Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2018 B (Bank Qualified), dated December 27, 2018, issued in the original aggregate principal amount of $3,065,000.

"Series 2020 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2020 A (Bank Qualified), dated July 14, 2020, issued in the original aggregate principal amount of $4,575,000.

"Series 2022 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2022 A (Bank Qualified), dated February 2, 2022, issued in the original aggregate principal amount of $4,380,000.

"Series 2022 B Bonds" means the Combined Waterworks and Sewerage System Revenue Bonds, Series 2022 B (Bank Qualified), dated September 7, 2022, issued in the original aggregate principal amount of $5,620,000.

"Series 2022 C Bonds" means the Combined Waterworks and Sewerage System Revenue Bonds, Series 2022 C (Taxable), dated September 7, 2022, issued in the original aggregate principal amount of $1,815,000.

"Series 2024 Bonds" means the Series 2024 A Bonds, the Series 2024 B Bonds and the Series 2024 C Bonds.

"Series 2024 A Bonds" means the Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 A (West Virginia SRF Program), of the Issuer, authorized by this Bond Legislation.

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

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

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

"Series 2024 B Bonds" means the Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 B (West Virginia SRF Program), of the Issuer, authorized by this Bond Legislation.

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

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

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

"Series 2024 C Bonds" means the Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 C (West Virginia SRF Program/Forgivable), of the Issuer, authorized by this Bond Legislation.

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

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

"SRF Administrative Fee" means any administrative fee required to be paid pursuant to the Bond Purchase Agreement.

"SRF Program" means the State's Water Pollution Control Revolving Fund Program, under which the Authority purchases the water pollution control revenue bonds of local governmental entities satisfying certain legal and other requirements with the proceeds of a capitalization grant award from the United States Environmental Protection Agency and funds of the State.

"SRF Regulations" means the regulations set forth in Title 47, Series 31 of the West Virginia Code of State Regulations.

"State" means the State of West Virginia.

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

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

"System" means, collectively, the complete existing public combined waterworks and sewerage system of the Issuer, and shall include the Project, any additions, betterments and improvements thereto hereafter acquired or constructed for said waterworks system from any sources whatsoever, both within and without the Issuer.

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

Additional terms and phrases are defined in this Ordinance as they are used. Words importing singular number shall include the plural number in each case and vice versa; words importing persons shall include firms and corporations; and words importing the masculine, feminine or neutral gender shall include any other gender.

## ARTICLE II

## AUTHORIZATION OF ACQUISITION AND CONSTRUCTION OF THE PROJECT

Section 2.01. Authorization of Acquisition and Construction of the Project. There is hereby authorized and ordered the acquisition and construction of the Project, at an estimated cost of $11,021,000 in accordance with the plans and specifications which have been prepared by the Consulting Engineers, heretofore filed in the office of the Governing Body. The proceeds of the Series 2024 Bonds hereby authorized shall be applied as provided in Article VI hereof. The Issuer has received or will receive bids and will enter into contracts for the acquisition and construction of the Project, compatible with the financing plan submitted to the DEP.

The Cost of the Project is estimated to be $11,021,000, of which up to $3,000,000 will be obtained from the proceeds of the Series 2024 A Bonds, up to $1,000,000 will be obtained from the proceeds of the Series 2024 B Bonds and up to $1,000,000 will be obtained from the proceeds of the Series 2024 C Bonds, $3,347,200 will be obtained from Capacity Improvement Fees collected for the System, $1,053,800 will be obtained from working capital of the System and $1,620,000 will be obtained from the Authority in the form of grant from the Economic Enhancement Grant Fund.

## ARTICLE III

## AUTHORIZATION, TERMS, EXECUTION, REGISTRATION AND SALE OF BONDS; AUTHORIZATION AND EXECUTION OF BOND PURCHASE AGREEMENT

Section 3.01. Authorization of Bonds. For the purposes of paying the Costs of the Project not otherwise provided for and paying certain costs of issuance of the Series 2024 Bonds and related costs, or any or all of such purposes, as determined by the Supplemental Resolution, there shall be and hereby are authorized to be issued the negotiable Series 2024 Bonds of the Issuer. The Series 2024 Bonds shall be issued in two series, each as a single bond, designated respectively as "Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 A (West Virginia SRF Program)", in the principal amount of not more than $3,000,000, "Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 B (West Virginia SRF Program)", in the principal amount of not more than $1,000,000, and "Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 C (West Virginia SRF Program/Forgivable)," in the principal amount of not more than $1,000,000; and all shall have such terms as set forth hereinafter and in the Supplemental Resolution. The proceeds of the Series 2024 Bonds remaining after funding of the Reserve Accounts (if funded from Bond proceeds) and

capitalization of interest, if any, shall be deposited in or credited to the Series 2024 Bonds Construction Trust Fund established by Section 5.01 hereof.

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

Unless otherwise provided by the Supplemental Resolution, the Series 2024 A Bonds shall initially be issued in the form of a single bond, fully registered and delivered to the Authority, with a record of advances and a debt service schedule attached, representing the aggregate principal, and shall mature in principal installments, all as provided in the Supplemental Resolution. The Series 2024 A Bonds shall be exchangeable at the option and expense of the Registered Owner for another fully registered Bond or Bonds of the same series in aggregate principal amount equal to the amount of said Bonds then Outstanding and being exchanged, with principal installments or maturities, as applicable, corresponding to the dates of payment of principal installments of said Bonds; provided, that the Authority shall not be obligated to pay any expenses of such exchange.

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

B. The Series 2024 C Bonds shall be issued in such principal amount and shall not bear interest. The principal amounts advanced under the Series 2024 C Bonds will be deemed forgiven on the 30th day of June in the fiscal year in which advanced. The Series 2024 C Bonds shall be deemed no longer Outstanding after the last advance is forgiven.

Unless otherwise provided by the Supplemental Resolution, the Series 2024 C Bonds shall initially be issued as one series, fully registered and delivered to the Authority, with a record of advances attached, representing the aggregate principal amount of the Series 2024 C Bonds. The Series 2024 C Bonds shall be exchangeable at the option and expense of the Registered Owner for another fully registered Bond or Bonds of the same series in aggregate principal amount equal to the amount of said Bonds then Outstanding and being exchanged, with principal installments or maturities, as applicable, corresponding to the dates of payment of principal installments of said Bonds; provided, that the Authority shall not be obligated to pay any expenses of such exchange.

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

Section 3.03. Execution of Bonds. The Series 2024 Bonds shall be executed in the name of the Issuer by the Mayor, and the seal of the Issuer shall be affixed thereto or imprinted thereon and attested by the Recorder. In case any one or more of the officers who shall have signed or sealed the Series 2024 Bonds shall cease to be such officer of the Issuer before the Series 2024 Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Series 2024 Bonds may be signed and sealed on behalf of the Issuer by such person as at the actual time of the execution of such Bonds shall hold the proper office in the Issuer, although at the date of the authorization of such Bonds such person may not have held such office or may not have been so authorized.

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

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

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

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

In all cases in which the privilege of exchanging or transferring the registered Series 2024 Bonds are exercised, all Series 2024 Bonds shall be delivered in accordance with the provisions of this Bond Legislation. All Series 2024 Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Bond Registrar. For every such exchange or transfer of Series 2024 Bonds, the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the Bond Registrar incurred in connection therewith, which sum or sums shall be paid by the Issuer. The Bond Registrar shall not be obliged to

make any such exchange or transfer of Series 2024 Bonds during the period commencing on the 15th day of the month next preceding an interest payment date on the Series 2024 Bonds or, in the case of any proposed redemption of Series 2024 Bonds, next preceding the date of the selection of Bonds to be redeemed, and ending on such interest payment date or redemption date.

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

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

Section 3.08. Series 2024 A Bonds Secured by Pledge of Gross Revenues. A. The payment of the debt service on the Series 2024 A Bonds shall be secured forthwith equally and ratably by a first lien on the Gross Revenues derived from the operation of the System on a parity with the Prior Bonds. Such Gross Revenues in an amount sufficient to pay the principal of and interest, if any, on and other payments for the Series 2024 A Bonds and to make the payments into all funds and accounts and all other payments provided for in the Bond Legislation, are hereby irrevocably pledged to such payments as the same become due.

B. The principal amounts of the Series 2024 C Bonds advanced will be deemed forgiven on the 30th day of June of the Fiscal Year in which advanced. The Series 2024 C Bonds shall be deemed no longer Outstanding after the last advance is forgiven. The Series 2024 C Bonds are not secured by the Gross Revenues or Net Revenues of the System.

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

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

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

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

D. An executed copy of the Bond Purchase Agreement; and

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

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

[Remainder of Page Intentionally Blank]

(FORM OF SERIES 2024 A BOND)

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
CITY OF CHARLES TOWN
COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 A
(WEST VIRGINIA SRF PROGRAM)

No. AR-1 $_____

KNOW ALL MEN BY THESE PRESENTS: The ____ day of _____, 2024, that the CITY OF CHARLES TOWN, a municipal corporation and political subdivision of the State of West Virginia in Jefferson County of said State (the "Issuer"), for value received, hereby promises to pay, solely from the special funds provided therefor, as hereinafter set forth, to the WEST VIRGINIA WATER DEVELOPMENT AUTHORITY (the "Authority") or registered assigns the sum of _____ _____ DOLLARS ($_____), or such lesser amount as shall have been advanced to the Issuer hereunder and not previously repaid, as set forth in the "Record of Advances" attached as EXHIBIT A hereto and incorporated herein by reference, in quarterly installments on March 1, June 1, September 1 and December 1 of each year, commencing _____ 1, 20____, to and including _____ 1, 20____ as set forth on the "Debt Service Schedule" attached as EXHIBIT B hereto and incorporated herein by reference. The SRF Administrative Fee of _____% (as defined in the hereinafter described Bond Legislation) on this Bond shall be payable quarterly on March 1, June 1, September 1 and December 1 of each year, commencing _____, 20___, as set forth on EXHIBIT B attached hereto.

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

This Bond may be redeemed prior to its stated date of maturity in whole or in part, but only with the express written consent of the Authority on behalf of the West Virginia Department of Environmental Protection (the "DEP"), and upon the terms and conditions prescribed by, and otherwise in compliance with, the Bond Purchase Agreement (the "Bond Purchase Agreement") by and among the Issuer, the Authority and the DEP, dated _____, 2024.

This Bond is issued (i) to pay the costs of acquisition and construction of certain additions, betterments and improvements to the sewerage portion of the existing public combined

waterworks and sewerage system of the Issuer (the "Project"); and (ii) to pay certain costs of issuance of the Bonds (the "Bonds") and related costs. The existing public waterworks and sewerage system of the Issuer, the Project, and any further extensions, additions, betterments or improvements thereto are herein called the "System". This Bond is issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Act"), a Bond Ordinance duly enacted by the Issuer on _____, 2024, and a Supplemental Resolution duly adopted by the Issuer on _____, 2024 (collectively, the "Bond Legislation"), and is subject to all the terms and conditions thereof. The Bond Legislation provides for the issuance of additional bonds under certain conditions, and such bonds would be entitled to be paid and secured equally and ratably from and by the funds and revenues and other security provided for the Bonds under the Bond Legislation.

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

1. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 1987 B, DATED NOVEMBER 18, 1987, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $413,629 (THE "SERIES 1987 B BONDS");

2. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 1988 B-1, DATED MAY 4, 1988, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $295,916 (THE "SERIES 1988 B-1 BONDS");

3. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 1988 B-2, DATED MAY 20, 1988, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $558,000 (THE "SERIES 1988 B-2 BONDS");

4. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 1989 B, DATED APRIL 13, 1989, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $117,480 (THE "SERIES 1989 B BONDS");

5. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2002 A (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY), DATED AUGUST 22, 2002, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,100,000 (THE "SERIES 2002 A BONDS");

6. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2002 B (WEST VIRGINIA INFRASTRUCTURE FUND), DATED AUGUST 22, 2002, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,600,000 (THE "SERIES 2002 B BONDS");

7. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2010 A (WEST VIRGINIA DWTRF PROGRAM), DATED JANUARY 13, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $912,458 (THE "SERIES 2010 A BONDS");

8. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2010 B (WEST VIRGINIA DWTRF PROGRAM/ARRA), DATED JANUARY 13, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $100,000 (THE "SERIES 2010 B BONDS");

9. COMBINED WATERWORKS AND SEWERAGE SYSTEM DESIGN REVENUE BONDS, SERIES 2010 C (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 2, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,250,000 (THE "SERIES 2010 C BONDS");

10. COMBINED WATERWORKS AND SEWERAGE SYSTEM DESIGN REVENUE BONDS, SERIES 2010 D (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 2, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $500,000 (THE "SERIES 2010 D BONDS");

11. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2011 A (WEST VIRGINIA SRF PROGRAM), DATED JULY 22, 2011, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $13,147,192 (THE "SERIES 2011 A BONDS");

12. COMBINED WATERWORKS AND SEWERAGE SYSTEM DESIGN REVENUE BONDS, SERIES 2013 A (WEST VIRGINIA SRF PROGRAM), DATED JUNE 27, 2013, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $591,977 (THE "SERIES 2013 A BONDS");

13. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2014 A (WEST VIRGINIA SRF PROGRAM), DATED JUNE 18, 2014, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,058,900 (THE “SERIES 2014 A BONDS”);

14. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2016 A (TAX-EXEMPT), DATED MARCH 17, 2016, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $7,695,000 (THE “SERIES 2016 A BONDS”);

15. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2016 B (TAX-EXEMPT), DATED AUGUST 18, 2016, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,895,000 (THE “SERIES 2016 B BONDS”);

16. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-1 (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON

COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 1988 B (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY) DATED MAY 5, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $425,767;

17. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-3 (WEST VIRGINIA INFRASTRUCTURE FUND), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 1998 C (WEST VIRGINIA INFRASTRUCTURE FUND) DATED JUNE 25, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $662,039;

18. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-4 (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 1999 A (WEST VIRGINIA SRF PROGRAM) DATED DECEMBER 8, 1999, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $378,363;

19. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-5 (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 2000 A (WEST VIRGINIA SRF PROGRAM) DATED JUNE 22, 2000, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,154,889;

20. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-6 (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 2008 A (WEST VIRGINIA SRF PROGRAM) DATED JUNE 18, 2008, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $2,005,000;

21. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-7 (WEST VIRGINIA DWTRF PROGRAM), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, 2014 A (WEST VIRGINIA DWTRF PROGRAM) DATED APRIL 17, 2014, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $985,000;

22. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2018 B (BANK QUALIFIED), DATED DECEMBER 27, 2018, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,065,000 (THE "SERIES 2018 B BONDS");

23. COMBINED WATERWORKS AND SEWERAGE SYSTEM REFUNDING REVENUE BONDS, SERIES 2020 A (BANK QUALIFIED), DATED JULY 14,

2020, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,575,000 (THE "SERIES 2020 A BONDS");

24. COMBINED WATERWORKS AND SEWERAGE SYSTEM REFUNDING REVENUE BONDS, SERIES 2022 A (BANK QUALIFIED), DATED FEBRUARY 2, 2022, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,380,000 (THE "SERIES 2022 A BONDS") (COLLECTIVELY, THE "PRIOR BONDS");

25. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2022 B (BANK QUALIFIED), DATED SEPTEMBER 7, 2022, ISSUED SIMULTANEOUSLY HEREWITH IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $5,620,000 (THE "SERIES 2022 B BONDS");

26. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2022 C (TAXABLE), DATED SETPEMBER 7, 2022, ISSUED SIMULTANEOUSLY HEREWITH IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,815,000 (THE "SERIES 2022 C BONDS"); AND

27. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 B (WEST VIRGINIA SRF PROGRAM), ISSUED CONTEMPORANEOUSLY HEREWITH IN THE TANEOUSLY HEREWITH IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $_____ (THE "SERIES 2024 B BONDS"); AND

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

the Bond Legislation. Remedies provided the Registered Owners of the Bonds are exclusively as provided in the Bond Legislation, to which reference is here made for a detailed description thereof.

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

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

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

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

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

[Remainder of Page Intentionally Blank]

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

[SEAL]

_____
Mayor

ATTEST:

_____
Recorder

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

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

Date: _____, 2024.

UNITED BANK,
as Registrar

_____
Authorized Officer

EXHIBIT A

RECORD OF ADVANCES

| | AMOUNT | DATE | | AMOUNT | DATE |
|---|---|---|---|---|---|
| (1) | $ | | (21) | $ | |
| (2) | $ | | (22) | $ | |
| (3) | $ | | (23) | $ | |
| (4) | $ | | (24) | $ | |
| (5) | $ | | (25) | $ | |
| (6) | $ | | (26) | $ | |
| (7) | $ | | (27) | $ | |
| (8) | $ | | (28) | $ | |
| (9) | $ | | (29) | $ | |
| (10) | $ | | (30) | $ | |
| (11) | $ | | (31) | $ | |
| (12) | $ | | (32) | $ | |
| (13) | $ | | (33) | $ | |
| (14) | $ | | (34) | $ | |
| (15) | $ | | (35) | $ | |
| (16) | $ | | (36) | $ | |
| (17) | $ | | (37) | $ | |
| (18) | $ | | (38) | $ | |
| (19) | $ | | (39) | $ | |
| (20) | $ | | (40) | $ | |

TOTAL $

EXHIBIT B

DEBT SERVICE SCHEDULE

(Form of)

ASSIGNMENT

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

Dated: _____, 20____.

_____

In the presence of:

_____

[(FORM OF SERIES 2024 B BOND]

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
CITY OF CHARLES TOWN
COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 A
(WEST VIRGINIA SRF PROGRAM)

No. AR-1 $_____

KNOW ALL MEN BY THESE PRESENTS: The ____ day of _____, 2024, that the CITY OF CHARLES TOWN, a municipal corporation and political subdivision of the State of West Virginia in Jefferson County of said State (the "Issuer"), for value received, hereby promises to pay, solely from the special funds provided therefor, as hereinafter set forth, to the WEST VIRGINIA WATER DEVELOPMENT AUTHORITY (the "Authority") or registered assigns the sum of _____ _____ DOLLARS ($_____), or such lesser amount as shall have been advanced to the Issuer hereunder and not previously repaid, as set forth in the "Record of Advances" attached as EXHIBIT A hereto and incorporated herein by reference, in quarterly installments on March 1, June 1, September 1 and December 1 of each year, commencing _____ 1, 20____, to and including _____ 1, 20____ as set forth on the "Debt Service Schedule" attached as EXHIBIT B hereto and incorporated herein by reference. The SRF Administrative Fee of _____% (as defined in the hereinafter described Bond Legislation) on this Bond shall be payable quarterly on March 1, June 1, September 1 and December 1 of each year, commencing _____, 20___, as set forth on EXHIBIT B attached hereto.

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

This Bond may be redeemed prior to its stated date of maturity in whole or in part, but only with the express written consent of the Authority on behalf of the West Virginia Department of Environmental Protection (the "DEP"), and upon the terms and conditions prescribed by, and otherwise in compliance with, the Bond Purchase Agreement (the "Bond Purchase Agreement") by and among the Issuer, the Authority and the DEP, dated _____, 2024.

This Bond is issued (i) to pay the costs of acquisition and construction of certain additions, betterments and improvements to the sewerage portion of the existing public combined waterworks and sewerage system of the Issuer (the "Project"); and (ii) to pay certain costs of issuance of the Bonds (the "Bonds") and related costs. The existing public waterworks and sewerage system of the Issuer, the Project, and any further extensions, additions, betterments or improvements thereto are herein

called the "System". This Bond is issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Act"), a Bond Ordinance duly enacted by the Issuer on _____, 2024, and a Supplemental Resolution duly adopted by the Issuer on _____, 2024 (collectively, the "Bond Legislation"), and is subject to all the terms and conditions thereof. The Bond Legislation provides for the issuance of additional bonds under certain conditions, and such bonds would be entitled to be paid and secured equally and ratably from and by the funds and revenues and other security provided for the Bonds under the Bond Legislation.

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

28. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 1987 B, DATED NOVEMBER 18, 1987, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $413,629 (THE "SERIES 1987 B BONDS");

29. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 1988 B-1, DATED MAY 4, 1988, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $295,916 (THE "SERIES 1988 B-1 BONDS");

30. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 1988 B-2, DATED MAY 20, 1988, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $558,000 (THE "SERIES 1988 B-2 BONDS");

31. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 1989 B, DATED APRIL 13, 1989, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $117,480 (THE "SERIES 1989 B BONDS");

32. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2002 A (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY), DATED AUGUST 22, 2002, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,100,000 (THE "SERIES 2002 A BONDS");

33. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2002 B (WEST VIRGINIA INFRASTRUCTURE FUND), DATED AUGUST 22, 2002, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,600,000 (THE "SERIES 2002 B BONDS");

34. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2010 A (WEST VIRGINIA DWTRF PROGRAM), DATED JANUARY 13, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $912,458 (THE "SERIES 2010 A BONDS");

35. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2010 B (WEST VIRGINIA DWTRF PROGRAM/ARRA), DATED JANUARY 13, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $100,000 (THE "SERIES 2010 B BONDS");

36. COMBINED WATERWORKS AND SEWERAGE SYSTEM DESIGN REVENUE BONDS, SERIES 2010 C (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 2, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,250,000 (THE "SERIES 2010 C BONDS");

37. COMBINED WATERWORKS AND SEWERAGE SYSTEM DESIGN REVENUE BONDS, SERIES 2010 D (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 2, 2010, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $500,000 (THE "SERIES 2010 D BONDS");

38. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2011 A (WEST VIRGINIA SRF PROGRAM), DATED JULY 22, 2011, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $13,147,192 (THE "SERIES 2011 A BONDS");

39. COMBINED WATERWORKS AND SEWERAGE SYSTEM DESIGN REVENUE BONDS, SERIES 2013 A (WEST VIRGINIA SRF PROGRAM), DATED JUNE 27, 2013, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $591,977 (THE "SERIES 2013 A BONDS");

40. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2014 A (WEST VIRGINIA SRF PROGRAM), DATED JUNE 18, 2014, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,058,900 (THE “SERIES 2014 A BONDS”);

41. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2016 A (TAX-EXEMPT), DATED MARCH 17, 2016, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $7,695,000 (THE “SERIES 2016 A BONDS”);

42. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2016 B (TAX-EXEMPT), DATED AUGUST 18, 2016, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,895,000 (THE “SERIES 2016 B BONDS”);

43. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-1 (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 1988 B (WEST VIRGINIA WATER DEVELOPMENT AUTHORITY) DATED MAY 5, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $425,767;

44. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-3 (WEST VIRGINIA INFRASTRUCTURE FUND), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 1998 C (WEST VIRGINIA INFRASTRUCTURE FUND) DATED JUNE 25, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $662,039;

45. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-4 (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 1999 A (WEST VIRGINIA SRF PROGRAM) DATED DECEMBER 8, 1999, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $378,363;

46. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-5 (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 2000 A (WEST VIRGINIA SRF PROGRAM) DATED JUNE 22, 2000, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,154,889;

47. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-6 (WEST VIRGINIA SRF PROGRAM), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, SERIES 2008 A (WEST VIRGINIA SRF PROGRAM) DATED JUNE 18, 2008, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $2,005,000;

48. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2018 A-7 (WEST VIRGINIA DWTRF PROGRAM), DATED DECEMBER 27, 2018, REPLACING THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT SEWER REVENUE BONDS, 2014 A (WEST VIRGINIA DWTRF PROGRAM) DATED APRIL 17, 2014, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $985,000;

49. COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2018 B (BANK QUALIFIED), DATED DECEMBER 27, 2018, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,065,000 (THE "SERIES 2018 B BONDS");

50. COMBINED WATERWORKS AND SEWERAGE SYSTEM REFUNDING REVENUE BONDS, SERIES 2020 A (BANK QUALIFIED), DATED JULY 14, 2020, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,575,000 (THE "SERIES 2020 A BONDS");

51. COMBINED WATERWORKS AND SEWERAGE SYSTEM REFUNDING REVENUE BONDS, SERIES 2022 A (BANK QUALIFIED), DATED FEBRUARY 2, 2022, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $4,380,000 (THE "SERIES 2022 A BONDS") (COLLECTIVELY, THE "PRIOR BONDS");

52. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2022 B (BANK QUALIFIED), DATED SEPTEMBER 7, 2022, ISSUED SIMULTANEOUSLY HEREWITH IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $5,620,000 (THE "SERIES 2022 B BONDS");

53. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2022 C (TAXABLE), DATED SETPEMBER 7, 2022, ISSUED SIMULTANEOUSLY HEREWITH IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,815,000 (THE "SERIES 2022 C BONDS"); AND

54. COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 A (WEST VIRGINIA SRF PROGRAM), ISSUED CONTEMPORANEOUSLY HEREWITH IN THE TANEOUSLY HEREWITH IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $_____ (THE "SERIES 2024 A BONDS"); AND

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

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

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

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

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

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

[Remainder of Page Intentionally Blank]

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

[SEAL]

_____
Mayor

ATTEST:

_____
Recorder

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

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

Date: _____, 2024.

UNITED BANK,
as Registrar

_____
Authorized Officer

EXHIBIT A

RECORD OF ADVANCES

| | AMOUNT | DATE | | AMOUNT | DATE |
|---|---|---|---|---|---|
| (41) | $ | | (61) | $ | |
| (42) | $ | | (62) | $ | |
| (43) | $ | | (63) | $ | |
| (44) | $ | | (64) | $ | |
| (45) | $ | | (65) | $ | |
| (46) | $ | | (66) | $ | |
| (47) | $ | | (67) | $ | |
| (48) | $ | | (68) | $ | |
| (49) | $ | | (69) | $ | |
| (50) | $ | | (70) | $ | |
| (51) | $ | | (71) | $ | |
| (52) | $ | | (72) | $ | |
| (53) | $ | | (73) | $ | |
| (54) | $ | | (74) | $ | |
| (55) | $ | | (75) | $ | |
| (56) | $ | | (76) | $ | |
| (57) | $ | | (77) | $ | |
| (58) | $ | | (78) | $ | |
| (59) | $ | | (79) | $ | |
| (60) | $ | | (80) | $ | |

TOTAL $

EXHIBIT B

DEBT SERVICE SCHEDULE

(Form of)

ASSIGNMENT

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

Dated: _____, 20____.

_____

In the presence of:

_____

(FORM OF SERIES 2024 C BOND)

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
CITY OF CHARLES TOWN
COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 C
(WEST VIRGINIA SRF PROGRAM/FORGIVABLE)

No. BR-1 $_____

KNOW ALL MEN BY THESE PRESENTS: The ____ day of _____, 2024, that the CITY OF CHARLES TOWN, a municipal corporation and political subdivision of the State of West Virginia in Jefferson County of said State (the "Issuer"), for value received, hereby promises to pay, solely from the special funds provided therefor, as hereinafter set forth, to the WEST VIRGINIA WATER DEVELOPMENT AUTHORITY (the "Authority") or registered assigns the sum of _____ _____DOLLARS ($_____), or such lesser amount as shall have been advanced to the Issuer hereunder and not previously forgiven, as set forth in the "Record of Advances" attached as EXHIBIT A hereto and incorporated herein by reference. The Series 2024 C Bonds are not subject to the SRF Administrative Fee (as defined in the hereinafter described Bond Legislation).

This Bond shall bear no interest. The principal amounts advanced under the Series 2024 C Bonds will be deemed forgiven on the 30th day of June in the fiscal year in which advanced. The Series 2024 C Bonds shall be deemed no longer Outstanding after the last advance is forgiven.

This Bond may be redeemed prior to its stated date of maturity in whole or in part, but only with the express written consent of the Authority on behalf of the West Virginia Department of Environmental Protection (the "DEP"), and upon the terms and conditions prescribed by, and otherwise in compliance with, the Bond Purchase Agreement (the "Bond Purchase Agreement") by and among the Issuer, the Authority and the DEP, dated _____, 2024.

This Bond is issued (i) to pay the costs of acquisition and construction of certain additions, betterments and improvements to the sewerage portion of the existing public combined waterworks and sewerage system of the Issuer (the "Project"); and (ii) to pay certain costs of issuance of the Bonds (the "Bonds") and related costs. The existing public waterworks and sewerage system of the Issuer, the Project, and any further extensions, additions, betterments or improvements thereto are herein called the "System". This Bond is issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended (collectively, the "Act"), a Bond Ordinance duly enacted by the Issuer on _____, 2024, and a Supplemental Resolution duly adopted by the Issuer on _____, 2024 (collectively, the "Bond Legislation"), and is subject to all the terms and conditions thereof. The Bond Legislation provides for the issuance of additional bonds

under certain conditions, and such bonds would be entitled to be paid and secured equally and ratably from and by the funds and revenues and other security provided for the Bonds under the Bond Legislation.

THIS BOND IS FORGIVABLE AND HAS NO LIEN ON THE GROSS REVENUES OR NET REVENUES OF THE SYSTEM.

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

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

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

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other obligations of the Issuer, does not exceed any limit prescribed by the Constitution or statutes of the State of West Virginia.

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

[Remainder of Page Intentionally Blank]

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

[SEAL]

_____
Mayor

ATTEST:

_____
Recorder

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

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

Date: _____, 2024.

UNITED BANK,
as Registrar

_____
Authorized Officer

EXHIBIT A

RECORD OF ADVANCES

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

TOTAL $_____

(Form of)

ASSIGNMENT

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

Dated: _____, 20___.

_____

In the presence of:

_____

Section 3.11. Sale of Bonds; Approval and Ratification of Execution of Bond Purchase Agreement. The Series 2024 Bonds shall be sold to the Authority, pursuant to the terms and conditions of the Bond Purchase Agreement. If not so authorized by previous ordinance or resolution, the Mayor is specifically authorized and directed to execute the Bond Purchase Agreement, and the Recorder is directed to affix the seal of the Issuer, attest the same and deliver the Bond Purchase Agreement to the Authority, and any such prior execution and delivery is hereby authorized, approved, ratified and confirmed.

Section 3.12. "Amended Schedule" Filing. Within 60 days following the Completion Date of the Project, the Issuer will file with the Authority and the DEP a schedule setting forth the actual Costs of the Project and sources of funds therefor.

## ARTICLE IV

## [RESERVED]

## ARTICLE V

## FUNDS AND ACCOUNTS; SYSTEM REVENUES AND APPLICATION THEREOF

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

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

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

(3) Cash Working Capital Reserve; and

(4) Series 2024 Bonds Construction Trust Fund.

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

1. (1) Series 1987 B Bonds Sinking Fund (established by Prior Ordinances);

2. Series 1987 B Bonds Reserve Account (established by Prior Ordinances);

3. Series 1988 B-1 Bonds Sinking Fund (established by Prior Ordinances);

4. Series 1988 B-1 Bonds Reserve Account (established by Prior Ordinances);

5. Series 1988 B-2 Bonds Sinking Fund (established by Prior Ordinances);

6. Series 1988 B-2 Bonds Reserve Account (established by Prior Ordinances);

7. Series 1989 B Bonds Sinking Fund (established by Prior Ordinances);

8. Series 1989 B Bonds Reserve Account (established by Prior Ordinances);

9. Series 2002 A Bonds Sinking Fund (established by Prior Ordinances);

10. Series 2002 A Bonds Reserve Account (established by Prior Ordinances);

11. Series 2002 B Bonds Sinking Fund (established by Prior Ordinances);

12. Series 2002 B Bonds Reserve Account (established by Prior Ordinances);

13. Series 2010 A Bonds Sinking Fund (established by Prior Ordinances);

14. Series 2010 A Bonds Reserve Account (established by Prior Ordinances);

15. Series 2010 B Bonds Sinking Fund (established by Prior Ordinances);

16. Series 2010 B Bonds Reserve Account (established by Prior Ordinances);

17. Series 2010 C Bonds Sinking Fund (established by Prior Ordinances);

18. Series 2010 C Bonds Reserve Account (established by Prior Ordinances);

19. Series 2010 D Bonds Sinking Fund (established by Prior Ordinances);

20. Series 2010 D Bonds Reserve Account (established by Prior Ordinances);

21. Series 2011 A Bonds Sinking Fund (established by Prior Ordinances);

22. Series 2011 A Bonds Reserve Account (established by Prior Ordinances);

23. Series 2013 A Bonds Sinking Fund (established by Prior Ordinances);

24. Series 2013 A Bonds Reserve Account (established by Prior Ordinances);

25. Series 2014 A Bonds Sinking Fund (established by Prior Ordinances);

26. Series 2014 A Bonds Reserve Account (established by Prior Ordinances);

27. Series 2016 A Bonds Sinking Fund (established by Prior Ordinances);

28. Series 2016 A Bonds Reserve Account (established by Prior Ordinances);

29. Series 2016 B Bonds Sinking Fund (established by Prior Ordinances);

30. Series 2016 B Bonds Reserve Account (established by Prior Ordinances);

31. Series 2018 A-2 Bonds Sinking Fund (established by Prior Ordinances);

32. Series 2018 A-2 Bonds Reserve Account (established by Prior Ordinances);

33. Series 2018 A-3 Bonds Sinking Fund (established by Prior Ordinances);

34. Series 2018 A-3 Bonds Reserve Account (established by Prior Ordinances);

35. Series 2018 A-4 Bonds Sinking Fund (established by Prior Ordinances);

36. Series 2018 A-4 Bonds Reserve Account (established by Prior Ordinances);

37. Series 2018 A-5 Bonds Sinking Fund (established by Prior Ordinances);

38. Series 2018 A-5 Bonds Reserve Account (established by Prior Ordinances);

39. Series 2018 A-6 Bonds Sinking Fund (established by Prior Ordinances);

40. Series 2018 A-6 Bonds Reserve Account (established by Prior Ordinances);

41. Series 2018 A-7 Bonds Sinking Fund (established by Prior Ordinances);

42. Series 2018 A-7 Bonds Reserve Account (established by Prior Ordinances);

43. Series 2018 B Bonds Sinking Fund (established by Prior Ordinances);

44. Series 2018 B Bonds Reserve Account (established by Prior Ordinances);

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

46. Series 2020 A Bonds Reserve Account (established by Prior Ordinances);

47. Series 2022 A Bonds Sinking Fund (established by Prior Ordinances);

48. Series 2022 A Bonds Reserve Account (established by Prior Ordinances);

49. Series 2022 B Bonds Sinking Fund (established by Prior Ordinances);

50. Series 2022 B Bonds Reserve Account(established by Prior Ordinances) ;

51. Series 2022 C Bonds Sinking Fund (established by Prior Ordinances); and

52. Series 2022 C Bonds Reserve Account (established by Prior Ordinances).

53. Series 2024 A Bonds Sinking Fund;

54. Series 2024 A Bonds Reserve Account;

55. Series 2024 B Bonds Sinking Fund; and

56. Series 2024 B Bonds Reserve Account.

The Series 2024 C Bonds are forgivable; therefore, no accounts are established for the Series 2024 C Bonds at the Commission.

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

(1) The Issuer shall next, each month, transfer from the Revenue Fund and remit to the Commission (i) the amount required by the Prior Ordinances for the payment of interest on the Series 2021 A Bonds and Series 2022 A Bonds; and (ii) commencing 4 months prior to the first date of payment of interest on the Series 2024 A Bonds, for which interest has not been capitalized or as required in the Bond Purchase Agreement, for deposit in the Series 2024 A Bonds Sinking Fund, an amount equal to 1/3rd of the amount of interest which will become due on the Series 2024 A Bonds on the next ensuing quarterly interest payment date; provided, that in the event the period to elapse between the date of such initial deposit in the Series 2024 A Bonds Sinking Fund and the next quarterly interest payment date is less than 3 months, then such monthly payments shall be increased proportionately to provide, 1 month prior to the next quarterly interest payment date, the required amount of interest coming due on such date.

(2) The Issuer shall next, each month, transfer from the Revenue Fund and simultaneously remit to the Commission (i) the amount required by the Prior Ordinances for payment of principal of the Prior Bonds; and (ii) commencing 4 months prior to the first date of payment of principal of the Series 2024 A Bonds, for deposit in the Series 2024 A Bonds Sinking Fund, an amount equal to 1/3rd of the amount of principal which will mature and come due on the Series 2024 A Bonds on the next ensuing quarterly

principal payment date; provided, that in the event the period to elapse between the date of such initial deposit in the Series 2024 A Bonds Sinking Fund and the next quarterly principal payment date is less than 3 months, then such monthly payment shall be increased proportionately to provide, 1 month prior to the next quarterly principal payment date, the required amount of principal coming due on such date.

(3) The Issuer shall next, on the first day of each month, transfer from the Revenue Fund and simultaneously remit to the Commission (i), the amount required by the Prior Ordinances to be deposited in the respective reserve accounts for the Prior Bonds; and (ii) commencing 4 months prior to the first date of payment of principal of the Series 2024 A Bonds, if not fully funded upon issuance of the Series 2024 A Bonds, for deposit in the Series 2024 A Bonds Reserve Account, an amount equal to 1/120th of the Series 2024 A Bonds Reserve Requirement; provided, that no further payments shall be made into the Series 2024 A Bonds Reserve Account when there shall have been deposited therein, and as long as there shall remain on deposit therein, an amount equal to the Series 2024 A Bonds Reserve Requirement.

(4) The Issuer shall next, each month, pay from the monies in the Revenue Fund all current Operating Expenses of the System.

(5) The Issuer shall next, on the first day of each month, transfer from the Revenue Fund and remit to the Depository Bank (as required in the Prior Ordinances and not in addition thereto), for deposit in the Renewal and Replacement Fund, a sum equal to 2.5% of the Gross Revenues each month, exclusive of any payments for account of any Reserve Account. All funds in the Renewal and Replacement Fund shall be kept apart from all other funds of the Issuer or of the Depository Bank and shall be invested and reinvested in accordance with Article VIII hereof. Withdrawals and disbursements may be made from the Renewal and Replacement Fund for replacements, repairs, improvements or extensions to the System; provided, that any deficiencies in any Reserve Account (except to the extent such deficiency exists because the required payments into such accounts have not, as of the date of determination of a deficiency, funded such accounts to the maximum extent required hereof) shall be promptly eliminated with monies from the Renewal and Replacement Fund.

(6) The Issuer shall next, each month, transfer from the monies remaining in the Revenue Fund the amount required, if any, to fund or maintain the Cash Working Capital Reserve at the required level. All funds in the Cash Working Capital Reserve shall be kept separate and apart from all other funds of the Issuer or of the Depository Bank and shall be invested and reinvested in accordance with Article VIII hereof. Withdrawals and disbursements may be made from the Cash Working Capital Reserve for

such purposes as permitted by the laws and regulations of the State in effect at such time.

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

Any withdrawals from the Series 2024 A Bonds Reserve Account which result in a reduction in the balance of the Series 2024 A Bonds Reserve Account to below the Series 2024 A Bonds Reserve Requirement shall be subsequently restored from the first Gross Revenues available after all required payments have been made in full in the priority as set forth above.

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

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

The Commission is hereby designated as the fiscal agent for the administration of the Series 2024 A Bonds Sinking Fund and the Series 2024 A Bonds Reserve Account created hereunder, and all required amounts shall be remitted to the Commission from the Revenue Fund by the Issuer at the times provided herein.

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

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

B. The Issuer shall, on the first day of each month (if the first day is not a business day, then the first business day of each month), deposit with the Commission the required interest, if any, principal and reserve account payments with respect to the Series 2024 A Bonds and all such payments shall be remitted to the Commission with appropriate instructions as to the custody, use and application thereof consistent with the provisions of this Bond Legislation. The Issuer shall, on the first day of each month (if the first day is not a business day, then the first business day of each month) deposit with the Commission, the SRF Administrative Fee as set forth in the Schedule Y attached to the Bond Purchase Agreement for the Series 2024 A Bonds.

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

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

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

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

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

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

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

## ARTICLE VI

## BOND PROCEEDS; CONSTRUCTION DISBURSEMENTS

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

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

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

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

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

E. After completion of construction of the Project, as certified by the Consulting Engineers, and all costs have been paid, any remaining proceeds of the Series 2024 Bonds shall be expended as approved by the DEP.

Section 6.02. Disbursements From the Series 2024 Bonds Construction Trust Fund On or before the Closing Date, the Issuer shall have delivered to the Authority and the DEP a report listing the specific purposes for which the proceeds of the Series 2024 Bonds will be expended and the disbursement procedures of such proceeds, including an estimated monthly draw schedule. Payments for Costs of the Project shall be made monthly. Invoices for which repayment from the Series 2024 Bonds Construction Trust Fund will be sought must first be approved by the Issuer.

Except as provided in Section 6.01 hereof, disbursements from the Series 2024 Bonds Construction Trust Fund shall be made only after submission to, and approval from, the Authority and the DEP of a completed and signed "Payment Requisition Form," a form of which is attached to the Bond Purchase Agreement, in compliance with the construction schedule.

Pending such application, monies in the Series 2024 Bonds Construction Trust Fund shall be invested and reinvested in Qualified Investments at the written direction of the Issuer.

## ARTICLE VII

## ADDITIONAL COVENANTS OF THE ISSUER

Section 7.01. General Covenants of the Issuer. All the covenants, agreements and provisions of this Bond Legislation shall be and constitute valid and legally binding covenants of the

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

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

Section 7.03. Series 2024 A Bonds Secured by Pledge of Gross Revenues. The payment of the debt service of the Series 2024 A Bonds shall be secured forthwith equally and ratably by a first lien on the Gross Revenues derived from the System on a parity with the Prior Bonds. The Gross Revenues in an amount sufficient to pay the principal of and interest, if any, on the Series 2024 A Bonds and the Prior Bonds and to make the payments into all funds and accounts and all other payments provided for in the Bond Legislation are hereby irrevocably pledged, in the manner provided herein, to such payments as they become due, and for the other purposes provided in the Bond Legislation.

Section 7.04. Rates and Charges. The Issuer has obtained any and all approvals of rates and charges required by State law and has taken any other action required to establish and impose such rates and charges, with all requisite appeal periods having expired without successful appeal and the Issuer shall supply an opinion of counsel to such effect. Such rates and charges shall be sufficient to comply with the requirements of the Bond Purchase Agreement and the Issuer shall provide a certificate of a Certified Public Accountant to such effect. The initial schedule of rates and charges for the services of the facilities of the System shall be as set forth in the water rate ordinance duly enacted on November 4, 2021, and the sewer rate ordinance enacted on October 18, 2018, which rates are incorporated herein by reference as a part hereof.

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

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

So long as the Series 2024 Bonds are Outstanding and except as otherwise required by law or with the written consent of the Authority, the System may not be sold, mortgaged, leased or otherwise disposed of, except as a whole, or substantially as a whole, and only if the net proceeds to be realized shall be sufficient to fully pay all the Bonds Outstanding in accordance with Article X hereof. The proceeds from any such sale, mortgage, lease or other disposition of the System shall, with respect to the Series 2024 Bonds, immediately be remitted to the Commission for deposit in the Series 2024 A Bonds Sinking Fund, and, with the written permission of the Authority or in the event the Authority is no longer a Bondholder, the Issuer shall direct the Commission to apply such proceeds to the payment of principal of and interest, if any, on the Series 2024 A Bonds in accordance with Article X hereof. Any balance remaining after the payment of the Bonds and the interest, if any, thereon shall be remitted to the Issuer by the Commission unless necessary for the payment of other obligations of the Issuer payable out of the revenues of the System.

The foregoing provision notwithstanding, the Issuer shall have and hereby reserves the right to sell, lease or otherwise dispose of any of the property comprising a part of the System hereinafter determined in the manner provided herein to be no longer necessary, useful or profitable in the operation thereof. Prior to any such sale, lease or other disposition of such property, if the amount to be received therefor, together with all other amounts received during the same Fiscal Year for such sales, leases or other dispositions of such properties, is not in excess of $500,000, the Issuer shall, by resolution duly adopted, determine that such property comprising a part of the System is no longer necessary, useful or profitable in the operation thereof and may then provide for the sale of such property. The proceeds of any such sale shall be deposited in the Renewal and Replacement Fund. If the amount to be received from such sale, lease or other disposition of said property, together with all other amounts received during the same Fiscal Year for such sales, leases or other dispositions of such properties, shall be in excess of $500,000 but not in excess of $4,000,000, the Issuer shall first, determine that such property comprising a part of the System is no longer necessary, useful or profitable in the operation thereof and may then, if it be so advised, by resolution duly adopted, authorize such sale, lease or other disposition of such property in accordance with the laws of the State. The proceeds of any such sale shall be deposited in the Renewal and Replacement Fund for the repayment of the Bonds. The payment of such proceeds into the Renewal and Replacement Fund shall not reduce the amounts required to be paid into such funds by other provisions of this Bond Legislation.

No sale, lease or other disposition of the properties of the System shall be made by the Issuer if the proceeds to be derived therefrom, together with all other amounts received during the same Fiscal Year for such sales, leases, or other dispositions of such properties, shall be in excess of $4.000,000 and insufficient to pay all Bonds then Outstanding without the prior approval and consent in writing of the Holders, or their duly authorized representatives, of the Bonds then Outstanding. The Issuer shall prepare the form of such approval and consent for execution by the then Holders of the Bonds for the disposition of the proceeds of the sale, lease or other disposition of such properties of the System.

Section 7.06. Issuance of Other Obligations Payable Out of Revenues and General Covenant Against Encumbrances. Except as provided for in this Section 7.06 and Section 7.07 hereof, the Issuer shall not issue any obligations whatsoever payable from the revenues of the System which rank prior to, or equally, as to lien on and source of and security for payment from such revenues with the Series 2024 A Bonds. All obligations issued by the Issuer after the issuance of the Series 2024 Bonds and

payable from the revenues of the System, except such additional parity Bonds, shall contain an express statement that such obligations are junior and subordinate, as to lien on and source of and security for payment from such revenues and in all other respects, to the Series 2024 A Bonds; provided, that no such subordinate obligations shall be issued unless all payments required to be made into all funds and accounts established by this Bond Legislation have been made and are current at the time of the issuance of such subordinate obligations.

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

The Issuer shall give the Authority and the DEP prior written notice of its issuance of any other obligations to be used for the System, payable from the revenues of the System or from any grants for the Project, or any other obligations related to the Project or the System.

Section 7.07. Parity Bonds. So long as the Prior Bonds are Outstanding, the limitations on the issuance of parity obligations set forth in the Prior Ordinances shall be applicable. In addition, no additional Parity Bonds, payable out of the revenues of the System, shall be issued after the issuance of the Series 2024 Bonds pursuant to this Bond Legislation, without the prior written consent of the Authority under the conditions and in the manner herein provided (unless less restrictive than the provisions of the Prior Ordinances).

All Parity Bonds issued hereunder shall be on a parity in all respects with the Series 2024 Bonds.

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

So long as the Series 2024 A Bonds or Prior Bonds are Outstanding, no Parity Bonds shall be issued at any time, however, unless and until there has been procured and filed with the Recorder a written statement by the Independent Certified Public Accountants reciting the conclusion that the Net Revenues actually derived, subject to the adjustments hereinafter provided for, from the System during any 12 consecutive months within the 18 months immediately preceding the date of the actual issuance of such additional Parity Bonds, plus the estimated average increased annual Net Revenues to be received in each of the 3 succeeding years after the completion of the improvements to be financed by such Parity Bonds, if any, shall not be less than 115% of the largest aggregate amount that will mature and become due in any succeeding Fiscal Year for principal of and interest, if any, on the following:

(1) The Bonds then Outstanding;

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

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

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

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

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

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

No Parity Bonds shall be issued at any time, however, unless all of the payments into the respective funds and accounts provided for in this Bond Legislation with respect to the Bonds then Outstanding, and any other payments provided for in this Bond Legislation, shall have been made in full as required to the date of delivery of the Parity Bonds, and the Issuer then be in full compliance with all the covenants, agreements and terms of this Bond Legislation.

Section 7.08. Books; Records and Audit. The Issuer shall keep complete and accurate records of the cost of acquiring the Project site and the costs of acquiring, constructing and installing the Project. The Issuer shall permit the Authority and the DEP or their agents and representatives, to inspect all books, documents, papers and records relating to the Project and the System at all reasonable times for the purpose of audit and examination. The Issuer shall submit to the Authority and the DEP such documents and information as they may reasonably require in connection with the acquisition, construction and installation of the Project, the operation and maintenance of the System and the administration of the loan or any grants or other sources of financing for the Project.

The Issuer shall permit the Authority and the DEP or their agents and representatives, to inspect all records pertaining to the operation and maintenance the System at all reasonable times following completion of construction of the Project and commencement of operation thereof, or, if the Project is an improvement to an existing system, at any reasonable time following commencement of construction.

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

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

The Issuer shall file with the Authority and the DEP, or any other original purchaser of the Series 2024 Bonds, and shall mail in each year to any Holder or Holders of the Series 2024 Bonds, requesting the same, an annual report containing the following:

(A) A statement of Gross Revenues, Operating Expenses, Net Revenues and Surplus Revenues derived from and relating to the System.

(B) A balance sheet statement showing all deposits in all the funds and accounts provided for in this Bond Legislation and the status of all said funds and accounts.

(C) The amount of any Bonds, notes or other obligations Outstanding.

The Issuer shall also, at least once a year, cause the books, records and accounts of the System to be audited by Independent Certified Public Accountants (to the extent legally required in compliance with 2 CFR 200 Subpart F, or any successor thereto), and shall mail upon request, and make

available generally, the report of said Independent Certified Public Accountants, or a summary thereof, to any Holder or Holders of the Series 2024 Bonds and shall submit said report to the Authority and the DEP, or any other original purchaser of the Series 2024 Bonds. Such audit report submitted to the Authority and the DEP shall include a statement that the Issuer is in compliance with the terms and provisions of the Act, the Bond Purchase Agreement and this Bond Legislation and that the revenues of the System are adequate to meet the Issuer's Operating Expenses and debt service and reserve requirements.

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

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

The Issuer shall permit the Authority and the DEP, or their agents and representatives, to enter and inspect the Project site and Project facilities at all reasonable times. Prior to, during and after completion of construction and commencement of operation of the Project, the Issuer shall provide the Authority and the DEP, or their agents and representatives, with access to the System site and System facilities as may be reasonably necessary to accomplish all of the powers and rights of the Authority and the DEP with respect to the System pursuant to the Act.

Section 7.09. Rates. Prior to the issuance of the Series 2024 Bonds, equitable rates or charges for the use of and service rendered by the System have been established all in the manner and form required by law, and copies of such rates and charges so established will be continuously on file with the Recorder, which copies will be open to inspection by all interested parties. The schedule of rates and charges shall at all times be adequate to produce Gross Revenues from the System sufficient to pay Operating Expenses and to make the prescribed payments into the funds created hereunder. Such schedule of rates and charges shall be changed and readjusted whenever necessary so that the aggregate of the rates and charges will be sufficient for such purposes. In order to assure full and continuous performance of this covenant, with a margin for contingencies and temporary unanticipated reduction in income and revenues, the Issuer hereby covenants and agrees that the schedule of rates or charges from time to time in effect shall be sufficient, together with other revenues of the System to meet the coverage requirements set forth in the Prior Ordinances so long as the Prior Bonds are Outstanding and thereafter, (i) to provide for all Operating Expenses of the System and (ii) to leave a balance each year equal to at least 115% of the maximum amount required in any year for payment of principal of and interest, if any, on the Series 2024 A Bonds, the Prior Bonds and all other obligations secured by a lien on or payable from such revenues on a parity with, or subordinate to, the Series 2024 A Bonds, including the Prior Bonds provided, that in the event the amounts equal to or in excess of the reserve requirements are on deposit respectively in the Series 2024 A Bonds Reserve Account and any Reserve Accounts for obligations on a parity with the Series 2024 A Bonds, are funded at least at the requirement therefor, such balance each year need only equal at least 110% of the maximum amount required in any year for

payment of principal of and interest, if any, on the Series 2024 A Bonds, the Prior Bonds and all other obligations secured by a lien on or payable from such revenues on a parity with the Series 2024 A Bonds. In any event, the Issuer shall not reduce the rates or charges for services set forth in the rate ordinance described in Section 7.04 hereof.

The Issuer hereby covenants to commence enactment of such ordinance or ordinances as shall be required to increase the rates and charges for the services and facilities of the System within 30 days following a determination of the Independent Certified Public Accountant that less than the above-required coverage exists or in the event that the annual audit report shows less than the above-required coverage, such increase to provide rates and charges sufficient to produce such required coverage.

Section 7.10. Operating Budget and Monthly Financial Report. The Issuer shall annually, at least 45 days preceding the beginning of each Fiscal Year, prepare and adopt by resolution a detailed, balanced budget of the estimated revenues and expenditures for operation and maintenance of the System during the succeeding Fiscal Year and shall submit a copy of such budget to the DEP and the Authority within 30 days of adoption thereof. The Issuer shall mail copies of such annual budget and all resolutions authorizing increased expenditures for operation and maintenance within 30 days of adoption to the Authority and the DEP and to any Holder of the Bonds, who shall file his or her address with the Issuer and request in writing that copies of all such budgets and resolutions be furnished him or her and shall make available such budgets and all resolutions authorizing increased expenditures for operation and maintenance of the System at all reasonable times to the DEP, the Authority and to any Holder of any Bonds, or anyone acting for and in behalf of such Holder of any Bonds.

Commencing on the date contracts are executed for the acquisition and construction of the Project and for two years following the completion of the Project, the Issuer shall each month complete a "Monthly Financial Report," a form of which is attached to the Bond Purchase Agreement, and forward a copy of such report to the DEP and the Authority by the 20th day of each month.

Section 7.11. Engineering Services and Operating Personnel. The Issuer will obtain a certificate of the Consulting Engineers in the form attached to the Bond Purchase Agreement, stating, among other things, that the Project has been or will be constructed in accordance with the approved plans, specifications and designs as submitted to the Authority and the DEP, the Project is adequate for the purposes for which it was designed, the funding plan as submitted to the Authority and the DEP is sufficient to pay the costs of acquisition and construction of the Project, and all permits required by federal and state laws for construction of the Project have been obtained.

The Issuer shall provide and maintain competent and adequate engineering services satisfactory to the Authority and the DEP covering the supervision and inspection of the development and construction of the Project and bearing the responsibility of assuring that construction conforms to the plans, specifications and designs prepared by the Consulting Engineers, which have been approved by all necessary governmental bodies. Such engineer shall certify to the Authority and the DEP and the Issuer at the completion of construction that construction of the Project is in accordance with the approved plans, specifications and designs, or amendments thereto, approved by all necessary governmental bodies.

The Issuer shall require the Consulting Engineers to submit Record Drawings, as defined in the SRF Regulations, to it within 60 days of the completion of the Project. The Issuer shall notify the

DEP in writing of such receipt. The Issuer shall submit a "Performance Certificate," a form of which is attached to the Bond Purchase Agreement as Exhibit A, to the DEP within 60 days of the end of the first year after the Project is completed.

The Issuer shall require the Consulting Engineers to submit the final Operation and Maintenance Manual, as defined in the SRF Regulations, to the DEP when the Project is 90% completed. The Issuer shall at all times provide operation and maintenance of the System in compliance with all state and federal standards.

The Issuer shall employ qualified operating personnel properly certified by the State before the Project is 50% complete and shall retain such a certified operator to operate the System during the entire term of the Bond Purchase Agreement. The Issuer shall notify the DEP in writing of the certified operator employed at the 50% completion stage.

The Issuer shall serve the additional customers at the location(s) as set forth in Certificate of Engineer. The Issuer shall not reduce the amount of additional customers served by the project without the prior written approval of the Board of the Authority. Following completion of the Project the Issuer shall certify to the Authority the number of customers added to the System.

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

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

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

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

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

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

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

(3) WORKERS' COMPENSATION COVERAGE FOR ALL EMPLOYEES OF OR FOR THE SYSTEM ELIGIBLE THEREFOR; AND PERFORMANCE AND PAYMENT BONDS, such bonds to be in the amounts of 100% of the construction contract and to be required of each contractor

contracting directly with the Issuer, and such payment bonds will be filed with the Clerk of The County Commission of the County in which such work is to be performed prior to commencement of construction of the Project in compliance with West Virginia Code, Chapter 38, Article 2, Section 39.

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

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

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

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

The Issuer shall also require all contractors engaged in the construction of the Project to carry such workers' compensation coverage for all employees working on the Project and public liability insurance, vehicular liability insurance and property damage insurance in amounts adequate for such purposes and as is customarily carried with respect to works and properties similar to the Project; provided, that the amounts and terms of such coverage are satisfactory to the Authority and the DEP and the Issuer shall verify such insurance prior to commencement of construction. In the event the Bond Purchase Agreement so requires, such insurance shall be made payable to the order of the Authority, the Issuer, the prime contractor and all subcontractors, as their interests may appear.

Section 7.16. Mandatory Connections. The mandatory use of the sewerage portion of the System is essential and necessary for the protection and preservation of the public health, comfort, safety, convenience and welfare of the inhabitants and residents of, and the economy of, the Issuer and in order to assure the rendering harmless of sewage and water-borne waste matter produced or arising within the territory served by the System. Accordingly, every owner, tenant or occupant of any house, dwelling or building located near the System, where sewage will flow by gravity or be transported by such other methods approved by the State Department of Health from such house, dwelling or building into the System, to the extent permitted by the laws of the State and the rules and regulations of the Public Service Commission of West Virginia, shall connect with and use the System and shall cease the use of all other means for the collection, treatment and disposal of sewage and waste matters from such house, dwelling or building where there is such gravity flow or transportation by such other method approved by the State Department of Health and such house, dwelling or building can be adequately served by the System, and every such owner, tenant or occupant shall, after a 20-day notice of the availability of the System, pay the rates and charges established therefor.

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

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

The Issuer has obtained all permits required by State and federal laws for the acquisition and construction of the Project, all orders and approvals required by State law necessary for the acquisition and construction of the Project and the operation of the System and has obtained all approvals for the issuance of the Series 2024 Bonds required by State law, with all appeal periods having expired without successful appeal and the Issuer shall supply an opinion of counsel to such effect.

Section 7.18. Compliance with Bond Purchase Agreement and Law. The Issuer shall perform, satisfy and comply with all the terms and conditions of the Bond Purchase Agreement and the Act. Notwithstanding anything herein to the contrary, the Issuer shall provide the DEP with copies of all documents submitted to the Authority.

The Issuer shall also comply with all applicable laws, rules and regulations issued by the Authority, DEP or other State, federal or local bodies in regard to the acquisition and construction of the Project and the operation, maintenance and use of the System.

The Issuer shall perform an annual maintenance audit which maintenance audit shall be submitted to the Authority and the Public Service Commission of West Virginia in the manner prescribed by and the guidelines established by the Authority and the Public Service Commission of West Virginia.

Section 7.19. [RESERVED]

Section 7.20. Securities Laws Compliance. The Issuer will provide the Authority, in a timely manner, with any and all information that may be requested of it (including its annual audit report, financial statements, related information and notices of changes in usage and customer base) so that the Authority may comply with the provisions of SEC Rule 15c2-12 (17 CFR Part 240).

Section 7.21. Contracts; Change Orders; Public Releases. A. The Issuer shall, simultaneously with the delivery of the Series 2024 Bonds or immediately thereafter, enter into written contracts for the immediate acquisition or construction of the Project.

B. The Issuer shall submit all proposed change orders to the DEP for written approval. The Issuer shall obtain the written approval of the DEP before expending any proceeds of the Series 2024 Bonds held in "contingency" as set forth in the Schedule attached to the certificate of the Consulting Engineer. The Issuer shall also obtain the written approval of the DEP before expending any proceeds of the Series 2024 Bonds made available due to bid or construction or project underruns.

C. The Issuer shall list the funding provided by the DEP and the Authority in any press release, publication, program bulletin, sign or other public communication that references the Project, including but not limited to any program document distributed in conjunction with any ground breaking or dedication of the Project.

Section 7.22. Statutory Mortgage Lien. For the further protection of the Holders of the Series 2024 A Bonds, a statutory mortgage lien upon the System is granted and created by the Act, which statutory mortgage lien is hereby recognized and declared to be valid and binding, shall take effect immediately upon delivery of the Series 2024 A Bonds and shall be on a parity with the statutory mortgage lien in favor of the Holders of the Prior Bonds.

## ARTICLE VIII

## INVESTMENT OF FUNDS

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

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

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

Section 8.02. Certificate as to Use of Proceeds; Covenants as to Use of Proceeds. The Issuer shall deliver a certificate as to use of proceeds or other similar certificate to be prepared by nationally recognized bond counsel relating to restrictions on the use of proceeds of the Series 2024 Bonds as a condition to issuance of the Series 2024 Bonds. In addition, the Issuer covenants (i) to comply with the Code and all Regulations from time to time in effect and applicable to the Series 2024 Bonds as may be necessary in order to maintain the status of the Series 2024 Bonds as governmental bonds; (ii) that it shall not take, or permit or suffer to be taken, any action with respect to the Issuer's use of the proceeds of the Series 2024 Bonds which would cause any bonds, the interest on which is exempt from federal income taxation under Section 103(a) of the Code, issued by the Authority or the DEP, as the case may be, from which the proceeds of the Series 2024 Bonds are derived, to lose their status as tax-exempt bonds; and (iii) to take such action, or refrain from taking such action, as shall be deemed necessary by the Issuer, or requested by the Authority or the DEP, to ensure compliance with the covenants and agreements set forth in this Section, regardless of whether such actions may be contrary to any of the provisions of this Bond Legislation.

The Issuer shall annually furnish to the Authority information with respect to the Issuer's use of the proceeds of the Series 2024 Bonds and any additional information requested by the Authority.

## ARTICLE IX

## DEFAULT AND REMEDIES

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

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

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

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

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

Section 9.02. Remedies. Upon the happening and continuance of any Event of Default, any Registered Owner of a Bond may exercise any available remedy and bring any appropriate

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

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

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

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

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

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

## ARTICLE X

## PAYMENT OF BONDS

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

## ARTICLE XI

## MISCELLANEOUS

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

Section 11.02. Bond Legislation Constitutes Contract. The provisions of the Bond Legislation shall constitute a contract between the Issuer and the Registered Owners of the Series 2024

Bonds, and no change, variation or alteration of any kind of the provisions of the Bond Legislation shall be made in any manner, except as in this Bond Legislation provided.

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

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

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

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

Section 11.07. Statutory Notice and Public Hearing. Upon adoption hereof, an abstract of this Ordinance determined by the Governing Body to contain sufficient information as to give notice of the contents hereof shall be published once a week for 2 successive weeks within a period of fourteen consecutive days, with at least 6 full days intervening between each publication, in the *Jefferson Chronicle,* a newspaper published and of general circulation in the City of Charles Town, together with a notice stating that this Ordinance has been adopted and that the Issuer contemplates the issuance of the Series 2024 Bonds, and that any person interested may appear before the Governing Body upon a date certain, not less than ten days subsequent to the date of the first publication of such abstract of this Ordinance and notice, and present protests, and that a certified copy of this Ordinance is on file with the Governing Body for review by interested persons during office hours of the Governing Body. At such hearing, all objections and suggestions shall be heard and the Governing Body shall take such action as it shall deem proper in the premises.

Section 11.08. Effective Date. This Ordinance shall take effect immediately following the public hearing and final reading hereof.

Passed on First Reading: September 16, 2024

Passed on Second Reading: October 7, 2024

Passed on Final Reading
Following Public Hearing: October 21, 2024

CITY OF CHARLES TOWN

_____

Mayor

CERTIFICATION

Certified a true copy of an Ordinance duly enacted by the Council of the CITY OF CHARLES TOWN on the 21st day of October, 2024.

Dated: October 21, 2024.

[SEAL]

_____

Recorder

**CITY OF CHARLES TOWN**
**COMBINED WATERWORKS AND SEWERAGE SYSTEM**
**REVENUE BONDS, SERIES 2024 A**
**(WEST VIRGINIA SRF PROGRAM); AND**
**COMBINED WATERWORKS AND SEWERAGE SYSTEM**
**REVENUE BONDS, SERIES 2024 C**
**(WEST VIRGINIA SRF PROGRAM/FORGIVABLE)**

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SIGNATURES
CERTIFICATION

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Contract
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-988 Property Acquisition Update - Executive Session

American Public University Systems (APUS) Land Acquisition Update - Executive Session

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-967: Opioid Distribution Plan

**ATTACHMENTS:**

- Opioid_Spending_Restrictions.pdf
- Opioid_Settlements_Projected_Payments.pdf

PATRICK MORRISEY
ATTORNEY GENERAL

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State Capitol Complex
Building 6, Suite 401
Charleston, WV 25305

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Charleston, WV 25326-1789

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http://www.wvago.gov

**STATE OF WEST VIRGINIA**
**OFFICE OF THE ATTORNEY GENERAL**

Consumer Protection
and Antitrust Division
(304) 558-8986
Consumer Hotline
1-800-368-8808
Preneed Funeral Services
(304) 558-8986
Senior Protection Hotline
(304) 558-1155
Facsimile (304) 558-0184

August 20, 2024

City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

RE: Spending city and county opioid settlement funds

Dear Mayor:

Local governments have broad discretion to decide which approved uses are best to spend their share of the settlement money, but there are restrictions on the use of funds under the terms of the Memorandum of Understanding ("MOU"). As we previously advised, to simplify the yearly reporting requirements, you should have a separate account to receive and disburse the settlement funds, to track that the funds are utilized in compliance with the MOU.

The Approved Purposes for which opioid settlement funds can be used are defined in the MOU.

> A. 1. "Approved Purpose(s)" shall mean
> - evidence-based strategies, programming and/or services used to expand the availability of treatment for individuals affected by substance use disorders and/or addiction,
> - to develop, promote and provide evidence-based substance use prevention strategies,
> - to provide substance use avoidance and awareness education,
> - to engage in enforcement or curtail the sale, distribution, promotion or use of opioids and other drugs,
> - to decrease the oversupply of licit and illicit opioids and
> - to support recovery from addiction to be performed by qualified providers
>
> as is further set forth in Exhibit A and Paragraph B (3) below.

Under Paragraph B. 3.:

> All Net Opioid Funds, regardless of allocation, shall be used in a manner consistent with the Approved Purposes definition. The [Local Government] share may be used as restitution for past expenditures so long as the past expenditures were made for purposes that would have qualified or were consistent with the categories of Approved Purposes listed in Exhibit A. Prior to using

> any portion of the LG Share as restitution for past expenditures, a Local Government shall pass a resolution or take equivalent governmental action detailing and explaining its use of the funds for restitution. Moreover, up to on-half of the LG Share may be used to provide restitution for moneys that were previously expended on opioid abatement activities, including law enforcement and regional jail fees.

A copy of Exhibit A, Approved Purposes list is enclosed with this letter. These Approved Purposes are the only purposes that this money may fund. Your decision on how to spend the funds should be based on an evaluation of your community's specific needs and your plan to best address those needs.

Your spending will be audited per the yearly reporting requirements in the MOU. Under C. 13:

> Each Local Government shall submit an annual financial report to the [West Virginia First] Foundation no later than April 30 of each year specifying the amounts spent on Approved Purposes within the Region during the previous fiscal year.

The first report will be due by April 30, 2025, for the prior fiscal year.

Also, as a reminder, part of the settlement with Teva included units of naloxone (Narcan). The first shipment of the product was received in September 2023 and all units have been distributed. We are in the process of requesting another shipment that we anticipate receiving in September 2024. A copy of the June 2023 letter explaining how to request product from the University of Charleston School of Pharmacy is enclosed.

We have an opportunity to ensure we help the greatest number of West Virginians possible.

Sincerely yours,

Patrick Morrisey
Attorney General

## EXHIBIT A

## SCHEDULE A - CORE STRATEGIES

The Parties shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies **("Core Strategies).**[1]

### A. NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES

1. Expand training for first responders, schools, community support groups and families; and

2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed services.

### B. MEDICATION-ASSISTED TREATMENT ("MAT") DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT

1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;

2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;

3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and

4. Treatment and Recovery Support Services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

### C. PREGNANT & POSTPARTUM WOMEN

1. Expand Screening, Brief Intervention, and Referral to Treatment ("SBIRT") services to non-Medicaid eligible or uninsured pregnant women;

2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women and co-occurring Opioid Use Disorder ("OUD") and other substance Use Disorder ("SUD")/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and

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As used in this Schedule A, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs. Priorities will be established by the Opioid Abatement Foundation.

3. Provide comprehensive wrap-around services to individuals with Opioid Use Disorder (OUD) including housing, transportation, job placement/training, and childcare.

## D. EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME

1. Expand comprehensive evidence-based treatment and recovery support for NAS babies;

2. Expand services for better continuation of care with infant-need dyad; and

3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

## E. EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES

1. Expand services such as on-call teams to begin MAT in hospital emergency departments;

2. Expand warm hand-off services to transition to recovery services;

3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;

4. Provide comprehensive wrap-around services to individuals in recovery including housing, transportation, job placement/training, and childcare; and

5. Hire additional social workers or other behavioral health workers to facilitate expansion above.

## F. TREATMENT FOR INCARCERATED POPULATION

1. Provide evidence-based treatment and recovery support including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and

2. Increase funding for jails to provide treatment to inmates with OUD.

## G. PREVENTION PROGRAMS

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);

2. Funding for evidence-based prevention programs in schools;

3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);

4. Funding for community drug disposal programs; and

5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

## H. EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE.

## I. LAW ENFORCEMENT

1. Funding for law enforcement efforts to curtail the sale, distribution, promotion or use of opioids and other drugs to reduce the oversupply of licit and illicit opioids, including regional jail fees.

## J. RESEARCH

Research to ameliorate the opioid epidemic and to identify new tools to reduce and address opioid addiction. Holistically seek to address the problem from a supply, demand, and educational perspective. Ensure tools exist to provide law enforcement with appropriate enforcement to address needs.

## SCHEDULE B - APPROVED USES

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:[2]

PART ONE: TREATMENT

### A. TREAT OPIOID USE DISORDER (OUD)

1. Support treatment of Opioid Use Disorder (OUD) and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.

2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUB/MH conditions.

3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.

4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.

5. Support intervention, treatment, and recovery services, offered by qualified professionals and service providers, including but not limited to faith-based organizations or peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.

6. Treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach

[2] As used in this Schedule B, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs. Priorities will be established by the Opioid Abatement Foundation.

specialists, including telementoring to assist community-based providers in rural or underserved areas.

9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.

10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.

    Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SLTD or mental health conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.

11. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

12. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

13. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

## B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.

2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, case management, and connections to community-based services.

3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved mediation with other support services.

5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.

6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.

7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.

8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.

9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.

10. Engage and support non-profits, faith-based communities, and community coalitions to support, house, and train people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.

11. Training and development of procedures for government staff to appropriately interact with and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.

12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions.

14. Create and/or support recovery high schools.

15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

## C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have - or are at risk of developing - OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OLTI treatment.

2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.

5. Expand services such as on-call teams to begin MAT in hospital emergency departments.

6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.

7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.

8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.

9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.

11. Expand warm hand-off services to transition to recovery services.

12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.

13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.

15. Engage and support non-profits and the faith-based community as a system to support outreach for treatment.

16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

## D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:

    a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);

    b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;

    c. "Naloxone Plus" strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;

    d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;

    e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or

f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.

3. Support treatment and recovery courts that provide evidence-based options for persons with OLTD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.

5. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison, have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.

7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, case management, or other services offered in connection with any of the strategies described in this section.

## E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women — or women who could become pregnant — who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.

2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.

3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.

4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.

6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.

7. Enhanced family supports and childcare services for parents with OUD and any co-occurring SUD/MH conditions.

8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.

10. Support for Children's Services — Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

## F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain

from the U.S. Centers for Disease Control and Prevention, or other recognized Best Practice guidelines, including providers at hospitals (academic detailing).

2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.

3. Continuing Medical Education (CME) on appropriate prescribing of opioids.

4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.

5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:

   a. Increase the number of prescribers using PDMPs;

   b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

   c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.

6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.

7. Increase electronic prescribing to prevent diversion or forgery.

8. Educate Dispensers on appropriate opioid dispensing.

## G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund media campaigns to prevent opioid misuse.

2. Corrective advertising or affirmative public education campaigns based on evidence.

3. Public education relating to drug disposal.

4. Drug take-back disposal or destruction programs.

5. Fund community anti-drug coalitions that engage in drug prevention efforts.

6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction — including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

7. Engage and support non-profits and faith-based communities as systems to support prevention.

8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.

11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

## H. PREVENT OVERDOSE DEATHS AND OTHER OPIOID-RELATED INJURIES

Support efforts to prevent or reduce overdose deaths or other opioid-related injuries through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, and community outreach workers, persons being released from jail or prison, or other members of the general public.

2. Public health entities providing free naloxone to anyone in the community.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.

4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.

5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.

6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.

8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.

9. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.

10. Support mobile units that offer or provide referrals to treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.

11. Support screening for fentanyl in routine clinical toxicology testing.

## PART THREE: OTHER STRATEGIES

### I. FIRST RESPONDERS

In addition to items in Section C, D and H relating to first responders, support the following:

1. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

### J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing negative outcomes related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.

3. Invest in infrastructure or staffing at government, law enforcement, or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of reducing the oversupply of opioids, preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

## K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, law enforcement, community, and not-for-profit entities to abate the opioid crisis.

2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

## L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.

2. Research non-opioid treatment of chronic pain.

3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel prevention efforts such as the provision of fentanyl test strips.

5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.

6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).

7. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.

8. Qualitative and quantitative research regarding public health risks within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.

9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

## M. LAW ENFORCEMENT

Ensure appropriate resources for law enforcement to engage in enforcement and possess adequate equipment, tools, and manpower to address complexity of the opioid problem.

PATRICK MORRISEY
ATTORNEY GENERAL

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**STATE OF WEST VIRGINIA**
**OFFICE OF THE ATTORNEY GENERAL**

Consumer Protection
and Antitrust Division
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Consumer Hotline
1-800-368-8808

Preneed Funeral Services
(304) 558-8986

Senior Protection Hotline
(304) 558-1155

Facsimile (304) 558-0184

June 12, 2023

Dear Local Government:

I write to you today to make you aware of an important component of the State's settlement with opioid manufacturer Teva. The settlement with Teva included both a monetary and a product component. The product, naloxone, known widely under the brand name Narcan, is a nasal spray opioid overdose reversal drug that can and does save lives.

Naloxone is an opioid receptor antagonist, meaning it binds to opioid receptors in the brain and reverses or blocks the effects of opioids for a short period of time. Once administered, this medicine can help restore breathing and consciousness in an individual who has overdosed and give first responders time to get the individual into emergency care.

Persons who can dispense naloxone include registered pharmacists and prescribers within the scope of practice. Thanks to a statewide standing order issued by West Virginia's DHHR, organizations like local governments can also distribute naloxone. For local governments, the most common method of distribution is through an agent of the local government, such as local health departments or law enforcement agencies.

The Teva settlement provides that the State can receive up to 25,000 two-dose naloxone kits per year for ten years at no cost. These kits will soon be made available to communities across the state. It is anticipated that the naloxone distribution program will be administered by the West Virginia First Foundation once the Foundation is operational. In the interim, however, West Virginia communities can access this life saving drug now through a partnership my office formed with the University of Charleston School of Pharmacy ("UC").

Upon request, UC will distribute naloxone kits to local governments and other permitted organizations, subject to important training, documentation and distribution requirements. An online portal for placing orders is in development. For the time being, local governments can place orders for naloxone kits by sending an email to naloxone@ucwv.edu. Importantly, agreements for the handling and distribution of naloxone must be completed before a first-time request can be honored. Mandatory education and training is required for all individuals who will distribute or administer naloxone. UC will work with local governments to facilitate the required training.

Specific questions about the process to obtain naloxone kits through the UC partnership should be directed to Lindsay Acree, Pharmacist-in-Charge, University of Charleston School of Pharmacy via phone at 304-357-4379 or via email at lindsayacree@ucwv.edu. Any additional questions should be directed to Ann Haight, Abby Cunningham, or Vaughn Sizemore in our Consumer Protection Division, 304-558-8986.

Having these kits available for use will provide life-saving treatment for an individual suffering from substance abuse addiction and this intervention may allow the individual to seek treatment and recovery. I am glad we can provide this product through the settlement we reached with Teva.

Sincerely,

Patrick Morrisey

PATRICK MORRISEY
ATTORNEY GENERAL

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Facsimile (304) 558-0184

August 21, 2024

City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

RE: Projected Future Payments from Opioid Settlements
Paid into the WV First Qualified Settlement Funds

Dear Mayor:

Settling opioid defendants committed to make payments totaling millions of dollars into the West Virginia First Qualified Settlement Fund ("QSF") over a number of years. Although not finalized, it is anticipated that the West Virginia Mass Litigation Panel will issue an order in the coming months authorizing annual distributions to local governments in their proportionate shares of the Local Government portion (24.5%) of opioid settlement payments received each year. While it is important to think about approved uses for opioid dollars local governments received in December 2023, local governments should also consider how future opioid payments will be used. To that end, with the assistance of the QSF administrator, we provide you with the attached projected estimated payments for each eligible local government for the years 2024 through 2028. These estimates will assist local governments with planning how to combat the opioid epidemic in their own communities in the years to come.

Below is a chart summarizing settlement payments expected to be received into the QSF each year:

| | 2024 | 2025 | 2026 | 2027 | 2028 | Total |
|---|---|---|---|---|---|---|
| Distributors | $ 37,000,000.00 | $ 37,000,000.00 | $ 37,000,000.00 | $ 37,000,000.00 | $ 37,000,000.00 | $ 185,000,000.00 |
| Allergan | $ 8,533,333.33 | $ 8,533,333.33 | $ 8,533,333.33 | $ 8,533,333.33 | | $ 34,133,333.32 |
| CVS | $ 6,465,317.68 | $ 3,000,000.00 | $ 3,000,000.00 | $ 3,000,000.00 | $ 3,000,000.00 | $ 18,465,317.68 |
| Teva | $ 2,525,182.00 | $ 2,525,182.00 | $ 2,525,182.00 | $ 2,525,182.00 | $ 2,525,182.00 | $ 12,625,910.00 |
| Kroger | $ 12,000,000.00 | $ 12,000,000.00 | $ 1,000,000.00 | $ 1,000,000.00 | $ 1,000,000.00 | $ 27,000,000.00 |
| Walgreens | $ 11,066,666.67 | $ 11,066,666.67 | $ 9,960,000.00 | $ 9,960,000.00 | $ 9,960,000.00 | $ 52,013,333.34 |
| Walmart | $ 4,148,212.50 | | | | | $ 4,148,212.50 |
| Amneal | $ 350,000.00 | $ 175,000.00 | | | | $ 525,000.00 |
| Total | $ 82,088,712.18 | $ 74,300,182.00 | $ 62,018,515.33 | $ 62,018,515.33 | $ 53,485,182.00 | $ 333,911,106.84 |

The Distributor expected payment figures in the chart above reflect an annual assessment payable to the federal Multi District Litigation 2804 matter, pursuant to orders of the court.

Importantly, this chart does not reflect expected payments from Purdue Pharma, L.P., or Endo Solutions, Inc. We are unable to calculate future payments for those cases at this time due to ongoing bankruptcy proceedings. This chart, and the projections based on this chart, also do not contemplate unknowns, such as the potential amount of interest earned on deposited funds before being disbursed each year, or new settlements with other opioid defendants.

To determine how much will be distributed to each local government each year, the QSF Administrator must first apply deductions ordered by the court to the gross annual payments received, including Attorney's Fees and costs. In its Order adopting the recommendations on Attorney's Fees and Costs, the court held that Attorneys' Fees totaling $128,057,900.00 and costs totaling $13,000,000.00 be deducted from the gross recovery of opioid settlements. The court ordered that all costs be deducted from gross settlement dollars in 2023, 50% of attorneys' fees be paid in 2023, 25% of attorneys' fees in 2024, and the remaining 25% of attorneys' fees in 2025.

Once deductions for attorneys' fees are made, the QSF Administrator must calculate the total Local Government share (24.5%) of the remainder. This calculation is performed by applying the relative allocation share percentages found in Exhibit C to the West Virginia First Memorandum of Understanding ("MOU") to the amount of funds available for disbursement. Projections for the years 2024-2028 for each local government are attached hereto for your reference.

Very truly yours,

Patrick Morrisey
Attorney General

| County | Government Name | Allocation Share (%) - Distributor Settlement | Allocation Share (%) - All Other Settlements | 2024 Projected Disbursement Total | 2025 Projected Disbursement Total | 2026 Projected Disbursement Total | 2027 Projected Disbursement Total | 2028 Projected Disbursement Total | Total 2024-2028 |
|---|---|---|---|---|---|---|---|---|---|
| WEBSTER | ADDISON TOWN | 0.01914427% | 0.01737897% | $2,019.61 | $1,612.89 | $2,519.26 | $2,519.26 | $2,437.34 | $11,108.37 |
| PRESTON | ALBRIGHT TOWN | 0.00011050% | 0.00010082% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| GREENBRIER/MONROE | ALDERSON TOWN | 0.00373212% | 0.00340515% | $394.87 | $315.29 | $492.17 | $492.17 | $475.85 | $2,170.36 |
| MCDOWELL | ANAWALT TOWN | 0.00082059% | 0.00074870% | $86.82 | $69.32 | $108.22 | $108.22 | $104.63 | $477.20 |
| HARRISON | ANMOORE TOWN | 0.00827993% | 0.00755454% | $876.03 | $699.50 | $1,091.92 | $1,091.92 | $1,055.69 | $4,815.07 |
| FAYETTE | ANSTED TOWN | 0.00244417% | 0.00223004% | $258.60 | $206.49 | $322.33 | $322.33 | $311.63 | $1,421.37 |
| MERCER | ATHENS TOWN | 0.00033928% | 0.00030956% | $35.90 | $28.66 | $44.74 | $44.74 | $43.26 | $197.30 |
| RITCHIE | AUBURN TOWN | 0.00007503% | 0.00006845% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| PUTNAM | BANCROFT TOWN | 0.00015976% | 0.00014576% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| BARBOUR | BARBOUR COUNTY | 0.39001856% | 0.35405479% | $41,144.79 | $32,858.81 | $51,323.83 | $51,323.83 | $49,654.99 | $226,306.24 |
| CABELL | BARBOURSVILLE VILLAGE | 0.43720544% | 0.39689055% | $46,122.74 | $36,834.27 | $57,533.30 | $57,533.30 | $55,662.57 | $253,686.19 |
| MARION | BARRACKVILLE TOWN | 0.00161302% | 0.00147171% | $170.66 | $136.27 | $212.72 | $212.72 | $205.66 | $938.03 |
| MORGAN | BATH (BERKELEY SPRINGS) TOWN | 0.00679497% | 0.00619968% | $718.92 | $574.05 | $896.09 | $896.09 | $866.36 | $3,951.51 |
| GRANT | BAYARD TOWN | 0.00001985% | 0.00001811% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| RALEIGH | BECKLEY CITY | 3.72592806% | 3.38235871% | $393,064.69 | $313,906.98 | $490,307.14 | $490,307.14 | $474,364.44 | $2,161,950.39 |
| BROOKE | BEECH BOTTOM VILLAGE | 0.00027825% | 0.00025387% | $29.44 | $23.51 | $36.69 | $36.69 | $35.48 | $161.81 |
| BARBOUR | BELINGTON TOWN | 0.03550747% | 0.03223331% | $3,745.84 | $2,991.48 | $4,672.54 | $4,672.54 | $4,520.61 | $20,603.03 |
| KANAWHA | BELLE TOWN | 0.04107349% | 0.03728609% | $4,333.03 | $3,460.41 | $5,405.00 | $5,405.00 | $5,229.25 | $23,832.68 |
| PLEASANTS | BELMONT CITY | 0.00019854% | 0.00018114% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MARSHALL | BENWOOD CITY | 0.00763689% | 0.00696783% | $808.00 | $645.18 | $1,007.12 | $1,007.12 | $973.71 | $4,441.12 |
| BERKELEY | BERKELEY COUNTY | 5.33868040% | 4.84639849% | $563,207.29 | $449,785.25 | $702,542.25 | $702,542.25 | $679,698.56 | $3,097,775.60 |
| BROOKE | BETHANY TOWN | 0.00049467% | 0.00045133% | $52.34 | $41.79 | $65.23 | $65.23 | $63.07 | $287.67 |
| OHIO | BETHLEHEM VILLAGE | 0.00199334% | 0.00181871% | $210.90 | $168.40 | $262.87 | $262.87 | $254.15 | $1,159.20 |
| RANDOLPH | BEVERLY TOWN | 0.00082521% | 0.00075291% | $87.31 | $69.71 | $108.82 | $108.82 | $105.21 | $479.89 |
| MONONGALIA | BLACKSVILLE TOWN | 0.00025305% | 0.00023088% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MERCER | BLUEFIELD CITY | 1.37778463% | 1.25073876% | $145,348.63 | $116,077.46 | $181,307.23 | $181,307.23 | $175,411.88 | $799,452.43 |
| JEFFERSON | BOLIVAR TOWN | 0.00584551% | 0.00533340% | $618.47 | $493.84 | $770.88 | $770.88 | $745.30 | $3,399.37 |
| BOONE | BOONE COUNTY | 3.17439897% | 2.88168634% | $334,881.44 | $267,441.02 | $417,729.61 | $417,729.61 | $404,146.82 | $1,841,928.50 |
| MCDOWELL | BRADSHAW TOWN | 0.00120245% | 0.00109711% | $127.22 | $101.59 | $158.57 | $158.57 | $153.31 | $699.27 |
| MERCER | BRAMWELL TOWN | 0.00027759% | 0.00025327% | $29.37 | $23.45 | $36.61 | $36.61 | $35.39 | $161.43 |
| PRESTON | BRANDONVILLE TOWN | 0.00006630% | 0.00006049% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| BRAXTON | BRAXTON COUNTY | 0.52441352% | 0.47605714% | $55,322.71 | $44,181.49 | $69,009.30 | $69,009.30 | $66,765.41 | $304,288.22 |
| HARRISON | BRIDGEPORT CITY | 0.07606544% | 0.06940147% | $8,047.88 | $6,426.12 | $10,031.16 | $10,031.16 | $9,698.37 | $44,234.68 |
| BROOKE | BROOKE COUNTY | 1.09236818% | 0.99164046% | $115,246.95 | $92,037.83 | $143,758.52 | $143,758.52 | $139,084.10 | $633,885.91 |
| PRESTON | BRUCETON MILLS TOWN | 0.00016700% | 0.00015236% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| UPSHUR | BUCKHANNON CITY | 0.16665260% | 0.15128550% | $17,580.92 | $14,040.37 | $21,930.36 | $21,930.36 | $21,217.28 | $96,699.31 |
| PUTNAM | BUFFALO TOWN | 0.00085871% | 0.00078348% | $90.85 | $72.54 | $113.24 | $113.24 | $109.49 | $499.37 |
| BRAXTON | BURNSVILLE TOWN | 0.00286236% | 0.00261159% | $302.84 | $241.82 | $377.47 | $377.47 | $364.95 | $1,664.56 |
| CABELL | CABELL COUNTY | 0.00000000% | 4.60913760% | $308,029.66 | $232,462.36 | $282,518.76 | $282,518.76 | $186,157.06 | $1,291,686.60 |
| RITCHIE | CAIRO TOWN | 0.00021774% | 0.00019866% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| CALHOUN | CALHOUN COUNTY | 0.17667874% | 0.16038712% | $18,638.62 | $14,885.07 | $23,249.74 | $23,249.74 | $22,493.75 | $102,516.92 |
| WEBSTER | CAMDEN-ON-GAULEY TOWN | 0.00026399% | 0.00024087% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MARSHALL | CAMERON CITY | 0.00210878% | 0.00192404% | $223.11 | $178.15 | $278.10 | $278.10 | $268.87 | $1,226.33 |
| HAMPSHIRE | CAPON BRIDGE TOWN | 0.00238474% | 0.00217582% | $252.31 | $201.47 | $314.49 | $314.49 | $304.06 | $1,386.81 |
| MINERAL | CARPENDALE TOWN | 0.00024397% | 0.00022259% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| KANAWHA | CEDAR GROVE TOWN | 0.00076853% | 0.00070120% | $81.31 | $64.93 | $101.35 | $101.35 | $97.99 | $446.93 |
| WAYNE | CEREDO CITY | 0.16782452% | 0.15234936% | $17,704.55 | $14,139.11 | $22,084.58 | $22,084.58 | $21,366.48 | $97,379.31 |
| LOGAN | CHAPMANVILLE TOWN | 0.15921481% | 0.14453354% | $16,796.28 | $13,413.74 | $20,951.60 | $20,951.60 | $20,270.34 | $92,383.56 |
| JEFFERSON | CHARLES TOWN CITY | 0.29244564% | 0.26547911% | $30,851.39 | $24,638.35 | $38,483.88 | $38,483.88 | $37,232.55 | $169,690.06 |
| KANAWHA | CHARLESTON CITY | 6.03917724% | 5.48230223% | $637,099.62 | $508,796.70 | $794,715.21 | $794,715.21 | $768,874.45 | $3,504,201.20 |
| KANAWHA | CHESAPEAKE TOWN | 0.01799687% | 0.01633737% | $1,898.57 | $1,516.22 | $2,368.27 | $2,368.27 | $2,291.26 | $10,442.59 |
| HANCOCK | CHESTER CITY | 0.00765068% | 0.00698042% | $809.46 | $646.34 | $1,008.94 | $1,008.94 | $975.46 | $4,449.14 |
| HARRISON | CLARKSBURG CITY | 1.13651865% | 1.03171980% | $119,896.40 | $95,750.95 | $149,558.23 | $149,558.23 | $144,695.23 | $659,459.04 |

| County | Government Name | Allocation Share (%) - Distributor Settlement | Allocation Share (%) - All Other Settlements | 2024 Projected Disbursement Total | 2025 Projected Disbursement Total | 2026 Projected Disbursement Total | 2027 Projected Disbursement Total | 2028 Projected Disbursement Total | Total 2024-2028 |
|---|---|---|---|---|---|---|---|---|---|
| CLAY | CLAY COUNTY | 0.33729927% | 0.30619676% | $35,588.52 | $28,421.49 | $44,392.95 | $44,392.95 | $42,949.48 | $195,745.38 |
| CLAY | CLAY TOWN | 0.00005027% | 0.00004586% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| OHIO | CLEARVIEW VILLAGE | 0.00012944% | 0.00011810% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| KANAWHA | CLENDENIN TOWN | 0.02568908% | 0.02332028% | $2,710.05 | $2,164.29 | $3,380.51 | $3,380.51 | $3,270.59 | $14,905.95 |
| WEBSTER | COWEN TOWN | 0.00116912% | 0.00106670% | $123.70 | $98.77 | $154.18 | $154.18 | $149.06 | $679.88 |
| BOONE | DANVILLE TOWN | 0.00116707% | 0.00106483% | $123.48 | $98.60 | $153.91 | $153.91 | $148.80 | $678.69 |
| TUCKER | DAVIS TOWN | 0.00019808% | 0.00018073% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MCDOWELL | DAVY TOWN | 0.00055113% | 0.00050285% | $58.31 | $46.56 | $72.68 | $72.68 | $70.27 | $320.50 |
| MINGO | DELBARTON TOWN | 0.05166090% | 0.04689723% | $5,449.94 | $4,352.40 | $6,798.23 | $6,798.23 | $6,577.18 | $29,975.97 |
| DODDRIDGE | DODDRIDGE COUNTY | 0.23122022% | 0.20989931% | $24,392.45 | $19,480.15 | $30,427.03 | $30,427.03 | $29,437.67 | $134,164.33 |
| KANAWHA | DUNBAR CITY | 0.29172340% | 0.26482346% | $30,775.20 | $24,577.50 | $38,388.84 | $38,388.84 | $37,140.60 | $169,270.99 |
| POCAHONTAS | DURBIN TOWN | 0.00013785% | 0.00012577% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| KANAWHA | EAST BANK TOWN | 0.00082343% | 0.00075129% | $87.12 | $69.56 | $108.59 | $108.59 | $104.99 | $478.85 |
| PUTNAM | ELEANOR TOWN | 0.01439028% | 0.01306334% | $1,518.09 | $1,212.37 | $1,893.66 | $1,893.66 | $1,832.09 | $8,349.88 |
| WIRT | ELIZABETH TOWN | 0.00478812% | 0.00434660% | $505.12 | $403.40 | $630.08 | $630.08 | $609.60 | $2,778.28 |
| MINERAL | ELK GARDEN TOWN | 0.00069124% | 0.00063068% | $73.13 | $58.40 | $91.16 | $91.16 | $88.13 | $401.98 |
| RANDOLPH | ELKINS CITY | 0.03205889% | 0.02925026% | $3,391.89 | $2,708.38 | $4,227.78 | $4,227.78 | $4,087.52 | $18,643.35 |
| RITCHIE | ELLENBORO TOWN | 0.00028217% | 0.00025745% | $29.85 | $23.84 | $37.21 | $37.21 | $35.98 | $164.09 |
| MARION | FAIRMONT CITY | 0.68522620% | 0.62204121% | $72,287.55 | $57,729.85 | $90,171.17 | $90,171.17 | $87,239.19 | $397,598.94 |
| MARION | FAIRVIEW TOWN | 0.00074447% | 0.00067925% | $78.77 | $62.89 | $98.18 | $98.18 | $94.92 | $432.94 |
| GREENBRIER | FALLING SPRING TOWN | 0.00002096% | 0.00001912% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MARION | FARMINGTON TOWN | 0.00021093% | 0.00019245% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| FAYETTE | FAYETTE COUNTY | 1.64113821% | 1.48980818% | $173,133.53 | $138,266.87 | $215,965.99 | $215,965.99 | $208,943.69 | $952,276.08 |
| FAYETTE | FAYETTEVILLE TOWN | 0.18275178% | 0.16590016% | $19,279.30 | $15,396.72 | $24,048.91 | $24,048.91 | $23,266.94 | $106,040.77 |
| BRAXTON | FLATWOODS TOWN | 0.00066258% | 0.00060453% | $70.10 | $55.98 | $87.38 | $87.38 | $84.48 | $385.31 |
| TAYLOR | FLEMINGTON TOWN | 0.00004908% | 0.00004478% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| BROOKE | FOLLANSBEE CITY | 0.01232029% | 0.01124093% | $1,303.51 | $1,040.84 | $1,624.74 | $1,624.74 | $1,570.84 | $7,164.67 |
| WAYNE | FORT GAY TOWN | 0.03237179% | 0.02938677% | $3,415.04 | $2,727.30 | $4,259.91 | $4,259.91 | $4,121.40 | $18,783.56 |
| PENDLETON | FRANKLIN TOWN | 0.00141598% | 0.00129193% | $149.81 | $119.62 | $186.73 | $186.73 | $180.54 | $823.44 |
| TYLER | FRIENDLY TOWN | 0.00004411% | 0.00004025% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MCDOWELL | GARY CITY | 0.00124005% | 0.00113141% | $131.20 | $104.76 | $163.53 | $163.53 | $158.11 | $721.13 |
| BRAXTON | GASSAWAY TOWN | 0.00238530% | 0.00217633% | $252.37 | $201.51 | $314.56 | $314.56 | $304.13 | $1,387.13 |
| FAYETTE | GAULEY BRIDGE TOWN | 0.05305697% | 0.04816456% | $5,597.22 | $4,470.01 | $6,981.94 | $6,981.94 | $6,754.92 | $30,786.03 |
| MINGO | GILBERT TOWN | 0.07284187% | 0.06612509% | $7,684.41 | $6,136.88 | $9,585.50 | $9,585.50 | $9,273.82 | $42,266.11 |
| GILMER | GILMER COUNTY | 0.19187500% | 0.17418213% | $20,241.75 | $16,165.34 | $25,249.46 | $25,249.46 | $24,428.46 | $111,334.47 |
| KANAWHA | GLASGOW TOWN | 0.00164686% | 0.00150258% | $174.24 | $139.13 | $217.18 | $217.18 | $209.98 | $957.71 |
| MARSHALL | GLEN DALE CITY | 0.00498006% | 0.00454377% | $526.90 | $420.72 | $656.75 | $656.75 | $634.96 | $2,896.08 |
| GILMER | GLENVILLE TOWN | 0.01685545% | 0.01530120% | $1,778.16 | $1,420.06 | $2,218.06 | $2,218.06 | $2,145.94 | $9,780.28 |
| TAYLOR | GRAFTON CITY | 0.46397156% | 0.42118855% | $26,748.35 | $21,361.61 | $33,365.77 | $33,365.77 | $32,280.86 | $147,122.36 |
| GRANT | GRANT COUNTY | 0.33939405% | 0.30809839% | $35,806.29 | $28,595.40 | $44,664.60 | $44,664.60 | $43,212.29 | $196,943.18 |
| MARION | GRANT TOWN TOWN | 0.01089119% | 0.00988691% | $1,148.96 | $917.58 | $1,433.21 | $1,433.21 | $1,386.61 | $6,319.55 |
| CALHOUN | GRANTSVILLE TOWN | 0.00118687% | 0.00108289% | $125.57 | $100.27 | $156.52 | $156.52 | $151.33 | $690.20 |
| MONONGALIA | GRANVILLE TOWN | 0.16493804% | 0.14972903% | $17,400.05 | $13,895.92 | $21,704.74 | $21,704.74 | $20,998.99 | $95,704.44 |
| GREENBRIER | GREENBRIER COUNTY | 1.43857566% | 1.30592401% | $151,763.95 | $121,200.82 | $189,309.67 | $189,309.67 | $183,154.12 | $834,738.24 |
| TUCKER | HAMBLETON TOWN | 0.00006804% | 0.00006208% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| LINCOLN | HAMLIN TOWN | 0.07029615% | 0.06381411% | $7,415.85 | $5,922.40 | $9,250.50 | $9,250.50 | $8,949.71 | $40,788.97 |
| HAMPSHIRE | HAMPSHIRE COUNTY | 0.08686424% | 0.07925421% | $9,190.41 | $7,338.42 | $11,455.25 | $11,455.25 | $11,075.22 | $50,514.55 |
| HANCOCK | HANCOCK COUNTY | 1.61062722% | 1.46211062% | $169,912.22 | $135,694.28 | $211,947.74 | $211,947.74 | $205,056.10 | $934,558.07 |
| KANAWHA | HANDLEY TOWN | 0.00067247% | 0.00061355% | $71.15 | $56.81 | $88.68 | $88.68 | $85.74 | $391.06 |
| HARDY | HARDY COUNTY | 0.28147499% | 0.25552007% | $29,694.05 | $23,714.08 | $37,040.22 | $37,040.22 | $35,835.83 | $163,324.40 |
| RANDOLPH | HARMAN TOWN | 0.00017258% | 0.00015746% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| JEFFERSON | HARPERS FERRY TOWN | 0.00946194% | 0.00863299% | $1,001.09 | $799.36 | $1,247.80 | $1,247.80 | $1,206.40 | $5,502.44 |
| HARRISON | HARRISON COUNTY | 1.32509064% | 1.20290349% | $139,795.15 | $111,642.37 | $174,379.84 | $174,379.84 | $168,709.74 | $768,906.92 |

| County | Government Name | Allocation Share (%) - Distributor Settlement | Allocation Share (%) - All Other Settlements | 2024 Projected Disbursement Total | 2025 Projected Disbursement Total | 2026 Projected Disbursement Total | 2027 Projected Disbursement Total | 2028 Projected Disbursement Total | Total 2024-2028 |
|---|---|---|---|---|---|---|---|---|---|
| RITCHIE | HARRISVILLE TOWN | 0.00452443% | 0.00410723% | $477.30 | $381.18 | $595.38 | $595.38 | $576.02 | $2,625.28 |
| MASON | HARTFORD CITY TOWN | 0.00013847% | 0.00012634% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| BERKELEY | HEDGESVILLE TOWN | 0.00005857% | 0.00005343% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MASON | HENDERSON TOWN | 0.00000000% | 0.00000000% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| TUCKER | HENDRICKS TOWN | 0.00008014% | 0.00007312% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| POCAHONTAS | HILLSBORO TOWN | 0.00011864% | 0.00010824% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| SUMMERS | HINTON CITY | 0.41056843% | 0.37270974% | $43,312.69 | $34,590.12 | $54,028.05 | $54,028.05 | $52,271.29 | $238,230.19 |
| WETZEL | HUNDRED TOWN | 0.00008137% | 0.00007424% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| CABELL/WAYNE | HUNTINGTON CITY | 0.00000000% | 4.60913760% | $308,029.66 | $232,462.36 | $282,518.76 | $282,518.76 | $186,157.06 | $1,291,686.60 |
| PUTNAM | HURRICANE CITY | 0.21403788% | 0.19430136% | $22,579.81 | $18,032.55 | $28,165.95 | $28,165.95 | $27,250.11 | $124,194.37 |
| RANDOLPH | HUTTONSVILLE TOWN | 0.00003664% | 0.00003343% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MCDOWELL | IAEGER TOWN | 0.00057082% | 0.00052081% | $60.39 | $48.22 | $75.28 | $75.28 | $72.78 | $331.95 |
| JACKSON | JACKSON COUNTY | 0.83187176% | 0.75516452% | $87,757.84 | $70,084.65 | $109,468.74 | $109,468.74 | $105,909.28 | $482,689.26 |
| LEWIS | JANE LEW TOWN | 0.00097354% | 0.00088825% | $103.00 | $82.25 | $128.39 | $128.39 | $124.13 | $566.15 |
| JEFFERSON | JEFFERSON COUNTY | 1.74956348% | 1.58823551% | $184,569.22 | $147,399.57 | $230,230.82 | $230,230.82 | $222,744.69 | $1,015,175.11 |
| BARBOUR | JUNIOR TOWN | 0.00356953% | 0.00324039% | $376.57 | $300.73 | $469.73 | $469.73 | $454.45 | $2,071.20 |
| KANAWHA | KANAWHA COUNTY | 4.28420266% | 3.88915458% | $451,959.56 | $360,941.25 | $563,772.33 | $563,772.33 | $545,440.85 | $2,485,886.32 |
| WAYNE | KENOVA CITY | 0.20639102% | 0.18735962% | $21,773.11 | $17,388.31 | $27,159.67 | $27,159.67 | $26,276.56 | $119,757.32 |
| MINGO | KERMIT TOWN | 0.02944671% | 0.02673142% | $3,106.46 | $2,480.87 | $3,874.99 | $3,874.99 | $3,748.99 | $17,086.30 |
| MINERAL | KEYSER CITY | 0.00784762% | 0.00716010% | $830.29 | $662.98 | $1,034.91 | $1,034.91 | $1,000.57 | $4,563.66 |
| MCDOWELL | KEYSTONE CITY | 0.00179119% | 0.00163426% | $189.51 | $151.32 | $236.21 | $236.21 | $228.38 | $1,041.64 |
| MCDOWELL | KIMBALL TOWN | 0.00204707% | 0.00186773% | $216.58 | $172.94 | $269.96 | $269.96 | $261.00 | $1,190.44 |
| PRESTON | KINGWOOD CITY | 0.00461892% | 0.00421426% | $488.69 | $390.21 | $609.12 | $609.12 | $588.91 | $2,686.06 |
| MASON | LEON TOWN | 0.00001539% | 0.00001404% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| RALEIGH | LESTER TOWN | 0.03097989% | 0.02812323% | $3,268.21 | $2,610.04 | $4,076.75 | $4,076.75 | $3,944.19 | $17,975.92 |
| LEWIS | LEWIS COUNTY | 0.40530030% | 0.36792739% | $42,756.93 | $34,146.28 | $53,334.80 | $53,334.80 | $51,600.58 | $235,173.39 |
| GREENBRIER | LEWISBURG CITY | 0.39167383% | 0.35555743% | $41,319.41 | $32,998.26 | $51,541.65 | $51,541.65 | $49,865.73 | $227,266.71 |
| LINCOLN | LINCOLN COUNTY | 1.38180674% | 1.25438978% | $145,772.93 | $116,416.31 | $181,836.50 | $181,836.50 | $175,923.95 | $801,786.18 |
| LOGAN | LOGAN CITY | 0.44287791% | 0.40203995% | $46,721.16 | $37,312.17 | $58,279.76 | $58,279.76 | $56,384.75 | $256,977.60 |
| LOGAN | LOGAN COUNTY | 3.73147354% | 3.38739284% | $393,649.71 | $314,374.18 | $491,036.89 | $491,036.89 | $475,070.46 | $2,165,168.12 |
| HARRISON | LOST CREEK TOWN | 0.00005153% | 0.00004702% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| HARRISON | LUMBERPORT TOWN | 0.00269699% | 0.00246071% | $285.35 | $227.85 | $355.67 | $355.67 | $343.87 | $1,568.39 |
| RALEIGH | MABSCOTT TOWN | 0.05123598% | 0.04651149% | $5,405.11 | $4,316.60 | $6,742.31 | $6,742.31 | $6,523.08 | $29,729.41 |
| BOONE | MADISON CITY | 0.05783955% | 0.05250614% | $6,101.75 | $4,872.94 | $7,611.30 | $7,611.30 | $7,363.81 | $33,561.10 |
| LOGAN | MAN TOWN | 0.00250296% | 0.00228368% | $264.82 | $211.45 | $330.08 | $330.08 | $319.13 | $1,455.56 |
| MARION | MANNINGTON CITY | 0.00301511% | 0.00275096% | $319.00 | $254.72 | $397.62 | $397.62 | $384.43 | $1,753.39 |
| MARION | MARION COUNTY | 1.05395190% | 0.95676656% | $111,208.38 | $88,812.57 | $138,720.82 | $138,720.82 | $134,210.19 | $611,672.78 |
| POCAHONTAS | MARLINTON TOWN | 0.00088490% | 0.00080738% | $93.62 | $74.76 | $116.70 | $116.70 | $112.83 | $514.60 |
| KANAWHA | MARMET CITY | 0.00607965% | 0.00554703% | $643.24 | $513.62 | $801.76 | $801.76 | $775.16 | $3,535.53 |
| MARSHALL | MARSHALL COUNTY | 0.86484013% | 0.78509287% | $91,235.82 | $72,862.21 | $113,807.16 | $113,807.16 | $110,106.63 | $501,818.99 |
| BERKELEY | MARTINSBURG CITY | 1.77956013% | 1.61546616% | $187,733.70 | $149,926.77 | $234,178.18 | $234,178.18 | $226,563.70 | $1,032,580.52 |
| MASON | MASON COUNTY | 1.34980841% | 1.22534315% | $142,413.64 | $113,733.52 | $177,646.09 | $177,646.09 | $171,869.76 | $783,309.10 |
| MASON | MASON TOWN | 0.00280027% | 0.00255494% | $296.27 | $236.57 | $369.29 | $369.29 | $357.04 | $1,628.45 |
| PRESTON | MASONTOWN TOWN | 0.00079560% | 0.00072590% | $84.18 | $67.21 | $104.92 | $104.92 | $101.44 | $462.67 |
| MINGO | MATEWAN TOWN | 0.07180865% | 0.06518714% | $7,575.41 | $6,049.83 | $9,449.54 | $9,449.54 | $9,142.28 | $41,666.60 |
| MERCER | MATOAKA TOWN | 0.00000000% | 0.00000000% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| MCDOWELL | MCDOWELL COUNTY | 3.20359798% | 2.90819290% | $337,961.77 | $269,901.02 | $421,572.00 | $421,572.00 | $407,864.28 | $1,858,871.07 |
| MARSHALL | MCMECHEN CITY | 0.00788708% | 0.00719611% | $834.47 | $666.31 | $1,040.11 | $1,040.11 | $1,005.61 | $4,586.61 |
| FAYETTE | MEADOW BRIDGE TOWN | 0.00049312% | 0.00044992% | $52.17 | $41.66 | $65.03 | $65.03 | $62.87 | $286.77 |
| MERCER | MERCER COUNTY | 2.93521297% | 2.66455624% | $309,656.90 | $247,296.34 | $386,264.61 | $386,264.61 | $373,704.91 | $1,703,187.36 |
| TYLER | MIDDLEBOURNE TOWN | 0.00026913% | 0.00024556% | $28.47 | $22.74 | $35.49 | $35.49 | $34.31 | $156.51 |
| RANDOLPH | MILL CREEK TOWN | 0.00003664% | 0.00003343% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| CABELL | MILTON TOWN | 0.14847231% | 0.13478161% | $15,663.00 | $12,508.69 | $19,537.96 | $19,537.96 | $18,902.67 | $86,150.28 |

| County | Government Name | Allocation Share (%) - Distributor Settlement | Allocation Share (%) - All Other Settlements | 2024 Projected Disbursement Total | 2025 Projected Disbursement Total | 2026 Projected Disbursement Total | 2027 Projected Disbursement Total | 2028 Projected Disbursement Total | Total 2024-2028 |
|---|---|---|---|---|---|---|---|---|---|
| MINERAL | MINERAL COUNTY | 0.85257030% | 0.77395444% | $89,967.24 | $71,849.10 | $112,224.71 | $112,224.71 | $108,575.61 | $494,841.36 |
| MINGO | MINGO COUNTY | 2.94518785% | 2.67361087% | $310,700.94 | $248,130.13 | $387,566.96 | $387,566.96 | $374,964.93 | $1,708,929.94 |
| LOGAN | MITCHELL HEIGHTS TOWN | 0.00104601% | 0.00095437% | $110.67 | $88.37 | $137.94 | $137.94 | $133.37 | $608.29 |
| MARION | MONONGAH TOWN | 0.00282899% | 0.00258115% | $299.31 | $239.00 | $373.07 | $373.07 | $360.70 | $1,645.16 |
| MONONGALIA | MONONGALIA COUNTY | 1.49868948% | 1.36049471% | $158,130.18 | $126,284.98 | $197,250.85 | $197,250.85 | $190,837.07 | $869,753.93 |
| MONROE | MONROE COUNTY | 0.57655700% | 0.52339245% | $60,823.56 | $48,574.55 | $75,871.03 | $75,871.03 | $73,404.03 | $334,544.20 |
| FAYETTE/KANAWHA | MONTGOMERY CITY | 0.10043014% | 0.09116944% | $10,594.82 | $8,461.17 | $13,215.93 | $13,215.93 | $12,786.21 | $58,274.07 |
| RANDOLPH | MONTROSE TOWN | 0.00010992% | 0.00010029% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| HARDY | MOOREFIELD TOWN | 0.00919429% | 0.00838879% | $972.77 | $776.75 | $1,212.50 | $1,212.50 | $1,172.28 | $5,346.80 |
| MORGAN | MORGAN COUNTY | 0.70951843% | 0.64409345% | $74,850.25 | $59,776.46 | $93,367.87 | $93,367.87 | $90,331.94 | $411,694.38 |
| MONONGALIA | MORGANTOWN CITY | 0.13295692% | 0.12130878% | $14,067.11 | $11,232.39 | $17,533.74 | $17,533.74 | $16,952.05 | $77,319.03 |
| MARSHALL | MOUNDSVILLE CITY | 0.31751124% | 0.28823339% | $33,495.67 | $26,750.11 | $41,782.35 | $41,782.35 | $40,423.76 | $184,234.24 |
| FAYETTE | MOUNT HOPE CITY | 0.09182937% | 0.08336175% | $9,687.49 | $7,736.56 | $12,084.13 | $12,084.13 | $11,691.20 | $53,283.51 |
| WYOMING | MULLENS CITY | 0.36746290% | 0.33357899% | $38,765.29 | $30,958.51 | $48,355.65 | $48,355.65 | $46,783.33 | $213,218.44 |
| HANCOCK | NEW CUMBERLAND CITY | 0.00335835% | 0.00306413% | $355.32 | $283.72 | $442.88 | $442.88 | $428.19 | $1,953.00 |
| MASON | NEW HAVEN TOWN | 0.00572363% | 0.00522219% | $605.57 | $483.54 | $754.81 | $754.81 | $729.76 | $3,328.49 |
| WETZEL | NEW MARTINSVILLE CITY | 0.00192680% | 0.00175799% | $203.86 | $162.78 | $254.10 | $254.10 | $245.67 | $1,120.50 |
| PRESTON | NEWBURG TOWN | 0.00117130% | 0.00106869% | $123.93 | $98.95 | $154.47 | $154.47 | $149.34 | $681.15 |
| NICHOLAS | NICHOLAS COUNTY | 1.13131310% | 1.02699425% | $119,347.24 | $95,312.38 | $148,873.21 | $148,873.21 | $144,032.49 | $656,438.54 |
| KANAWHA/PUTNAM | NITRO CITY | 0.27095740% | 0.24597231% | $28,584.50 | $22,827.98 | $35,656.18 | $35,656.18 | $34,496.79 | $157,221.62 |
| WOOD | NORTH HILLS TOWN | 0.00162172% | 0.00147965% | $171.58 | $137.01 | $213.87 | $213.87 | $206.77 | $943.09 |
| MCDOWELL | NORTHFORK TOWN | 0.00055113% | 0.00050285% | $58.31 | $46.56 | $72.68 | $72.68 | $70.27 | $320.50 |
| HARRISON | NUTTER FORT TOWN | 0.10246108% | 0.09301310% | $10,809.07 | $8,632.28 | $13,483.19 | $13,483.19 | $13,044.77 | $59,452.51 |
| FAYETTE | OAK HILL CITY | 0.39928770% | 0.36246922% | $42,122.63 | $33,639.73 | $52,543.58 | $52,543.58 | $50,835.09 | $231,684.61 |
| MERCER | OAKVALE TOWN | 0.00007767% | 0.00007086% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| WYOMING | OCEANA TOWN | 0.32686067% | 0.29672072% | $34,481.98 | $27,537.80 | $43,012.67 | $43,012.67 | $41,614.08 | $189,659.21 |
| OHIO | OHIO COUNTY | 0.55953755% | 0.50794236% | $59,054.94 | $47,162.10 | $73,664.84 | $73,664.84 | $71,269.55 | $324,816.29 |
| WETZEL/TYLER | PADEN CITY CITY | 0.00734737% | 0.00666987% | $775.11 | $619.01 | $966.87 | $966.87 | $935.43 | $4,263.28 |
| WOOD | PARKERSBURG CITY | 1.54274655% | 1.40048926% | $162,751.18 | $129,975.38 | $203,015.10 | $203,015.10 | $196,413.91 | $895,170.67 |
| TUCKER | PARSONS CITY | 0.00051518% | 0.00047004% | $54.51 | $43.52 | $67.94 | $67.94 | $65.69 | $299.59 |
| MORGAN | PAW PAW TOWN | 0.00186925% | 0.00170549% | $197.77 | $157.92 | $246.51 | $246.51 | $238.33 | $1,087.03 |
| FAYETTE | PAX TOWN | 0.00834948% | 0.00757957% | $880.82 | $703.44 | $1,098.74 | $1,098.74 | $1,063.01 | $4,844.74 |
| PENDLETON | PENDLETON COUNTY | 0.17885017% | 0.16235832% | $18,867.70 | $15,068.01 | $23,535.48 | $23,535.48 | $22,770.21 | $103,776.88 |
| RITCHIE | PENNSBORO CITY | 0.00038198% | 0.00034852% | $40.41 | $32.27 | $50.37 | $50.37 | $48.70 | $222.14 |
| GRANT | PETERSBURG CITY | 0.00115174% | 0.00105084% | $121.86 | $97.30 | $151.89 | $151.89 | $146.85 | $669.78 |
| MONROE | PETERSTOWN TOWN | 0.00140732% | 0.00128403% | $148.90 | $118.89 | $185.59 | $185.59 | $179.43 | $818.40 |
| BARBOUR | PHILIPPI CITY | 0.09186853% | 0.08339730% | $9,691.62 | $7,739.86 | $12,089.28 | $12,089.28 | $11,696.19 | $53,306.24 |
| MINERAL | PIEDMONT TOWN | 0.00066413% | 0.00060595% | $70.27 | $56.11 | $87.58 | $87.58 | $84.68 | $386.22 |
| WETZEL | PINE GROVE TOWN | 0.00019046% | 0.00017377% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| WYOMING | PINEVILLE TOWN | 0.12837703% | 0.11653933% | $13,543.06 | $10,815.68 | $16,893.56 | $16,893.56 | $16,344.25 | $74,490.11 |
| MARION | PLEASANT VALLEY CITY | 0.00107948% | 0.00098491% | $114.21 | $91.20 | $142.36 | $142.36 | $137.63 | $627.76 |
| PLEASANTS | PLEASANTS COUNTY | 0.14058753% | 0.12762390% | $14,852.21 | $11,861.18 | $18,526.56 | $18,526.56 | $17,924.14 | $81,690.64 |
| PUTNAM | POCA TOWN | 0.00026422% | 0.00024107% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| POCAHONTAS | POCAHONTAS COUNTY | 0.37588515% | 0.34122462% | $39,680.93 | $31,689.74 | $49,497.79 | $49,497.79 | $47,888.31 | $218,254.56 |
| MASON | POINT PLEASANT CITY | 0.14058618% | 0.12762267% | $14,831.06 | $11,844.29 | $18,500.20 | $18,500.20 | $17,898.65 | $81,574.40 |
| KANAWHA | PRATT TOWN | 0.00137238% | 0.00125215% | $145.20 | $115.94 | $180.98 | $180.98 | $174.98 | $798.09 |
| PRESTON | PRESTON COUNTY | 0.88112005% | 0.79987161% | $92,989.64 | $74,262.83 | $115,994.83 | $115,994.83 | $112,223.14 | $511,465.26 |
| MERCER | PRINCETON CITY | 0.84917786% | 0.77087496% | $89,583.55 | $71,542.68 | $111,746.12 | $111,746.12 | $108,112.61 | $492,731.08 |
| RITCHIE | PULLMAN TOWN | 0.00011580% | 0.00010566% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| PUTNAM | PUTNAM COUNTY | 1.77405546% | 1.61046908% | $187,197.84 | $149,498.82 | $233,509.71 | $233,509.71 | $225,916.93 | $1,029,633.01 |
| GREENBRIER | QUINWOOD TOWN | 0.01817615% | 0.01650012% | $1,917.48 | $1,531.33 | $2,391.86 | $2,391.86 | $2,314.09 | $10,546.62 |
| GREENBRIER | RAINELLE TOWN | 0.02659924% | 0.02414651% | $2,806.07 | $2,240.97 | $3,500.28 | $3,500.28 | $3,386.47 | $15,434.07 |
| RALEIGH | RALEIGH COUNTY | 5.53566969% | 5.02522971% | $583,982.80 | $466,376.84 | $728,457.39 | $728,457.39 | $704,770.93 | $3,212,045.35 |

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|---|---|---|---|---|---|---|---|---|---|
| RANDOLPH | RANDOLPH COUNTY | 0.72941624% | 0.66215647% | $76,987.00 | $61,482.89 | $96,033.20 | $96,033.20 | $92,910.58 | $423,446.87 |
| JEFFERSON | RANSON CORPORATION | 0.02342882% | 0.02137626% | $2,478.82 | $1,979.30 | $3,089.68 | $3,089.68 | $2,987.18 | $13,624.67 |
| JACKSON | RAVENSWOOD CITY | 0.09588488% | 0.08704330% | $10,115.32 | $8,078.24 | $12,617.81 | $12,617.81 | $12,207.53 | $55,636.70 |
| PRESTON | REEDSVILLE TOWN | 0.00066300% | 0.00060492% | $70.15 | $56.01 | $87.43 | $87.43 | $84.53 | $385.56 |
| ROANE | REEDY TOWN | 0.00004285% | 0.00003910% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| RALEIGH | RHODELL TOWN | 0.00000000% | 0.00000000% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| NICHOLAS | RICHWOOD CITY | 0.07669919% | 0.06962673% | $8,091.34 | $6,461.86 | $10,093.10 | $10,093.10 | $9,764.91 | $44,504.31 |
| MINERAL | RIDGELEY TOWN | 0.00267009% | 0.00243617% | $282.50 | $225.57 | $352.12 | $352.12 | $340.44 | $1,552.75 |
| JACKSON | RIPLEY CITY | 0.09212878% | 0.08363355% | $9,719.07 | $7,761.79 | $12,123.53 | $12,123.53 | $11,729.32 | $53,457.25 |
| RITCHIE | RITCHIE COUNTY | 0.20182180% | 0.18321173% | $21,334.30 | $17,037.87 | $26,612.28 | $26,612.28 | $25,746.92 | $117,343.65 |
| MARION | RIVESVILLE TOWN | 0.00101744% | 0.00092831% | $107.65 | $85.96 | $134.18 | $134.18 | $129.72 | $591.68 |
| ROANE | ROANE COUNTY | 0.56534922% | 0.51321814% | $59,645.73 | $47,633.92 | $74,401.82 | $74,401.82 | $71,982.58 | $328,065.87 |
| HAMPSHIRE | ROMNEY CITY | 0.06136816% | 0.05570938% | $6,474.00 | $5,170.23 | $8,075.64 | $8,075.64 | $7,813.05 | $35,608.56 |
| GREENBRIER | RONCEVERTE CITY | 0.09597893% | 0.08712867% | $10,125.24 | $8,086.16 | $12,630.18 | $12,630.18 | $12,219.50 | $55,691.28 |
| PRESTON | ROWLESBURG TOWN | 0.00243101% | 0.00221803% | $257.21 | $205.38 | $320.59 | $320.59 | $309.95 | $1,413.71 |
| GREENBRIER | RUPERT TOWN | 0.00731479% | 0.00664029% | $771.67 | $616.27 | $962.58 | $962.58 | $931.28 | $4,244.37 |
| HARRISON | SALEM CITY | 0.00417432% | 0.00380862% | $441.65 | $352.65 | $550.49 | $550.49 | $532.23 | $2,427.51 |
| GILMER | SAND FORK TOWN | 0.00027093% | 0.00024720% | $28.67 | $22.89 | $35.73 | $35.73 | $34.54 | $157.56 |
| JEFFERSON | SHEPHERDSTOWN TOWN | 0.00882283% | 0.00804988% | $933.47 | $745.37 | $1,163.51 | $1,163.51 | $1,124.91 | $5,130.78 |
| HARRISON | SHINNSTON CITY | 0.10663946% | 0.09680619% | $11,249.87 | $8,984.30 | $14,033.04 | $14,033.04 | $13,576.74 | $61,876.99 |
| TYLER | SISTERSVILLE CITY | 0.20851901% | 0.18929139% | $21,997.60 | $17,567.59 | $27,439.70 | $27,439.70 | $26,547.48 | $120,992.07 |
| FAYETTE/KANAWHA | SMITHERS CITY | 0.03828342% | 0.03475329% | $4,038.69 | $3,225.35 | $5,037.84 | $5,037.84 | $4,874.03 | $22,213.76 |
| WETZEL | SMITHFIELD TOWN | 0.00007098% | 0.00006476% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| RALEIGH | SOPHIA TOWN | 0.04090935% | 0.03713708% | $4,315.71 | $3,446.59 | $5,383.40 | $5,383.40 | $5,208.35 | $23,737.44 |
| KANAWHA | SOUTH CHARLESTON CITY | 0.97502378% | 0.88511643% | $102,859.59 | $82,145.11 | $128,306.59 | $128,306.59 | $124,134.60 | $565,752.48 |
| ROANE | SPENCER CITY | 0.06457897% | 0.05862412% | $6,812.72 | $5,440.74 | $8,498.16 | $8,498.16 | $8,221.84 | $37,471.61 |
| KANAWHA | ST. ALBANS CITY | 0.48431890% | 0.43965965% | $51,092.95 | $40,803.55 | $63,733.12 | $63,733.12 | $61,660.79 | $281,023.52 |
| PLEASANTS | ST. MARYS CITY | 0.06228894% | 0.05654525% | $6,571.14 | $5,247.80 | $8,196.81 | $8,196.81 | $7,930.28 | $36,142.83 |
| MONONGALIA | TOWN OF STAR CITY | 0.04137150% | 0.03755662% | $4,364.46 | $3,485.52 | $5,444.21 | $5,444.21 | $5,267.19 | $24,005.60 |
| HARRISON | STONEWOOD CITY | 0.04777884% | 0.04337313% | $5,040.40 | $4,025.34 | $6,287.37 | $6,287.37 | $6,082.94 | $27,723.42 |
| SUMMERS | SUMMERS COUNTY | 0.35592007% | 0.32310054% | $37,547.59 | $29,986.03 | $46,836.69 | $46,836.69 | $45,313.76 | $206,520.77 |
| NICHOLAS | SUMMERSVILLE CITY | 0.70946753% | 0.64404724% | $74,844.88 | $59,772.17 | $93,361.17 | $93,361.17 | $90,325.46 | $411,664.85 |
| BRAXTON | SUTTON TOWN | 0.02102139% | 0.01908300% | $2,217.64 | $1,771.04 | $2,766.27 | $2,766.27 | $2,676.33 | $12,197.55 |
| BOONE | SYLVESTER TOWN | 0.00032037% | 0.00029231% | $33.90 | $27.07 | $42.25 | $42.25 | $40.85 | $186.31 |
| TAYLOR | TAYLOR COUNTY | 0.04308369% | 0.03911093% | $26,748.35 | $21,361.61 | $33,365.77 | $33,365.77 | $32,280.86 | $147,122.36 |
| PRESTON | TERRA ALTA TOWN | 0.00152490% | 0.00139131% | $161.34 | $128.83 | $201.10 | $201.10 | $194.43 | $886.78 |
| TUCKER | THOMAS CITY | 0.00016996% | 0.00015507% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| FAYETTE | THURMOND TOWN | 0.00002437% | 0.00002223% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| OHIO | TRIADELPHIA TOWN | 0.00031065% | 0.00028343% | $32.87 | $26.24 | $40.97 | $40.97 | $39.61 | $180.65 |
| TUCKER | TUCKER COUNTY | 0.12553428% | 0.11395871% | $13,297.78 | $10,619.79 | $16,587.54 | $16,587.54 | $16,048.14 | $73,140.81 |
| PRESTON | TUNNELTON TOWN | 0.00057009% | 0.00052014% | $60.32 | $48.16 | $75.18 | $75.18 | $72.69 | $331.53 |
| TYLER | TYLER COUNTY | 0.02039565% | 0.01851496% | $2,156.30 | $1,722.05 | $2,689.75 | $2,689.75 | $2,602.29 | $11,860.13 |
| MONROE | UNION TOWN | 0.00064247% | 0.00058619% | $67.97 | $54.28 | $84.73 | $84.73 | $81.92 | $373.62 |
| UPSHUR | UPSHUR COUNTY | 0.51081349% | 0.46371117% | $53,887.98 | $43,035.70 | $67,219.63 | $67,219.63 | $65,033.93 | $296,396.87 |
| OHIO | VALLEY GROVE VILLAGE | 0.00012426% | 0.00011337% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| WOOD | VIENNA CITY | 0.28384332% | 0.25767001% | $29,943.89 | $23,913.61 | $37,351.88 | $37,351.88 | $36,137.35 | $164,698.61 |
| MCDOWELL | WAR CITY | 0.00202739% | 0.00184977% | $214.50 | $171.28 | $267.36 | $267.36 | $258.49 | $1,179.00 |
| HARDY | WARDENSVILLE TOWN | 0.00128460% | 0.00117206% | $135.91 | $108.53 | $169.41 | $169.41 | $163.79 | $747.04 |
| WAYNE | WAYNE COUNTY | 2.35858237% | 2.14109652% | $248,817.33 | $198,709.01 | $310,373.62 | $310,373.62 | $300,281.59 | $1,368,555.16 |
| WAYNE | WAYNE TOWN | 0.03555349% | 0.03227509% | $3,750.70 | $2,995.36 | $4,678.60 | $4,678.60 | $4,526.47 | $20,629.73 |
| WEBSTER | WEBSTER COUNTY | 0.37650405% | 0.34178646% | $39,747.02 | $31,742.52 | $49,580.22 | $49,580.22 | $47,968.06 | $218,618.04 |
| HANCOCK/BROOKE | WEIRTON CITY | 1.37283150% | 1.24624214% | $144,826.09 | $115,660.15 | $180,655.42 | $180,655.42 | $174,781.27 | $796,578.34 |
| MCDOWELL | WELCH CITY | 0.11948442% | 0.10846671% | $12,604.94 | $10,066.48 | $15,723.35 | $15,723.35 | $15,212.09 | $69,330.21 |

| County | Government Name | Allocation Share (%) - Distributor Settlement | Allocation Share (%) - All Other Settlements | 2024 Projected Disbursement Total | 2025 Projected Disbursement Total | 2026 Projected Disbursement Total | 2027 Projected Disbursement Total | 2028 Projected Disbursement Total | Total 2024-2028 |
|---|---|---|---|---|---|---|---|---|---|
| BROOKE | WELLSBURG CITY | 0.00689441% | 0.00629041% | $729.44 | $582.45 | $909.20 | $909.20 | $879.04 | $4,009.34 |
| LINCOLN | WEST HAMLIN TOWN | 0.03797018% | 0.03446894% | $4,005.64 | $3,198.96 | $4,996.62 | $4,996.62 | $4,834.15 | $22,032.00 |
| OHIO | WEST LIBERTY TOWN | 0.00247485% | 0.00225803% | $261.84 | $209.08 | $326.37 | $326.37 | $315.54 | $1,439.21 |
| LOGAN | WEST LOGAN TOWN | 0.01619803% | 0.01470441% | $1,708.80 | $1,364.67 | $2,131.55 | $2,131.55 | $2,062.24 | $9,398.82 |
| HARRISON | WEST MILFORD TOWN | 0.00151169% | 0.00137925% | $159.94 | $127.71 | $199.35 | $199.35 | $192.74 | $879.10 |
| DODDRIDGE | WEST UNION TOWN | 0.00070838% | 0.00064632% | $74.95 | $59.85 | $93.42 | $93.42 | $90.32 | $411.95 |
| LEWIS | WESTON CITY | 0.00959827% | 0.00875738% | $1,015.52 | $810.88 | $1,265.78 | $1,265.78 | $1,223.78 | $5,581.73 |
| MONONGALIA | WESTOVER CITY | 0.00937849% | 0.00855685% | $992.26 | $792.31 | $1,236.79 | $1,236.79 | $1,195.76 | $5,453.91 |
| WETZEL | WETZEL COUNTY | 0.48891511% | 0.44383205% | $51,614.09 | $41,219.74 | $64,383.16 | $64,383.16 | $62,289.66 | $283,889.80 |
| OHIO/MARSHALL | WHEELING CITY | 1.06918215% | 0.97059243% | $112,792.77 | $90,077.89 | $140,697.20 | $140,697.20 | $136,122.32 | $620,387.39 |
| MARION | WHITE HALL TOWN | 0.00276695% | 0.00252455% | $292.75 | $233.76 | $364.89 | $364.89 | $352.79 | $1,609.08 |
| GREENBRIER | WHITE SULPHUR SPRINGS CITY | 0.15848715% | 0.14387298% | $16,719.51 | $13,352.44 | $20,855.85 | $20,855.85 | $20,177.70 | $91,961.34 |
| BOONE | WHITESVILLE TOWN | 0.01476240% | 0.01340115% | $1,557.35 | $1,243.72 | $1,942.63 | $1,942.63 | $1,879.47 | $8,565.80 |
| MINGO | WILLIAMSON CITY | 0.39158961% | 0.35548097% | $41,310.53 | $32,991.17 | $51,530.57 | $51,530.57 | $49,855.01 | $227,217.84 |
| WOOD | WILLIAMSTOWN CITY | 0.05669029% | 0.05146285% | $5,980.51 | $4,776.12 | $7,460.06 | $7,460.06 | $7,217.49 | $32,894.25 |
| BROOKE | WINDSOR HEIGHTS VILLAGE | 0.00007729% | 0.00007052% | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| PUTNAM | WINFIELD TOWN | 0.03073651% | 0.02790228% | $3,242.53 | $2,589.53 | $4,044.72 | $4,044.72 | $3,913.20 | $17,834.70 |
| WIRT | WIRT COUNTY | 0.10751496% | 0.09760096% | $11,342.23 | $9,058.06 | $14,148.25 | $14,148.25 | $13,688.21 | $62,384.99 |
| RANDOLPH | WOMELSDORF (COALTON) TOWN | 0.00095261% | 0.00086915% | $100.79 | $80.48 | $125.63 | $125.63 | $121.46 | $553.97 |
| WOOD | WOOD COUNTY | 1.26224718% | 1.14585485% | $133,160.06 | $106,343.49 | $166,103.26 | $166,103.26 | $160,702.29 | $732,412.36 |
| MARION | WORTHINGTON TOWN | 0.00029750% | 0.00027144% | $31.48 | $25.13 | $39.23 | $39.23 | $37.93 | $173.01 |
| WYOMING | WYOMING COUNTY | 4.00244991% | 3.63338236% | $422,236.21 | $337,203.76 | $526,695.56 | $526,695.56 | $509,569.66 | $2,322,400.75 |
| **Total** | | 100.00% | 100.00% | $11,165,688.11 | $8,889,998.22 | $13,724,536.26 | $13,724,536.26 | $13,103,869.59 | $60,608,628.43 |

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Ordinance
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-987 Briefing Article 1102 Animals and Fowl

Briefing Article 1102 Animals and Fowl and referral to Ordinance Committee

## Proposed Motion:

**ATTACHMENTS:**

- Article 1102 Animals and Fowl.pdf

# ARTICLE 1102

## Animals and Fowl


**1102.01 Cruelty to animals.**
**1102.02 Cruelty to dogs and cats.**
**1102.03 Nuisance conditions prohibited.**
**1102.04 Barking or howling dogs or cats.**
**1102.05 Hunting prohibited.**
1102.05a **Urban deer.**
**1102.06 Bird sanctuary.**
**1102.07 Livestock.**
**1102.08 Disposition of dead animals.**
**1102.09 Animals running at large.**
**1102.10 Keeping domestic fowl or pigeons.**
**1102.11 Dogs generally.**
**1102.12 Stables.**
**1102.13 Dangerous or vicious animals.**
**1102.14 Injury to dogs.**
**1102.15 Domestic cats.**
**1102.16 Free-roaming cats.**
**1102.17 Kennels.**
**1102.99 Penalty.**


CROSS REFERENCES

Authority to regulate the keeping of animals - see W. Va. Code 8-12-5(26)
Authority to prevent ill-treatment of animals - see W. Va. Code 8-12-5(27)
Domestic animal tax - see W. Va. Code 8-13-10
Disposing of dead animals - see W. Va. Code 16-9-3
Diseases among domestic animals - see W. Va. Code Art. 19-9
Dogs generally - see W. Va. Code Art. 19-20
Vaccination of dogs - see W. Va. Code Art. 19-20A
Hunting - see W. Va. Code Art. 20-2

**1102.01 CRUELTY TO ANIMALS.**

(a) No person shall intentionally, knowingly or recklessly:
(1) Mistreat an animal in a cruel manner;
(2) Abandon an animal;
(3) Withhold,
A. Proper sustenance, including food or water;
B. Shelter that protects from the elements of weather; or
C. Medical treatment, necessary to sustain normal health and fitness or to end the suffering of any animal;
(4) Abandon an animal to die;
(5) Leave an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result;
(6) Ride an animal when it is physically unfit;
(7) Bait or harass an animal for the purpose of making it perform for a person's amusement;
(8) Cruelly chain or tether an animal; or
(9) Use, train or possess a domesticated animal for the purpose of seizing, detaining or maltreating any other domesticated animal.

(b) No person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, shall knowingly and willfully administer or cause to be administered to any animal

participating in any contest any controlled substance or any other drug for the purpose of altering or otherwise affecting such animal's performance.

(c) Any person convicted of a violation of this section shall forfeit his or her interest in any such animal and all interest in such animal shall vest in the humane society or county pound of the county in which the conviction was rendered, and such person shall, in addition to any fine imposed, be liable for any costs incurred or to be incurred by the humane society or county pound as a result.

(d) For the purpose of this section, "controlled substance" has the same meaning ascribed to it by West Virginia Code 60A-1-101(d).

(e) The provisions of this section do not apply to farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game farms if kept and maintained according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game farm production and management, nor to humane use of animals or activities regulated under and in conformity with the provisions of 7 U.S.C. Section 2131 et seq. and the regulations promulgated thereunder, as both such statutes and regulations are in effect on the effective date of this section.

(WVaC 61-8-19)

**1102.02 CRUELTY TO DOGS AND CATS.**

No person shall cruelly, or needlessly beat, torture, torment, mutilate, kill or willfully deprive necessary sustenance, to any dog or cat, irrespective of whether any such dog or cat is his or her own or that of another person. No person shall impound or confine any dog or cat in any place unprotected from the elements or fail to supply the same with a sufficient quantity of food and water, or abandon to die any maimed, sick or diseased dog or cat or be engaged in or employed at dogfighting, or pitting one dog or cat to fight against another dog or cat or any similar cruelty to any dog or cat, or receive money for the admission of any person, or use, train or possess a dog or cat for the purpose of seizing, detaining or maltreating any other dog or cat.

(WVaC 61-8-19a)

**1102.03 NUISANCE CONDITIONS PROHIBITED.**

(a) Definitions: For the purpose of this section "owner" and "ownership" shall refer to one who owns or has possession, temporarily or permanently of a domestic animal.

(b) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(c) No owner shall permit his or her pet to go upon the private property of another under circumstances that would constitute a trespass if committed by any person, and every owner shall prevent his or her pet from defecating, urinating or causing any destruction or contamination upon the private real estate of another.

(d) The owner of any pet that defecates upon public property within the Municipality shall immediately remove the animal feces and shall dispose of same in a proper manner.

(Ord. 04-21. Passed 10-4-04.)

**1102.04 BARKING OR HOWLING DOGS OR CATS.**

No person shall keep or harbor any dog or cat within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog or cat habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog or cat.

**1102.05 HUNTING PROHIBITED.**

(a) No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms, bow and arrow, air rifle or any other means within the corporate limits of the Municipality.

(b) This section does not apply to Article 1102.05a.

(Passed 1-17-12.)

**1102.05a URBAN DEER.**

(a) Purpose: The City of Charles Town is vested with the authority and responsibility for protection of the health, safety, and welfare of its citizens. The City has directly experienced an increased problem of deer overpopulation in some of the rural annexed areas, more specifically defined as agriculturally-zoned land that was annexed into the City after 1999 that continues, without interruption, to be actively used for agricultural purposes. Deer exist in these areas of the City in such numbers as to pose an unacceptable risk of disease,

vehicle damage, crop damage, and property damage. The City Council has determined two measures that would alleviate the problem of deer overpopulation: (1) allowing the issuance of crop damage deer permits through the West Virginia Department of Natural Resources (WVDNR) and (2) allowing these areas to be hunted in accordance with current WVDNR game laws.

(b) Provisions:

(1) Appropriate deer permits must be obtained by the permit holder from the WVDNR and all hunt participants shall comply with all permit requirements and all laws and regulations of the State of West Virginia.

(2) Crop Damage Permits (January - September)

A. Crop Damage Permit Holders must register their permits, in writing, with the City of Charles Town Chief of Police and give the Chief written notice, not less than twenty-four (24) hours prior to the commencement of any hunt, identifying all individuals who will participate in the hunt, the duration of the hunt, and the area to be encompassed by the hunt. The location of the hunt must provide sufficient specificity so that the Chief and the Charles Town police department staff may readily identify the area on a map of the City and respond to inquiries in regard thereto. This registration must be done in person, by at least one representative from each group of hunters, no less than once per calendar year, after receiving current WVDNR permits, and prior to the initial hunt in any calendar year.

B. Jefferson County Dispatch must also be notified, by the permit holder, via the non- emergency number when permit holders are arriving and departing a hunt area to execute crop damage permits. Permit numbers must be referenced when calling Jefferson County Dispatch.

C. Only archery and crossbows that comply with the rules and regulations of the WVDNR may be used while executing a crop damage permit.

(3) Yearly Hunting Permits (September - December)

A. Eligible persons will also be permitted to hunt the rural annexed areas from September to December in compliance with the WVDNR yearly hunting regulations.

B. Archery, crossbows, and shotguns that comply with the rules and regulations of the WVDNR may be used while executing a yearly hunting permit.

(4) Hunting may only occur between sunrise and sunset.

(5) Rifles may not be used for hunting at any time on rural annexed land.

(6) All hunters must shoot from an elevated position such as a tree stand that is no less than ten (10) feet above the ground while facing toward the center of the designated area.

(7) Permit holders will be responsible for the removal and cleaning up of all deer carcasses and remains resulting from the controlled hunt within twenty-four (24) hours of the hunt.

(8) In the event that a wounded animal escapes the hunt area, the permit holder shall contact the Charles Town police department not later than at the conclusion of the hunt and inform the staff of the location outside the hunt at which the wounded animal is believed to be located. The permit holder will not leave the hunt area in pursuit of a wounded animal.

(c) Penalties. Any violation of this Section shall be punishable by a fine of up to five hundred dollars ($500.00) for each offense.

(Ord. 2021-005. Passed 10-12-21.)

**1102.06 BIRD SANCTUARY.**

(a) No person shall trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests, provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of Council, then in such event, Council shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of such Clubs as are found to exist in the City, after having given at least three days actual notice of the time and place of the meeting to the representatives of such Clubs.

(b) If as a result of the meeting no satisfactory alternative is found to abate such nuisance in the opinion of Council, then the birds may be destroyed in such numbers and in such manner as is deemed advisable by Council under the supervision of the Chief of Police.

(Passed. 2-4-80.)

**1102.07 LIVESTOCK.**

(a) Livestock as used in this section shall be defined as cattle, horses, ponies, swine (including pot bellied pigs), sheep, goats, llamas, alpacas, and any other animals used or to be used in the production of food, fiber or other commercial products.

(b) No person shall raise, maintain or keep hogs, swine or shoats within the City.

(c) Poultry shall comply with Section 1102.10 .

(d) Livestock Restricted Within the City Limits. No person shall keep or maintain livestock within the City limits unless the subject property is large enough to board such an animal with a minimum of one acre per animal. Housing of such animals shall comply with Section 1102.12 .

(e) Rabbits shall be excluded from the requirements of this section but only if said animals are kept indoors and not permitted to run at large. There shall be a maximum of five rabbits kept in any single household.

(f) Compliance with this section is not abrogated by the designation of any animal or poultry as a pet and not livestock.

(Passed 10-20-08.)

**1102.08 DISPOSITION OF DEAD ANIMALS.**

(a) When any animal shall die within the City so as to become a nuisance therein, the person owning the same and knowing of its death, whether it shall have died on his premises or otherwise, shall dispose of such dead animal as required by the health officer. Failure to comply with the provisions of this section shall constitute a misdemeanor.

(b) In all cases of dead animals of any kind being found upon the premises of any person within the City, the owner or occupier thereof shall forthwith remove or bury same; and after notice has been duly given such person, upon his failure to do so, he shall be guilty of a misdemeanor, and in addition he shall be liable for the expense incurred by the health officer in having same buried or removed.

(c) No person shall throw any dead animal, or the fleshings, of animal hides, or any other substance likely to pollute the water or obstruct the channel, into Evitt's Run within the City, or north or west of the City within one mile of the corporate limits.

**1102.09 ANIMALS RUNNING AT LARGE.**

(a) It shall be deemed a nuisance for any hog, pig, goat, pony, horse, mule, colt, cow or any other livestock to wander or stray unattended on any street or alley within the City. Any person owning or keeping any such animal and permitting it to so run at large, or to wander or stray unattended, shall be guilty of a misdemeanor.

(b) It shall be the duty of the police to take up and impound in some secure place any animal running at large, and if the fine imposed upon such owner or keeper shall not be paid within five days after notice given, the police shall sell such animal at public auction for payment of such fine, costs and expenses of keeping such animal prior to day of sale.

(c) It shall be unlawful for the owner of any chickens, guineas, ducks, geese, turkeys or other fowl to permit the same to run at large in any of the streets of the City or on any lot or premises not in the possession or under the control of the owner of such chickens, guineas, ducks, geese, turkeys or other fowl.

**1102.10 KEEPING DOMESTIC FOWL OR PIGEONS.**

(a) No person shall keep or cause to be kept on premises owned by him or under or subject to his control, any kind of domestic fowl or pigeons, within thirty feet of any street, sidewalk or structure owned by another and used for human habitation, occupation or assemblage, whether such structure be in the same or an adjacent block or square, and no domestic fowl or pigeons shall be kept within the City by any person otherwise than in compliance with the following conditions: The house in which such fowl or pigeons are kept shall be dry, well ventilated, and with windows so placed, if possible, to admit sunlight; it shall be kept well whitewashed within and shall be cleaned at least once a week between November 1 and May 1, and at least twice a week between May 1 and November 1 of each year, and oftener if necessary or so ordered by the City Inspector. All perches shall be movable and kept clean. All chicken nests shall be movable and clean, and aired and sunned at frequent intervals. Drinking fountains shall be clean and supplied at all proper times with clean water. The surface of the yard shall be kept clean and free from all decaying animal or vegetable matter or odors; provided, however, that nothing herein shall apply to such fowl or pigeons confined in coops in provision stores or stores regularly established for the sale of fowl or pigeons or to fowl or pigeons brought upon the premises and kept for a brief period for dressing and consumption.

(b) The number of domestic fowl kept of any premises in the City shall not exceed twenty.

(c) The keeping of domestic poultry shall be limited to one-half acre of net buildable site area defined in the Zoning Ordinance of the City of Charles Town.

(Passed 10-20-08.)

**1102.11 DOGS GENERALLY.**

(a) Annual License Tax. Every person owning or keeping any dog within the City, either male or female, shall pay a tax of three dollars ($3.00) on every dog so kept or owned. This tax shall be payable at the time of assessment annually.

(b) Tags. Upon payment of the dog tax required by subsection (a), a tag shall be issued, identifying the dog and the tax year. The tag shall be attached and kept attached to a substantial collar worn by the dog.

(c) Running at Large.

(1) No owner or person having the possession of any dog shall allow such dog to run at large, at any time, within the City, even though the dog is both lawfully licensed and vaccinated. Any person violating this article and/or section, regardless of whether or not such dog is impounded or not, upon conviction, shall be fined a minimum of two dollars ($2.00) for the first offense in any one year, and for each successive violation in any one year, shall be fined a minimum of five dollars ($5.00), with a maximum fine of not more than one hundred dollars ($100.00) for any offense, whether in any one year or subsequent.

(2) In addition, all owners or person having the possession of any dog that is considered a dangerous or vicious dog as outlined in Section 1102.13(c)(6) and having attained the proper permit through the City of Charles Town, as described in Section 1102.13(e), to own such dog shall construct a fence on the property, built to the appropriate specifications as outlined in the City Building Codes and Ordinances, to provide adequate space for exercise on a dimension of at least one hundred square feet, to allow for a healthy free roaming area for the dog as described by the Humane Society of the United States.

(d) Tethering. No person shall, at any time, fasten, chain or tie any dog or cause such dog to be fastened, chained or tied in an inhumane manner or for an unreasonable amount of time while such dog is on the owner's property or on the property of the dog owner's landlord.

(e) Impoundment of Dogs At Large. Any dog found at large in violation of this section shall be impounded by any policeman or other person authorized to do so by Council. Notice of such impoundment shall be given to the owner or person in possession of such dog, if known. Any dog so impounded may be redeemed by the owner within five days upon payment of a pound fee to be determined by Council by resolution. Any dog not redeemed within five days may be sold or destroyed. The pound fee to be paid to redeem a dog shall be in addition to any fine imposed for a violation of this article.

(f) Rabies; Quarantine. Whenever the Mayor shall be satisfied that any case of rabies has appeared among the dogs in the City, he shall issue his proclamation requiring all persons to confine their dogs or to have the same securely muzzled for such time from and after the issuing of such proclamation as he shall therein appoint, and if any dog shall be found at large in the City during the time so appointed, without being properly and securely muzzled, the same may be killed by any person whatsoever, and the owner or keeper thereof shall be guilty of a misdemeanor.

(g) Vicious Dogs.

(1) No person shall own, keep or harbor any dog known by him or which, in the exercise of reasonable diligence he should know, to be vicious, dangerous or in the habit of bitting or attacking persons.

(2) No person shall own, keep or harbor any dog known by him or which, in the exercise of reasonable diligence he should know, to be suffering with rabies.

(3) Vicious or dangerous dogs are hereby declared to be public nuisances and a menace to the public safety.

(4) If the Mayor shall find, as a result of a hearing held upon a compliant, that any dog is vicious, dangerous or in the habit of biting or attacking persons, or in suffering with rabies infection, or that any dog has been bitten by a dog suffering with rabies infection, he may order or cause such dog to be destroyed as a menace to the public safety, and the owner or keeper of such dog shall be liable for all fines and costs assessed.

(Passed 5-4-06.)

**1102.12 STABLES.**

(a) No stable or other structure for the housing or confining of animals, other than dogs or fowl, shall hereafter be constructed within the City until the plans and location of the same shall have been submitted to and approved by the health officer. All applications to the health officer for such permission and approval shall be accompanied by a fee of five dollars ($5.00), which shall be paid into the City treasury.

(b) No barn or stable of any kind used for the shelter of any animal enumerated in subsection (d) shall be used or maintained within twenty-five feet of any building used, wholly or in part, by any person for sleeping quarters, or where food is prepared, served or sold.

(c) No stable or other outbuilding shall be erected or constructed, nor shall any person proceed with the erection or construction of such building within fifty feet of any street or less than twenty-five feet from any other property line within the City. Any violation of this section shall constitute a misdemeanor, and Council shall have discretion to require any person so offending to remove such building, or cause it to be removed at such person's expense.
(Passed 10-20-08.)

(d) It shall be the duty of the owner and keeper of any stable wherein a horse or other animal is kept, to remove or cause to be removed, all manure from such premises or stable at least once in every fifteen days, and oftener, if deemed necessary by the health officer.

**1102.13 DANGEROUS OR VICIOUS ANIMALS.**

(a) No person shall knowingly keep, maintain or have in his possession or under his control within the city any dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities, except to the extent that an exemption may be applicable pursuant to subsections (d) or (e) hereof. As used in this section, "dangerous or vicious animal" means and includes the following:

(1) Any animal with known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any animal which attacks a human being or domestic animal without provocation; or

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

(b) The prohibitions of subsection (a) hereof shall not be applicable to the owners or keepers of domesticated dogs or cats; provided, however, that the owners or keepers of a domesticated dog or cat which by its characteristics meets the definitions of a dangerous or vicious animal set forth in subsections (a)(l) through (3) hereof shall be subject to the following requirements:

(1) No such person shall suffer or permit such animal to go unconfined on the land or building of such person.

(2) No such person shall permit such animal to run on the property of the owner other than in the back yard of the property in residential districts.

(3) Such person in residential districts shall maintain fencing in the back yard which is not less than six feet in height; which shall be constructed from stockade or solid screening material; which shall fully confine the animal and prevent the animal from reaching over, under or through the fence with its jaws, teeth or claw; and which fencing shall be set back a minimum of four feet from any adjacent property lines.

(4) No such person shall suffer or permit such animal to go beyond the land or building of such person unless such animal is securely restrained and muzzled. (Ord. 98-019. Passed 9-21-98.)

(c) For the purpose of this section, there shall be an irrebuttable presumption, that when kept or maintained within the City of Charles Town, the animals listed below are considered dangerous animals to which the prohibition of subsection (a) hereof, in the absence of an exemption pursuant to subsections (d) or (e) hereof, applies:

(1) All crotalid, elapid and venomous colubroid snakes;
(2) Apes, Gibbons (Hylobates); Gorillas (Gorilla); Orangutuans (Pongo); and stamangs (Symphalangus);
(3) Baboons (Papol, Mandrillus);
(4) Bears (Ursidae);
(5) Bison (Bison);
(6) Canines breeds or canines that look similar to the breeds that regularly categorized as "high risk dogs" by the insurance industry;
(7) Cheetahs (Acinonyx Jubatus);
(8) Crocodilians (Corcodilia) when twenty-four inches in length or more;
(9) Snakes;
(10) Coyotes (Canis Latrans);

(11) Deer (Cervidae, includes all members of the deer family, for example white-tailed deer, elk, antelope and moose);
(12) Elephants (elephas and Loxondonta);
(13) Foxes (Canis Vulpes);
(14) Game cocks and other fighting birds;
(15) Hippototami (Hippopotamidae);
(16) Hyenas (Hyaenidae);
(17) Jaguars (Panthera onca);
(18) Leopards (Pantera Pardus);
(19) Lions (Pantera Leo);
(20) Lynxes (Lynx);
(21) Ostriches (Struthio);
(22) Piranha Fish (Characidae), except those considered vegetarians;
(23) Pumas (Felis Concolor), also known as cougars, mountain lions and panthers;
(24) Rhinoceroses (Rhinocero Tidae);
(25) Sharks (Class Chonodrichthyes);
(26) Snow Leopards (Pantera Uncia);
(27) Swine (Suidae);
(28) Tigers (Pantera Tigris);
(29) Wolves (Canis Lupus), and Wolf hybrids or Wolfdogs;
(30) Scorpions;
(31) Birds of prey, except for those held by licensed falconers;
(32) Venomous fish;
(33) Poisonous spiders, except for tarantulas;
(34) Stinging insects (except honey bees);
(35) Bats.

(Passed 5-4-06.)

(d) Licensed menageries, zoological gardens, and circuses shall be exempt from the provisions of subsection (a) hereof if all of the following conditions are applicable;

(1) The location conforms to the provisions of the City Zoning Ordinance;
(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
(3) Animals are maintained in quarters so constructed as to prevent their escape; and
(4) No person resides within fifty feet of the quarters in which the animals are kept. (Ord. 98-019. Passed 9-21-98.)

(e) Notwithstanding any of the foregoing, the City, by the Mayor, Chief of Police, and City Code Enforcement Official, may grant a specific exemption, on a temporary or permanent basis, from any of the provisions of this section to any person with a legitimate scientific, educational, commercial or other purpose for maintaining the prohibited animals, in accordance with the following provisions:

(1) Written application for exemption shall be filed by any person desiring to obtain an exemption with the Mayor, Chief of Police, or Code Enforcement Official. The application shall state the applicants name, address, type and number of animals desired to be kept, general purpose for which the animals will be kept, and a general description of provisions which will be made for safe, sanitary and secure maintenance of the animals.
(2) The Mayor, Chief of Police, or Code Enforcement Official may grant, deny or restrict the terms of an application for exemption; provided however, that they shall take some official action on an application within sixty days of its filing.
(3) In considering the merits of an application for exemption, the Mayor, Chief of Police, or Code Enforcement Official may cause one or more inspections of the applicants premises to be made by appropriate City employees or representatives, and may also refer the application to persons who are technically knowledgeable with respect to the animals involved for an advisory opinion.
(4) In evaluating an application for exemption, the Mayor, Chief of Police, and Code Enforcement Official shall give consideration to the following criteria:

A. The experience and knowledge of the applicant relative to the animals involved;
B. Whether the applicant has obtained a federal or state permit relative to the animals involved;
C. The relative danger, safety and health-risks to the general public, to persons residing or passing near the applicants premises and to the applicant in connection with the animals involved;
D. The provisions which have been or will be made for the safe, sanitary and secure maintenance of the animals for the protection of the general public, persons residing or passing near the applicants premises and the applicant;
E. The provisions which have been made or will be made to protect the safety and health of the animals involved;
F. Any other logically relevant information.

(5) An application for exemption under this subsection (e) shall be denied unless the Mayor, Chief of Police, and Code Enforcement Official determines that, in view of all the relevant criteria and any restrictions which they may provide, reasonably appropriate measures commensurate with the degree of risk associated with the animals involved have been or will be taken to assure at least a minimum acceptable level protection from danger to the health and safety of the general public, persons residing or passing near the applicants premises, and the applicant.

(6) An exemption granted pursuant to this subsection (e) may be withdrawn by action of the Mayor, Chief of Police, or Code Enforcement Official in the event that there has been a change in conditions or assumptions under which it was originally granted or in the event that the applicant fails to comply with restrictions originally placed on the exemption.

(7) Any person or persons who obtain a permit for any of the "Dangerous or Vicious Animals" shall waive any claim against the City of Charles Town for damage caused by said animal. By issuing a permit for said "Dangerous or Vicious Animals" the City of Charles Town does not guarantee safety, only that reasonable measures have been taken to prevent harm to the owner of such animals and the citizens of the City.

(Passed 5-4-06)

(f) No exemption granted pursuant to any provision of this section shall be construed, nor is it intended by the City as a guaranty or warranty of any kind, whether expressed or implied to any person, including without limitation the general public, persons residing or passing near the applicants premises, or the applicant, either in general or individually, as to the danger or lack thereof, or degree of risk or health or safety of any animal, specifically or generally, or any premises where any animal is maintained or kept pursuant to such exemption. (Ord. 98-019. Passed 9-21-98.)

**1102.14 INJURY TO DOGS.**

(a) Theft, Poison, Abandonment.

(1) Dogs to be personal property. All dogs are hereby declared to be personal property and subjects of theft. Except as provided in certain sections of the West Virginia State Code, Chapter 20, known as "The Game Law", it shall be unlawful for any person, except a police officer, State dog warden or accredited veterinarian to kill, injure, or to attempt to kill or injure any dog.

(2) Poison illegal. It shall be unlawful for a person to place any poison or harmful substance of any description in any place, on his own premises or elsewhere, where it may be easily found and eaten by dogs.

(3) Abandonment illegal. It shall be unlawful for a person to abandon or attempt to abandon any dog with the City of Charles Town. Anyone convicted of abandoning or attempting to abandon any dog within the City of Charles Town will pay a fine of three hundred dollars ($300.00) to five hundred dollars ($500.00), plus costs.

(b) Dogs Used For Law Enforcement.

(1) Illegal to taunt law enforcement dogs. It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, kick or strike any dog used by any municipal or State police department or agency in the performance of the functions or duties of such department or agency or to interfere with or meddle with any such dog used by the department or agency or any member thereof in the performance of the functions or duties of the department or agency or of such officer or member.

(2) Illegal to torture certain dogs. It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog used by any municipal or State police department or agency or to interfere with or meddle with any such dog used by the department or agency or any member thereof in the performance of any of the functions or duties of the department of agency or of such officer or member. Any person who violates any of the provisions of this section is guilty of a summary offense.

(3) Quarantine of certain dogs not required. Quarantine of dogs as required by law shall not apply to dogs owned by any municipal or State police department or agency when such dogs are under the direct supervision and care of a police officer and subject to routine veterinary care.

(Ord. 98-019. Passed 9-21-98.)

**1102.15 DOMESTIC CATS.**

Whoever owns, keeps or harbors a cat within the City of Charles Town shall have said cat vaccinated or immunized against rabies with a vaccine capable to producing immunity for two years and shall every second year thereafter have said cat revaccinated. Proof of immunization shall be available to the Housing Inspector for verification that said cat is domestic.

(Ord. 02-18. Passed 7-15-02.)

**1102.16 FREE-ROAMING CATS.**

(a) "Free-roaming cat" includes feral, stray or abandoned cats that may or may not have a caretaker and do not have an owner or are otherwise homeless. The term does not include a stray pet cat that might have been lost or abandoned and which has identifiable ownership such as, but not limited to, a tag, microchip or tattoo.

(b) "Eartipping" means the removal of a 3/8" inch tip of a free-roaming cat's left ear, performed while the cat is under anesthesia in compliance with any applicable federal, state, or county laws and under the supervision of a licensed veterinarian. Eartipping is designed to identify a free-roaming cat as being sterilized and lawfully vaccinated against rabies.

(c) "Trap-Neuter-Return" means the process of humanely trapping, sterilizing, vaccinating against rabies, eartipping, and returning free-roaming cats to their original location.

(d) Free-roaming cat initiatives: The City of Charles Town recognizes the need for innovation in addressing the issues presented by free-roaming cats. To that end it recognizes that there are community caregivers of cats and acknowledges that properly managed free-roaming cats may be part of the solution to the continuing euthanasia of cats. The overall goal of the City is to reduce the population of feral cats and establishes the following requirements:

(1) All free-roaming cat colonies/groups and trap-neuter-return activities must be maintained on private property of the caregiver, or with written permission, the private property of another landowner (including city, county, state, and federal public property). Written permission must include the landowner's name, address, phone number and signature. Written permission must be dated and will expire 1 year from that date and will become void if the property changes ownership. This written permission must be in the possession of the caregiver when conducting any functions related to the management of free-roaming cats on that property.

(2) A "Cat Caregiver Registration" shall be required of any individual that wishes to manage free-roaming cat colonies/groups or conduct trap-neuter-return activities according to the previsions of this section. This registration shall be provided by the City at no cost to the caregiver and valid for 2 years after the date of issuance. This registration may be revoked by the City at any time if the City believes the individual is incapable of performing duties associated with managing free-roaming cats or if the individual is not complying with the provisions of this section. Appeals of revocations shall be made to the City Council.

(3) All cats that are part of free-roaming cat programs must be sterilized, vaccinated against the threat of rabies, and ear-tipped for easy identification; if these requirements are met, the free-roaming cat is exempted from licensing, stray, at-large and possibly other provisions of this ordinance or other City Ordinances that apply to owned animals.

(4) If a person is providing care for free-roaming cats, he or she is required to provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed. The following guidelines shall be followed;

A. Food must be provided in the proper quantity for the number of cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers.

B. Water, if supplied, must be clean, potable and free from debris and algae.

C. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s).

(e) Contact information of local organizations willing to assist free-roaming cats and their caregivers will be made available by the City.

(f) Violations of this section are subject to a fine of not less than $250.00 and not to exceed $500.00. (Ord. 2018-005. Passed 8-6-18.)

**1102.17 KENNELS.**

The City of Charles Town restricts the harboring of more than three dogs or cats as presented in the City Zoning ordinance, Section 2.2, Specific Definitions which states the following:

Kennel: Any building or structure and/or land used, designed, or arranged for housing, boarding, breeding, or care of more than three adult dogs or cats kept for breeding, hunting, sale, exhibition, or domestic use or other domestic animals for profit, but not including those animals raised for agricultural purposes.
(Passed 5-4-06)

**1102.99 PENALTY.**

Whoever violates any provision of this article, shall be fined not more than five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense.
(Ord. 91-0-3-4. Passed 3-4-91.)

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-993 "But For" Disbursement Plan

"But For" Disbursement Plan

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-994 B&O Tax Update - Executive Session

B&O Tax Update Executive Session

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-1002 Project Presentation CTUB

Project Presentation CTUB

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-1003 Funding Request for Green-Copeland Highway Marker - Requested by Green-Copeland American Legion Auxiliary

$2K Funding Request for Green-Copeland Highway Marker - Requested by Green-Copeland American Legion Auxiliary

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Referral
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-984 Ann Street Flooding - Infrastructure Committee Referral

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 224-1005: Approval of Bills - October 7, 2024

**ATTACHMENTS:**

- GENERAL FUND COUNCIL REPORT 2024 10 04.pdf
- PARKS N REC COUNCIL REPORT 2024 10 04.pdf
- BUILDING COMM COUNCIL REPORT 2024 10 04.pdf
- CAPITAL RESERVE COUNCIL REPORT 2024 10 04.pdf

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| KUTCHER CHRISTOPHER A | 10/04/24 | DANIEL GRAD MEAL EXPENSE | GENERAL FUND | POLICE DEPARTMENT | 96.00 |
| | | | | TOTAL: | 96.00 |
| 10-42 TACTICAL LLC | 10/04/24 | NEWLIN&DANIEL UNIFORMS | GENERAL FUND | POLICE DEPARTMENT | 2,715.00 |
| | | | | TOTAL: | 2,715.00 |
| A & A SAFETY INC | 10/04/24 | POLICE TRAFFIC MSG BOARD | CAPITAL RESERVE | PUBLIC SAFETY | 34,990.00 |
| | | | | TOTAL: | 34,990.00 |
| AC &T CO., INC | 10/04/24 | 24 CAR SHOW PORTA POT SER | GENERAL FUND | FAIR ASSOC/FESTIVAL | 904.00 |
| | 10/04/24 | PORTA POTTY SERVICES | PARKS & REC | PARKS & REC | 289.00 |
| | | | | TOTAL: | 1,193.00 |
| AMERICAN LEGAL PUBLISHING CORP | 10/04/24 | ORDINANCE WEBSITE UPDATE | GENERAL FUND | CITY HALL | 1,534.07 |
| | | | | TOTAL: | 1,534.07 |
| APPLE VALLEY WASTE SERVICE, INC. | 10/04/24 | SEPT24 TRASH SERVICE | GENERAL FUND | STREETS & HIGHWAYS | 660.13 |
| | 10/04/24 | SEPT24 TRASH SERVICE | PARKS & REC | PARKS & REC | 525.00 |
| | | | | TOTAL: | 1,185.13 |
| AUTOZONE, INC. | 10/04/24 | CAR#5 WIPER BLADES | GENERAL FUND | POLICE DEPARTMENT | 59.48 |
| | | | | TOTAL: | 59.48 |
| BOARD OF TRUSTEES OF THE POLICE PENSIO | 10/04/24 | 25 REMAIN PD PENSION CONT | GENERAL FUND | POLICE DEPARTMENT | 6,286.20 |
| | | | | TOTAL: | 6,286.20 |
| BOLAND TRANE SERVICES INC | 10/04/24 | SEPT 24 PD HVAC SERVICES | GENERAL FUND | POLICE DEPARTMENT | 457.00 |
| | 10/04/24 | PD HVAC SERV 10/1 | GENERAL FUND | POLICE DEPARTMENT | 457.00 |
| | | | | TOTAL: | 914.00 |
| BOYS AND GIRLS CLUB OF JEFFERSON COUNT | 10/04/24 | '24 CAR SHOW PROCEEDS | GENERAL FUND | FAIR ASSOC/FESTIVAL | 2,500.00 |
| | | | | TOTAL: | 2,500.00 |
| CHARLES TOWN PLUMBING | 10/04/24 | 418 E WASHINGTON REPAIRS | GENERAL FUND | ENFORCEMENT AGENCY | 4,300.00 |
| | | | | TOTAL: | 4,300.00 |
| CHILDS MONUMENT WORKS INC | 10/04/24 | POTTER'S FIELD MONUMENT | CAPITAL RESERVE | STREETS & TRANSPORTATI | 14,000.00 |
| | | | | TOTAL: | 14,000.00 |
| CITY OF CHARLES TOWN BOARD OF PARKS AN | 10/04/24 | AUG24 HOTEL/MOTEL COLLECT | GENERAL FUND | TRANSFERS | 8,315.97 |
| | | | | TOTAL: | 8,315.97 |
| CMA'S TOYOTA CHEVROLET OF MARTINSBURG | 10/04/24 | CAR#6 TIRE ROTATE/MVI/OIL | GENERAL FUND | POLICE DEPARTMENT | 172.04 |
| | | | | TOTAL: | 172.04 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| | 10/04/24 | CAR#4 MAINTNANCE | GENERAL FUND | POLICE DEPARTMENT | 106.47 |
| | 10/04/24 | CAR#25 MAINTNANCE | GENERAL FUND | POLICE DEPARTMENT | 18.67 |
| | 10/04/24 | CAR#25 MAINTNANCE | GENERAL FUND | POLICE DEPARTMENT | 19.95 |
| | 10/04/24 | CAR#25 MAINTNANCE | GENERAL FUND | POLICE DEPARTMENT | 89.37 |
| | 10/04/24 | CAR#24 REPLACE FUEL PUMP | GENERAL FUND | POLICE DEPARTMENT | 1,004.71 |
| | 10/04/24 | CAR#27 BATTERY& OIL | GENERAL FUND | POLICE DEPARTMENT | 358.52 |
| | 10/04/24 | CAR#27 BATTERY& OIL | GENERAL FUND | POLICE DEPARTMENT | 19.95 |
| | 10/04/24 | CAR#27 BATTERY& OIL | GENERAL FUND | POLICE DEPARTMENT | 51.74 |
| | | | | TOTAL: | 1,699.83 |
| CHARLES TOWN BUILDING COMMISSION | 10/04/24 | OCT24 CWH/PD/CTUB RENT | GENERAL FUND | CITY HALL | 2,550.00 |
| | 10/04/24 | OCT24 CWH/PD/CTUB RENT | GENERAL FUND | CITY HALL | 16,667.00 |
| | 10/04/24 | OCT24 CWH/PD/CTUB RENT | GENERAL FUND | POLICE DEPARTMENT | 7,840.98 |
| | | | | TOTAL: | 27,057.98 |
| CHARLES TOWN UTILITY BOARD | 10/04/24 | EVITTS RUN WATER8/15-9/15 | GENERAL FUND | CITY HALL | 110.14 |
| | 10/04/24 | EVITTS RUN WATER8/15-9/15 | GENERAL FUND | CITY HALL | 110.02 |
| | 10/04/24 | EVITTS RUN WATER8/15-9/15 | GENERAL FUND | POLICE DEPARTMENT | 344.55 |
| | 10/04/24 | 8/16 PD WATER DELIVERY | GENERAL FUND | POLICE DEPARTMENT | 83.43 |
| | 10/04/24 | EVITTS RUN WATER8/15-9/15 | GENERAL FUND | STREETS & HIGHWAYS | 130.99 |
| | 10/04/24 | 24 CAR SHOW EMPLOY LABOR | GENERAL FUND | FAIR ASSOC/FESTIVAL | 513.90 |
| | | | | TOTAL: | 1,293.03 |
| EARTH PLANTER | 10/04/24 | 16SELF WATERING PLANTERS | CAPITAL RESERVE | STREETS & TRANSPORTATI | 5,375.00 |
| | | | | TOTAL: | 5,375.00 |
| ECONO SIGNS LLC | 10/04/24 | CH HANDICAP SIGN | GENERAL FUND | CITY HALL | 41.29 |
| | | | | TOTAL: | 41.29 |
| ENVIRO-TECH PEST SERVICES | 10/04/24 | CH BEE PEST SERV 9/27 | GENERAL FUND | CITY HALL | 328.60 |
| | | | | TOTAL: | 328.60 |
| FIDELITY POWER SYSTEMS | 10/04/24 | FY25 PD GENERATOR | GENERAL FUND | POLICE DEPARTMENT | 3,705.00 |
| | | | | TOTAL: | 3,705.00 |
| FIRST-CITIZENS BANK & TRUST CO | 10/04/24 | OCT24 PLOTTER LEASE | GENERAL FUND | CITY HALL | 506.12 |
| | 10/04/24 | OCT24 1ST FLR COPIER RENT | GENERAL FUND | CITY HALL | 239.68 |
| | | | | TOTAL: | 745.80 |
| FRONTIER, INC. | 10/04/24 | 9/4-10/3 CH&PD INTERNET | GENERAL FUND | CITY HALL | 1,583.59 |
| | 10/04/24 | 9/4-10/3 CH&PD INTERNET | GENERAL FUND | POLICE DEPARTMENT | 1,583.58 |
| | 10/04/24 | PD PHONE SERV 9/24-10/23 | GENERAL FUND | POLICE DEPARTMENT | 69.86 |
| | | | | TOTAL: | 3,237.03 |
| GALLS, LLC | 10/04/24 | N HALL UNIFORM BOOTS | GENERAL FUND | POLICE DEPARTMENT | 98.99 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| JEFFERSON COUNTY EMERGENCY COMMUNICATI | 10/04/24 | 6/6/24-7/5/24 CAD MOBILE | GENERAL FUND | POLICE DEPARTMENT | 446.02 |
| | | | | TOTAL: | 446.02 |
| JEFFERSON COUNTY CONVENTION & VISITOR' | 10/04/24 | SEPT24 HOTEL/MOTEL COLLEC | GENERAL FUND | VISITORS CENTER | 8,315.96 |
| | | | | TOTAL: | 8,315.96 |
| JEFFERSON HIGH SCHOOL AIR FORCE JR ROT | 10/04/24 | '24 CAR SHOW PROCEEDS | GENERAL FUND | FAIR ASSOC/FESTIVAL | 500.00 |
| | | | | TOTAL: | 500.00 |
| JOHNSON CONTROLS SECURITY SOLUTIONS | 10/04/24 | 10/1-12/24 661 FIRE ALARM | GENERAL FUND | STREETS & HIGHWAYS | 1,471.30 |
| | | | | TOTAL: | 1,471.30 |
| KENT PARSONS FORD, INC | 10/04/24 | CAR#29 BATTERY&AXLE REPLA | GENERAL FUND | POLICE DEPARTMENT | 667.11 |
| | 10/04/24 | CAR#18 REPLACE BATTERY | GENERAL FUND | POLICE DEPARTMENT | 204.90 |
| | | | | TOTAL: | 872.01 |
| KIMLEY-HORN AND ASSOCIATES, INC. | 10/04/24 | AUG24 CT P&Z SITE REVIEWS | GENERAL FUND | PLANNING & ZONING | 6,152.05 |
| | | | | TOTAL: | 6,152.05 |
| MARLIN LEASING CORPORATION | 10/04/24 | PD&CH COPIER RENTAL | GENERAL FUND | CITY HALL | 280.00 |
| | 10/04/24 | PD&CH COPIER RENTAL | GENERAL FUND | POLICE DEPARTMENT | 515.98 |
| | | | | TOTAL: | 795.98 |
| MATTHEW ANDERSON, PE, PLLC | 10/04/24 | 218 S LAWRENCE STRUC EVAL | GENERAL FUND | ENFORCEMENT AGENCY | 700.00 |
| | 10/04/24 | INSPECTOR SERV 9/16-9/18 | GENERAL FUND | BUILDING INSPECTION | 7,550.00 |
| | | | | TOTAL: | 8,250.00 |
| MCKINNEY'S AUTO REPAIR & TOWING | 10/04/24 | CAR#28 WIPERS& OIL CHANGE | GENERAL FUND | POLICE DEPARTMENT | 45.67 |
| | 10/04/24 | CAR#28 WIPERS& OIL CHANGE | GENERAL FUND | POLICE DEPARTMENT | 130.05 |
| | | | | TOTAL: | 175.72 |
| MCP INSPECTIONS | 10/04/24 | 7/1-9/2 INSPECT SERVICES | GENERAL FUND | BUILDING INSPECTION | 5,250.00 |
| | | | | TOTAL: | 5,250.00 |
| MID ATLANTIC ENTRY MD, LLC | 10/04/24 | 34N WATER WIRELESS GATE | GENERAL FUND | STREETS & HIGHWAYS | 8,732.00 |
| | | | | TOTAL: | 8,732.00 |
| MOTOROLA SOLUTIONS, INC. | 10/04/24 | FY25 BODYCAM LICENSE | GENERAL FUND | POLICE DEPARTMENT | 4,990.32 |
| | 10/04/24 | CAMERA ANTENNA KIT | CAPITAL RESERVE | GENERAL GOVERNMENT | 101.26 |
| | | | | TOTAL: | 5,091.58 |
| MUNICIPAL FINANCE OFICERS ASSOCIATION | 10/04/24 | NICE&BALLOU MFOA TRAINING | GENERAL FUND | CITY MANAGER'S OFFICE | 325.00 |
| | | | | TOTAL: | 325.00 |
| PATTON BUILDING SERVICES INC | 10/04/24 | SEPT24CH/PD CLEANING SERV | GENERAL FUND | CITY HALL | 933.50 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | CITY HALL | 172.76 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | CITY HALL | 252.36 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | CITY HALL | 110.71 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | CITY HALL | 44.44 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | PARKING | 107.60 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 160.15 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 3,395.78 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 4,825.51 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 166.66 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 37.69 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 204.53 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 173.01 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 38.89 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 18.90 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 142.82 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | STREETS & HIGHWAYS | 663.66 |
| | 10/04/24 | AUG2024 CTOWN ELEC SERV | GENERAL FUND | VISITORS CENTER | 284.71 |
| | | | | TOTAL: | 11,446.84 |
| RCN COMMUNICATIONS, LLC | 10/04/24 | NETCLOUD RENEWAL | GENERAL FUND | POLICE DEPARTMENT | 1,160.70 |
| | | | | TOTAL: | 1,160.70 |
| REVIZE LLC | 10/04/24 | CITY HALL WEB DESIGN | GENERAL FUND | CITY HALL | 3,900.00 |
| | | | | TOTAL: | 3,900.00 |
| RUCKMAN ENGINEERING, PLC | 10/04/24 | PLAN REVIEWS 9/16-9/20 | GENERAL FUND | BUILDING INSPECTION | 4,050.00 |
| | 10/04/24 | 9/23-9/27 PLAN REVIEWS | GENERAL FUND | BUILDING INSPECTION | 1,050.00 |
| | | | | TOTAL: | 5,100.00 |
| SHERWIN - WILLIAMS | 10/04/24 | PAINT FOR SKT PRK MURAL | CAPITAL RESERVE | CULTURE & RECREATION | 902.47 |
| | 10/04/24 | PAINT FOR SKATE PARK MURA | CAPITAL RESERVE | CULTURE & RECREATION | 83.98 |
| | 10/04/24 | 24 SKATE PARK MURAL PAINT | CAPITAL RESERVE | CULTURE & RECREATION | 478.68 |
| | | | | TOTAL: | 1,465.13 |
| STAPLES ADVANTAGE | 10/04/24 | PAPER/CUPS/RECEIPT BOOK | GENERAL FUND | TREASURER'S OFFICE | 37.98 |
| | 10/04/24 | CH COFEE | GENERAL FUND | CITY HALL | 70.59 |
| | 10/04/24 | CH TOILETRIES | GENERAL FUND | CITY HALL | 953.80 |
| | 10/04/24 | PAPER/CUPS/RECEIPT BOOK | GENERAL FUND | CITY HALL | 181.96 |
| | 10/04/24 | PAPER/CUPS/RECEIPT BOOK | GENERAL FUND | CITY HALL | 24.24 |
| | | | | TOTAL: | 1,268.57 |
| STEPTOE & JOHNSON PLLC | 10/04/24 | AUG24 LEGAL SERVICES | GENERAL FUND | CITY ATTORNEY | 2,577.63 |
| | | | | TOTAL: | 2,577.63 |
| LYLE C TABB & SONS, INC. | 10/04/24 | JULY24 BOX RENTAL FEES | GENERAL FUND | STREETS & HIGHWAYS | 675.00 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| UNITED WAY OF THE EASTERN PANHANDLE, I | 10/04/24 | SEPT24 TEEN COURT FEES | GENERAL FUND | NON-DEPARTMENTAL | 355.00 |
| | | | | TOTAL: | 355.00 |
| VISUAL COMPUTER SOLUTIONS, INC | 10/04/24 | FY25 TIMEKEEPING SUPPORT | GENERAL FUND | POLICE DEPARTMENT | 2,561.20 |
| | | | | TOTAL: | 2,561.20 |
| WASHINGTON HIGH SCHOOL SHOW CHOIR | 10/04/24 | '24 CAR SHOW PROCEEDS | GENERAL FUND | FAIR ASSOC/FESTIVAL | 300.00 |
| | | | | TOTAL: | 300.00 |
| WASTE MANAGEMENT | 10/04/24 | MAINT SHOP TRASH SERV | GENERAL FUND | STREETS & HIGHWAYS | 323.89 |
| | | | | TOTAL: | 323.89 |
| WHITMOYER AUTO GROUP | 10/04/24 | POLICE BATONS | CAPITAL RESERVE | PUBLIC SAFETY | 3,721.48 |
| | | | | TOTAL: | 3,721.48 |
| WITMER PUBLIC SAFETY GROUP INC | 10/04/24 | PD BADGE PATCH SAMPLES | GENERAL FUND | POLICE DEPARTMENT | 93.00 |
| | 10/04/24 | PD AMMUNITION | GENERAL FUND | POLICE DEPARTMENT | 1,937.78 |
| | 10/04/24 | PD AMMUNITION | GENERAL FUND | POLICE DEPARTMENT | 1,933.58 |
| | | | | TOTAL: | 3,964.36 |
| WV STATE TREASURER'S OFFICE | 10/04/24 | SEPT24 MUNC COURT FEES | GENERAL FUND | NON-DEPARTMENTAL | 3,844.78 |
| | | | | TOTAL: | 3,844.78 |

========== FUND TOTALS ==========

| | | |
|---|---|---|
| 001 | GENERAL FUND | 177,973.47 |
| 200 | CAPITAL RESERVE | 200,313.42 |
| 207 | PARKS & REC | 814.00 |
| | GRAND TOTAL: | 379,100.89 |

TOTAL PAGES: 5

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 10/04/2024 THRU 10/04/2024

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | | AMOUNT |
|---|---|---|---|---|---|---|
| AC & T CO., INC | 10/04/24 | 8/29-9/26 JMP PORTA POTTY | PARKS & REC | PARKS & REC | | 289.00 |
| | | | | | TOTAL: | 289.00 |
| CHET HINES | 10/04/24 | HINES MULCH HAPPY RETREAT | PARKS & REC | PARKS & REC | | 32.90 |
| | 10/04/24 | HINES FUEL HAPPY RETREAT | PARKS & REC | PARKS & REC | | 11.40 |
| | 10/04/24 | HINES FUEL HAPPY RETREAT | PARKS & REC | PARKS & REC | | 5.86 |
| | 10/04/24 | HINES FUEL HAPPY RETREAT | PARKS & REC | PARKS & REC | | 11.45 |
| | | | | | TOTAL: | 61.61 |
| CHRIS OTT | 10/04/24 | JR TENNIS UNIFORMS | PARKS & REC | PARKS & REC | | 140.00 |
| | 10/04/24 | JR TENNIS UNIFORMS | PARKS & REC | PARKS & REC | | 70.00 |
| | | | | | TOTAL: | 210.00 |

========== FUND TOTALS ==========

| | | |
|---|---|---|
| 207 | PARKS & REC | 560.61 |
| | GRAND TOTAL: | 560.61 |

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

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SELECTION OPTIONS

VENDOR SET: 03-CT BOARD OF P&R
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 10/04/2024 THRU 10/04/2024

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PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

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PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

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PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

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| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| BANK OF CHARLES TOWN | 10/04/24 | OCT 24 BCT LOAN | BUILDING COMMISSIO | 661 MUNI ANNEX BLDG | 6,392.20 |
| | 10/04/24 | OCT 24 BCT LOAN | BUILDING COMMISSIO | LOAN INTRST-661 MUNI A | 3,998.78 |
| | | | | TOTAL: | 10,390.98 |
| FRONTIER , INC | 10/04/24 | 9/10-10/9 CH ELEVATOR PHN | BUILDING COMMISSIO | CITY HALL | 64.10 |
| | | | | TOTAL: | 64.10 |

========== FUND TOTALS ==========

| | | |
|---|---|---|
| 400 | BUILDING COMMISSION | 10,455.08 |
| | GRAND TOTAL: | 10,455.08 |

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

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SELECTION OPTIONS

VENDOR SET: 02-CT BUILDING COMMISSION
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 10/04/2024 THRU 10/04/2024

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PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

---

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

---

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

---

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| A & A SAFETY INC | 10/04/24 | POLICE TRAFFIC MSG BOARD | CAPITAL RESERVE | PUBLIC SAFETY | 34,990.00 |
| | | | | TOTAL: | 34,990.00 |
| CHILDS MONUMENT WORKS INC | 10/04/24 | POTTER'S FIELD MONUMENT | CAPITAL RESERVE | STREETS & TRANSPORTATI | 14,000.00 |
| | | | | TOTAL: | 14,000.00 |
| CONSTRUCTIVE SOLUTIONS LLC | 10/04/24 | BRICK REPAIRS FOR CWH | CAPITAL RESERVE | STREETS & TRANSPORTATI | 8,800.00 |
| | | | | TOTAL: | 8,800.00 |
| EARTH PLANTER | 10/04/24 | 16SELF WATERING PLANTERS | CAPITAL RESERVE | STREETS & TRANSPORTATI | 5,375.00 |
| | | | | TOTAL: | 5,375.00 |
| MOTOROLA SOLUTIONS, INC. | 10/04/24 | CAMERA ANTENNA KIT | CAPITAL RESERVE | GENERAL GOVERNMENT | 101.26 |
| | | | | TOTAL: | 101.26 |
| SHERWIN - WILLIAMS | 10/04/24 | PAINT FOR SKT PRK MURAL | CAPITAL RESERVE | CULTURE & RECREATION | 902.47 |
| | 10/04/24 | PAINT FOR SKATE PARK MURA | CAPITAL RESERVE | CULTURE & RECREATION | 83.98 |
| | 10/04/24 | 24 SKATE PARK MURAL PAINT | CAPITAL RESERVE | CULTURE & RECREATION | 478.68 |
| | | | | TOTAL: | 1,465.13 |
| TEK ADVISORS | 10/04/24 | DATA CENTRALIZATION/SERVE | CAPITAL RESERVE | GENERAL GOVERNMENT | 122,151.52 |
| | | | | TOTAL: | 122,151.52 |
| TRAFFIC SAFETY STORE | 10/04/24 | TRAFFIC SIGNS & CONES | CAPITAL RESERVE | PUBLIC SAFETY | 9,709.03 |
| | | | | TOTAL: | 9,709.03 |
| WHITMOYER AUTO GROUP | 10/04/24 | POLICE BATONS | CAPITAL RESERVE | PUBLIC SAFETY | 3,721.48 |
| | | | | TOTAL: | 3,721.48 |

========== FUND TOTALS ==========

| | | |
|---|---|---|
| 200 | CAPITAL RESERVE | 200,313.42 |
| | GRAND TOTAL: | 200,313.42 |

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: CAP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 10/04/2024 THRU 10/04/2024

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-968: Charles Town Police Department August Statistic Report

**ATTACHMENTS:**

- August 2024 CTPD Stats.pdf

# Charles Town Police Department
## Monthly Stat Report

**August 2024**

| | |
|---|---|
| 911 Hangup | 1 |
| Abandoned Vehicle | 2 |
| Abuse/Neglect | |
| Alarm | 13 |
| Animal Complaint | |
| Assault | 3 |
| BOLO | 1 |
| Breaking and Entering | |
| Breaking and Entering Veh | |
| Building Check | 68 |
| Capias Recall by Court | 34 |
| Capias Service | 14 |
| Child Locked In Vehicle | 1 |
| Civil Process | 1 |
| Counterfeit Money | 1 |
| Court/Bailiff Duty | 4 |
| Destruction of Property | 2 |
| Directed Patrol | 226 |
| Disabled Vehicle | 7 |
| Disturbance | 27 |
| Dog Locked in Vehicle | |
| Domestic Battery | |
| Drug Activity | 6 |
| DUI | 1 |
| EMS Assist | 9 |
| Fingerprinting | 13 |
| Fire Assist | |
| Fireworks Complaint | 1 |
| Follow Up | 32 |
| Foot Patrol | 9 |
| Found Property | 5 |
| Fraud | 4 |
| Gunshots Heard | 2 |
| Hardcopy Check | 4 |
| Illegal Burn | |
| Injured Animal | |
| Intoxicated Person | 2 |
| Juvenile Complaint | 3 |

| | |
|---|---|
| Loose Dog | 1 |
| Missing Person | |
| Motorist Assist | 5 |
| MVA w/ Entrapment | |
| MVA Hit and Run | 5 |
| MVA No Injury | 21 |
| MVA w/ Injury | 2 |
| MVA Pedistrian Struck | 1 |
| Nuisance | 1 |
| Open Door | 4 |
| Out of Car (Investigation/Mtg/Court) | 11 |
| Overdose | |
| Overdose-Death | |
| Panhandling | |
| Parking Complaint | 9 |
| Public Assist (In Person Contact) | 48 |
| Public Service (Phone Contact) | 89 |
| Reckless Driver | |
| Road Patrol | 11 |
| Shoplifting | 9 |
| Special Event/Detail | 8 |
| Stolen Tag | |
| Suspicious Activity | 14 |
| Suspicious Mail | |
| Suspicious Person | 5 |
| Suspicious Vehicle | 8 |
| Theft | 6 |
| Threats | 1 |
| Traffic Hazzard | 5 |
| Transport | |
| Trespassing | 5 |
| Unattended Death | |
| VIN Verification | |
| Warrant Service | 15 |
| Welfare Check | 20 |
| Wildlife Complaint | |
| Wires Down | |
| **Total calls of service** | **800** |

| Assists/Back-Ups: | | | | |
|---|---|---|---|---|
| | Ranson | **13** | Sheriffs Dept. | **16** |
| | Harpers Ferry | | State Police | **2** |
| | Shepherdstown | | Other (not including CTPD) | **5** |
| | | | **Total Assists** | **36** |

| | Male | Female | Caucasian | African American | Hispanic | Asian | Other/ Unknown | Total |
|---|---|---|---|---|---|---|---|---|
| Defendants: | 25 | 16 | 31 | 7 | 3 | 0 | 0 | **41** |
| Total Charges | 35 | 21 | 43 | 10 | 3 | 0 | 0 | **56** |
| | | | | | | | | |
| Citations: | | | | | | | | **166** |
| - Moving | | | | | | | | **81** |
| - Nonmoving | | | | | | | | **62** |
| - Criminal | | | | | | | | **3** |
| - S Ticket (Parking) | | | | | | | | **20** |
| Stops | 89 | 60 | 107 | 19 | 19 | 3 | 1 | **149** |
| | | | | | | | | |
| Warnings: | | | | | | | | **70** |
| Stops | 37 | 33 | 42 | 8 | 10 | 2 | 8 | **70** |
| | | | | | | | | |
| Total | **151** | 109 | **180** | **34** | **32** | **5** | **9** | |
| | | | | | | | | |
| Incident Report | | | | | | | | **82** |
| | | | | | | | | |
| Parking | | | | | | | | |
| - Citations | | | | | | | | **139** |
| -Warnings | | | | | | | | **14** |

# Charles Town Police Department
## Monthly Stat Report
## Charges by Offense/Gender/Race

**August 2024**

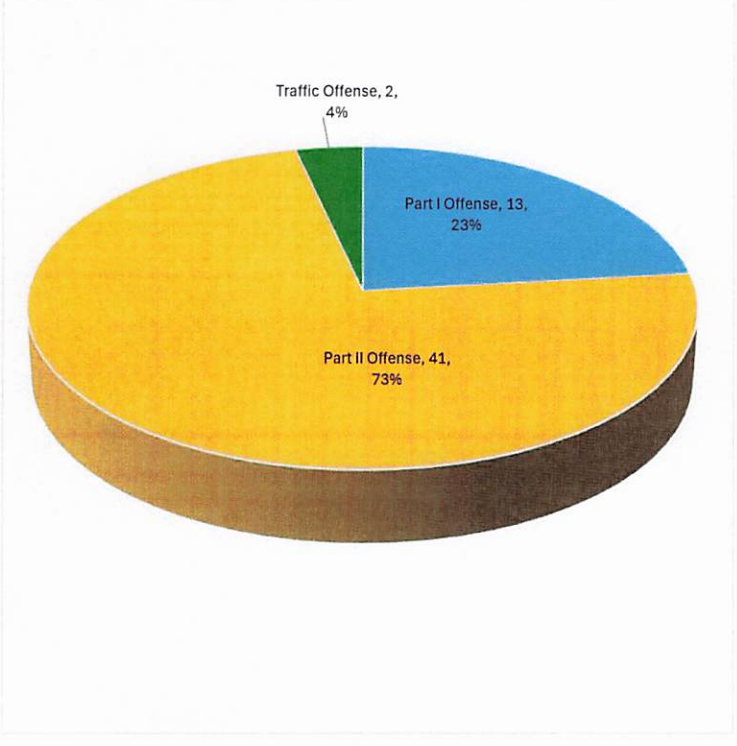
| | Male | Female | Caucasian | African American | Hispanic | Asian | Unknown |
|---|---|---|---|---|---|---|---|
| PART I OFFENSE | | | | | | | |
| Burglary (Daytime) | | | | | | | |
| Burglary (Nighttime) | | | | | | | |
| Grand Larceny | 4 | | 1 | 3 | | | |
| Malicious Assault | | | | | | | |
| Malicious Wounding | | | | | | | |
| Attempted Murder 1st Degree | | | | | | | |
| Murder 1st Degree | | | | | | | |
| Petit Larceny | 1 | | 1 | | | | |
| Robbery - Attempted | | | | | | | |
| Robbery | | | | | | | |
| Robbery 2nd Degree | | | | | | | |
| Sexual Assault 1st Degree | | | | | | | |
| Shoplifting | | 4 | 4 | | | | |
| Shoplifting 2nd Offense | | 4 | 4 | | | | |
| Shoplifting 3rd Offense | | | | | | | |
| Strangulation | | | | | | | |
| TOTAL | 5 | 8 | 10 | 3 | 0 | 0 | 0 |
| PART II OFFENSE | | | | | | | |
| Assault | | | | | | | |
| Assault on an Officer | | | | | | | |
| Attempted to Defeat Drug/Alcohol Screening Test | | | | | | | |
| Battery | 2 | | 2 | | | | |
| Battery on Emergency Personnel | 1 | | 1 | | | | |
| Breaking and Entering - Attempted | 1 | | 1 | | | | |
| Capias Served | 9 | 5 | 11 | 2 | 1 | | |
| Child Abuse Resulting in Injury | | | | | | | |
| Child Neglect Creating Risk of Injury | | | | | | | |
| Computer Fraud | | | | | | | |
| Conspiracy | 3 | 1 | 1 | 3 | | | |
| Conspiracy to Distribute MDMA | | | | | | | |
| Conspiracy to Breaking and Entering | | | | | | | |
| Conspiracy to Possess w/Intent to Deliver Cocaine | | | | | | | |
| Conspiracy to Possess w/Intent to Deliver Heroin | | | | | | | |
| Conspiracy to Possess w/Intent to Deliver Methamphetamine | | | | | | | |
| Cruelty to Animals | 1 | | | 1 | | | |
| Destruction of Property | 2 | 1 | 3 | | | | |
| Disorderly Conduct | | | | | | | |
| Disruption of School | | | | | | | |
| Distribution of Crack Cocaine | | | | | | | |
| Disturbing the Peace | | | | | | | |
| Domestic Assault | | | | | | | |
| Domestic Battery | | | | | | | |
| Domestic Battery 2nd Offense | | | | | | | |
| Domestic Battery 3rd Offense | | | | | | | |
| Driving Revoked for DUI | 1 | | | | 1 | | |
| Driving Revoked for DUI 2nd | | | | | | | |
| Driving Revoked for DUI 3rd | | | | | | | |
| Driving Revoked Non DUI Admin | | | | | | | |
| DUI | | | | | | | |
| DUI 2nd | | | | | | | |
| DUI 3rd | | | | | | | |
| DUI Aggravated | 1 | | 1 | | | | |
| DUI Causing Bodily Injury | | | | | | | |
| DUI - Drugs | | | | | | | |

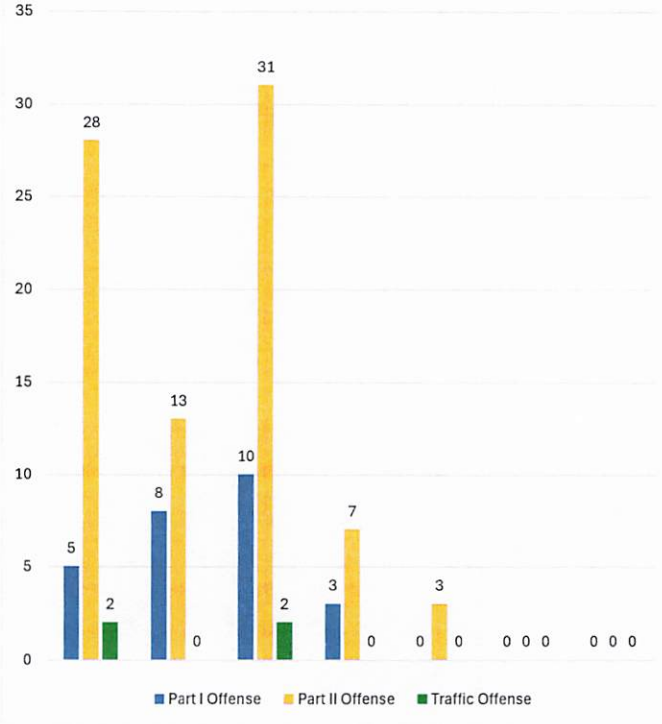
## Charles Town Police Department
## Monthly Stat Report
## Charges by Offense/Gender/Race

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| DUI - Drugs 3rd Offense | | | | | | | |
| DUI w/ Minor | | | | | | | |
| Engage in Business W/O Business Franchise Registration | 1 | | | 1 | | | |
| Failure to Make Required Payments | | | | | | | |
| False Alarm of Fire | | | | | | | |
| False Reporting of an Emergency | | | | | | | |
| Felon in Possession of Firearm | | | | | | | |
| Fingerprint Refusal | | | | | | | |
| Fleeing from Officer | | 1 | 1 | | | | |
| Fleeing in Vehicle w/ Reckless Indifference | | | | | | | |
| FPO Violation | | | | | | | |
| Fraudulent Schemes | | | | | | | |
| Fugitive From Justice | 1 | | 1 | | | | |
| Injuring or Tampering with Mobile Equipment | | | | | | | |
| Interfering with Emergency Communication | | | | | | | |
| Interlock Violation | | | | | | | |
| Littering | | 1 | 1 | | | | |
| Non-Consensual Disclosure of Private Intimate Images | | | | | | | |
| Obstructing an Officer | | 1 | 1 | | | | |
| Obtain Money, Property, Services by False Pretense | | | | | | | |
| Open Container | | | | | | | |
| Open Container in Vehicle | | | | | | | |
| Pedestrian in Roadway | | | | | | | |
| Pimping | | | | | | | |
| Possession Deadly Weapon by Minor | | | | | | | |
| Possession of Alcohol Under 21 | | | | | | | |
| Possession of Acetaminophen/Tramadol | | | | | | | |
| Possession of Gabapentin | 1 | | 1 | | | | |
| Possession of Heroin | | | | | | | |
| Possession of Marijuana | 4 | | 3 | | 1 | | |
| Possession of Methamphetamine | | | | | | | |
| Possession of Oxycodone | | | | | | | |
| Possession of Pregabalin | | | | | | | |
| Possession of Tramadol | | | | | | | |
| Possession w/ Intent to Deliver Cocaine | | | | | | | |
| Possession w/ Intent to Deliver Heroin | | | | | | | |
| Possession w/ Intent to Deliver Methamphetamine | | | | | | | |
| Possession w/ Intent to Deliver MDMA (Molly) | | | | | | | |
| Probation Revocation | | 1 | 1 | | | | |
| Prohibited Person in Poss of Firearm | | | | | | | |
| Prostitution | | | | | | | |
| Prostitution 2nd Offense | | | | | | | |
| Providing Alcohol to Under 21 | | | | | | | |
| Public Intoxication | | | | | | | |
| Reckless Driving | | | | | | | |
| Resisting Arrest | | | | | | | |
| Sexual Abuse 1st Degree | | | | | | | |
| Sexual Assault 2nd Degree | | | | | | | |
| Threats of Terroristic Acts | | | | | | | |
| Transfer Receive Stolen Property | | 1 | 1 | | | | |
| Trespassing | | 1 | 1 | | | | |
| Unlawful Possession/Transport into WV Fentanyl | | | | | | | |
| Underage Consumption of Alcohol | | | | | | | |
| Uttering | | | | | | | |
| Wanton Endangerment | | | | | | | |
| **TOTAL** | **28** | **13** | **31** | **7** | **3** | **0** | **0** |

# Charles Town Police Department
## Monthly Stat Report
## Charges by Offense/Gender/Race

| TRAFFIC OFFENSE | | | | | | | |
|---|---|---|---|---|---|---|---|
| Cell Phone Violation | | | | | | | |
| Child Safety Restraint Violation | | | | | | | |
| Defective Equipment | | | | | | | |
| Driving Suspended | | | | | | | |
| Driving Suspended 2nd Offense | | | | | | | |
| Driving Suspended 3rd Offense | | | | | | | |
| Driving Too Fast for Conditions | | | | | | | |
| Exp/No MVI | | | | | | | |
| Expired/No Operators | | | | | | | |
| Expired/No Registration | | | | | | | |
| Fail to Keep Right | | | | | | | |
| Fail to Maintain Control | 1 | | 1 | | | | |
| Fail to Obey Traffic Control Device | 1 | | 1 | | | | |
| Fail to Obtain WV Operators | | | | | | | |
| Fail to Report Accident | | | | | | | |
| Failure to Update Address on License | | | | | | | |
| Following to Closely | | | | | | | |
| Improper Backing | | | | | | | |
| Improper Registration | | | | | | | |
| Leaving the Scene of Accident w/ Damage | | | | | | | |
| Left of Center | | | | | | | |
| No Insurance/No Proof of Insurance | | | | | | | |
| No Motorcycle Endorsement | | | | | | | |
| No Parking Violation | | | | | | | |
| No Seatbelt | | | | | | | |
| Passing on Right | | | | | | | |
| Red Light Violation | | | | | | | |
| Speeding | | | | | | | |
| Stopping on Highway | | | | | | | |
| **TOTAL** | **2** | **0** | **2** | **0** | **0** | **0** | **0** |
| **TOTAL CHARGES** | **35** | **21** | **43** | **10** | **3** | **0** | **0** |



# Charles Town Police Department

## SRO Monthly Report

### Washington High School & Charles Town Middle School 2022-2023 /June 2023

| INVOLVEMENTS: | | | | | |
|---|---|---|---|---|---|
| Alcohol Related | 0 | Fire/Shelter Drills | 2 | SRO Use of Force | 0 |
| Battery on School Employee | 0 | Found Property | 0 | Suspensions | 6 |
| Citizen Assist | 1 | Incident Reports | 3 | Threats | 0 |
| Directed Patrols | 0 | Juvenile Petitions | 1 | Tobacco Related | 1 |
| Disturbance | 4 | Marijuana Possession | 1 | Trespassing | 0 |
| Evacuations | 0 | Parental Contacts | 4 | Vandalism/Theft | 1 |
| Extra Curricular Activities | 5 | Parking Complaints | 0 | Vehicle Accident | 1 |
| Fights | 2 | Reckless Driver | 1 | Welfare Check | 2 |
| Fire Department Assist | 0 | Social Media Related | 1 | ***Total Involvements*** | ***36*** |

**Officer Notes/Misc. Information:**

Standard Response Protocol Presentation to staff

Individual Class meetings (by grade) with students various topics

| YOUTH SERVICES: | |
|---|---|
| Total Classes Taught: | **See Notes** |
| Students in Class: | **1477** |
| Topics Taught: | **See Misc.** |
| One on One Contacts: | **8** |
| Total Students Served: | **ALL** |

# Charles Town Police Department

Total Traffic Citation Report, by Violation

| Violation | Description | Total |
|---|---|---|
| 17A-3-16 | Expired Registration | 35 |
| 17A-9-2 | No Or Expired Registration | 9 |
| 17B-2-1 | No Operators | 5 |
| 17B-2-12 | Expired Operators | 1 |
| 17B-4-3(a) | Driving Suspended/2nd/3rd | 3 |
| 17B-4-3(b) | Driving Revoked For DUI/2nd/3rd | 1 |
| 17C-12-7 | Fail To Stop For School Bus | 3 |
| 17C-13-3 | Parking Violation | 1 |
| 17C-14-15 | Use Handheld Communication Device | 2 |
| 17C-15-1 | Unsafe-Improperly Equipped Vehicle | 2 |
| 17C-16-9 | No Or Expired MVI | 9 |
| 17C-3-4 | Fail To Obey Traffic Control Device | 6 |
| 17C-3-5 | Fail To Obey Traffic Light | 23 |
| 17C-5-2(f) | Aggravated DUI >.15 | 1 |
| 17C-6-1a | Failure To Maintain Control | 2 |
| 17C-6-1b | Speeding | 28 |
| 17C-7-4 | Passing On Right-Off Road | 2 |
| 17C-9-1 | Fail Yield At Intersection | 3 |
| 17D-2A-3 | No Insurance | 3 |
| 17D-2A-4 | No Proof Of Insurance | 3 |
| CTPD171.07 | Failure To Appear For Trial (CAPIAS) | 14 |
| CTPD333.03 | Hazardous Driving | 1 |
| CTPD361.08 | Parking For Prohibited Purposes | 2 |
| CTPD531.03 | Possession Of Marijuana <15gms | 3 |
| CTPD533.01(1) | Shoplifting | 1 |
| CTPD533.02(b) | Trespass; Structure Or Conveyance | 1 |
| CTPD533.07(a) | Littering | 1 |
| ctpd521.06(a)(6) | Open Container In Public | 1 |
| **Report Totals** | | **166** |

**Report Includes:**

All dates of issue between `00:00:00 08/01/24` and `23:59:59 08/31/24`, All agencies matching `CTPD`, All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

# Charles Town Police Department

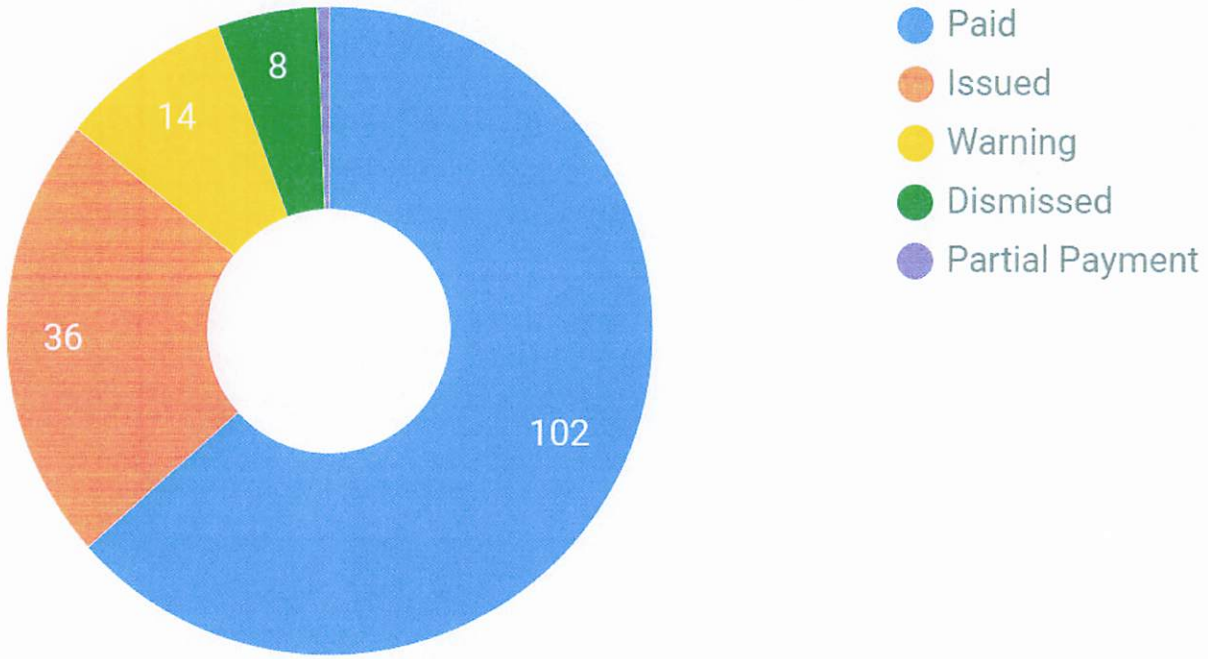
Total Traffic Warning Report, by Violation

| Violation | Description | Total |
|---|---|---|
| 17A-3-15 | Improper Display Of Registration | 2 |
| 17A-3-16 | Expired Registration | 24 |
| 17A-9-2 | No Or Expired Registration | 3 |
| 17C-12-5 | Stop Sign Violation | 1 |
| 17C-15-1 | Unsafe-Improperly Equipped Vehicle | 6 |
| 17C-16-9 | No Or Expired MVI | 1 |
| 17C-3-4 | Fail To Obey Traffic Control Device | 5 |
| 17C-3-5 | Fail To Obey Traffic Light | 2 |
| 17C-6-1(b)(1) | Speeding In School Zone | 1 |
| 17C-6-1a | Failure To Maintain Control | 5 |
| 17C-6-1b | Speeding | 9 |
| 17C-7-4 | Passing On Right-Off Road | 5 |
| 17C-7-6 | Left of Center | 1 |
| 17C-7-8 | One Way And Traffic Island Violation | 1 |
| 17C-7-9 | Improper Lane Change | 1 |
| 17C-9-1 | Fail Yield At Intersection | 1 |
| 17C-9-3 | Fail To Yield-Thru Highway | 1 |
| CTPD333.03 | Hazardous Driving | 1 |

**Report Totals:** **70**

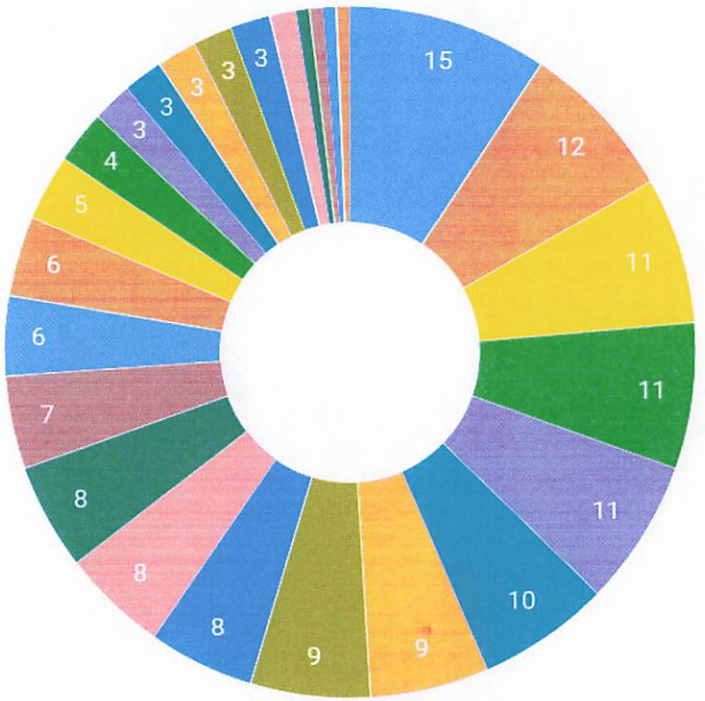
**Report Includes:**
All dates between `00:00:00 08/01/24` and `23:59:59 08/31/24`, All agencies matching `CTPD`, All issuing officers, All areas, All violations

City of Charles Town - Tickets By Status (Aug. 2024)




Data as of 9/16/2024, 12:00:00 AM

# City of Charles Town - Tickets By Location (Aug. 2024)

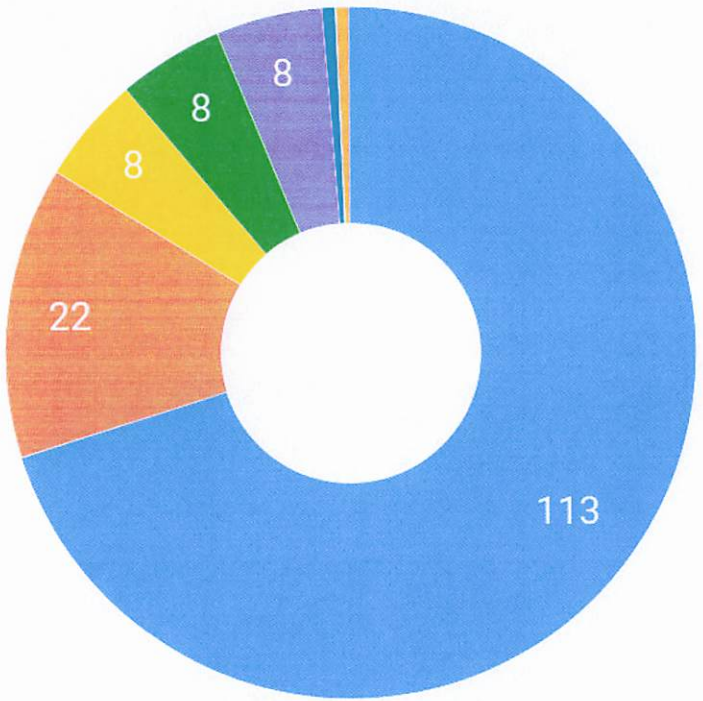



- 100 BLOCK NORTH CHARLES STREET
- CHARLES STREET PARKING LOT
- 100 BLOCK EAST CONGRESS STREET
- 100 BLOCK EAST LIBERTY STREET
- 100 BLOCK NORTH LAWRENCE STREET
- LIBERTY STREET PARKING LOT
- 100 BLOCK SOUTH SAMUEL STREET
- 100 BLOCK WEST LIBERTY STREET
- 100 BLOCK WEST WASHINGTON STREET
- 100 BLOCK SOUTH CHARLES STREET
- 200 BLOCK WEST WASHINGTON STREET
- LAWRENCE STREET PARKING LOT
- 200 BLOCK WEST LIBERTY STREET
- 100 BLOCK SOUTH LAWRENCE STREET
- 200 BLOCK NORTH GEORGE STREET
- 100 BLOCK EAST WASHINGTON STREET

1/2

Data as of 9/16/2024, 12:00:00 AM

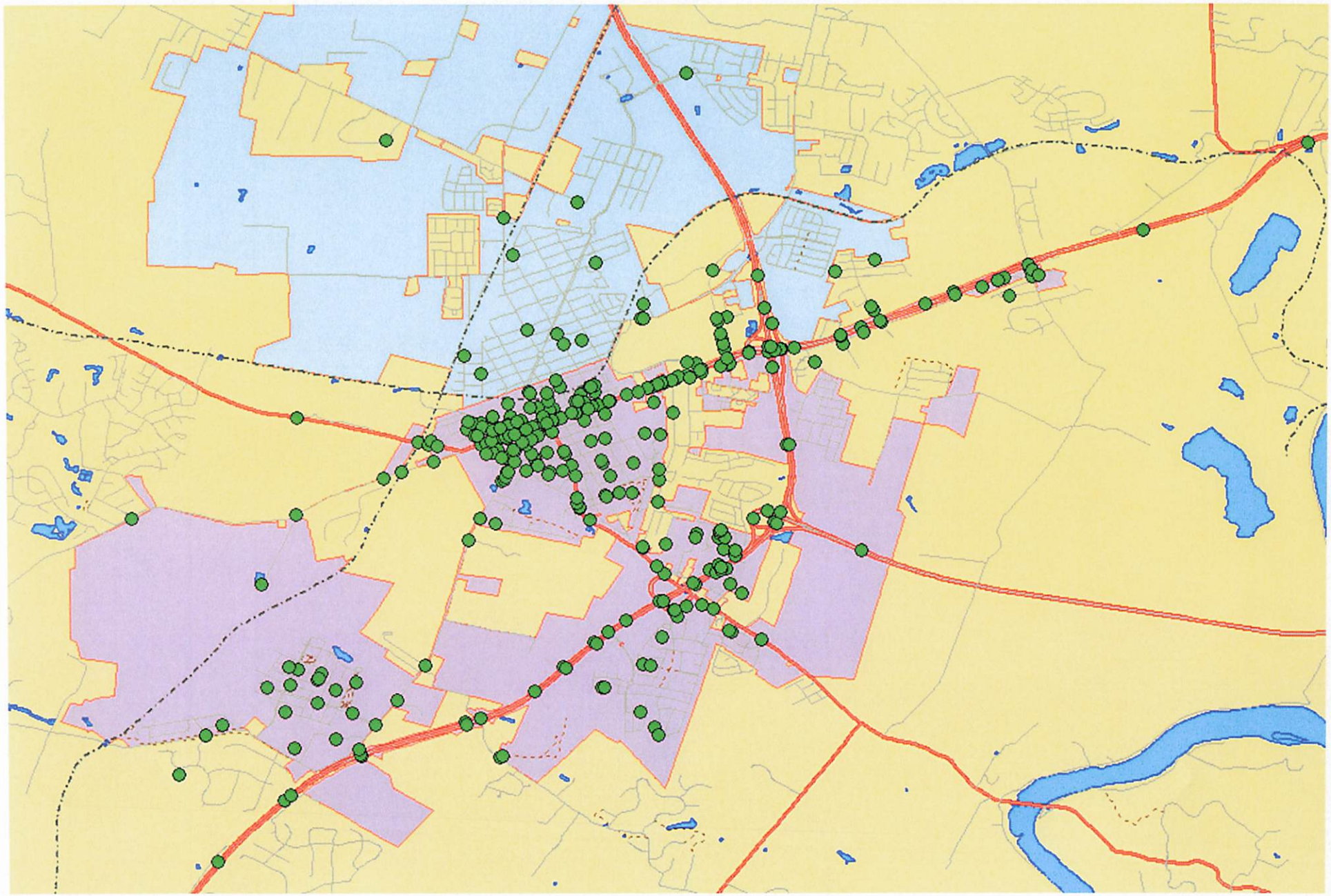
City of Charles Town - Tickets By Violation (Aug. 2024)




- Expired Meter
- Exceed 2 Hour Free Parking
- Accessible Parking Violation
- Parking Permit Violation
- Permit Parking Only/Pay by App Violation (Liberty Street Lot)
- Yellow/Red Painted Curbs or Streets Violation
- Improper Manner of Parking

Data as of 9/16/2024, 12:00:00 AM

August 2024 – All CTPD Calls



August 2024 – All CTPD Traffic Stops



**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-985 Supplemental Agreement to Phase 1 Augustine Avenue Trail Executed Version and Resolution

**ATTACHMENTS:**

- Executed Supplemental Agreement 1 Augustine Trail.pdf

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
# Division of Highways
1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Alanna J. Keller, P.E.
Deputy Secretary of Transportation
Deputy Commissioner of Highways

Jimmy Wriston, P.E.
Secretary of Transportation
Commissioner of Highways

August 27, 2024

Mr. John Nissel
City Manager
City of Charles Town
101 East Washington Street
Charles Town, West Virginia 25414

Dear Mr. Nissel:

Enclosed, for your records, is a fully executed Supplemental Agreement 1 for the Charles Town Augustine Avenue Transportation Alternatives (TA) project (State Project: U319-CHA/RL-2. 00) in Jefferson County. We will keep you updated on the project schedule.

Should you have any questions, please contact Kyle Oliver, Project Manager with our Grant Administration Unit within the Planning Division, at (304) 205-6207 or by email at Kyle.J.Oliver@wv.gov.

Sincerely,

Jimmy Wriston, P.E.
Secretary of Transportation/
Commissioner of Highways

JW:Om

Enclosures

**WEST VIRGINIA**

**DEPARTMENT OF TRANSPORTATION**

**DIVISION OF HIGHWAYS**

**SUPPLEMENTAL AGREEMENT 1**

**FOR**

**CHANGE IN FUNDING**

**STATE PROJECT: U319-CHA/RL-2. 00**

**FEDERAL PROJECT: TAP-2017(210)D CONSTRUCTION**

**CHARLES TOWN AUGUSTINE AVE**

**TRANSPORTATION ALTERNATIVES**

**JEFFERSON COUNTY**

**THIS SUPPLEMENTAL AGREEMENT 1,** executed in triplicate, made and entered into this 9 day of September, 2024, by and between the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS**, hereinafter called **"DEPARTMENT"** and the **CITY OF CHARLES TOWN**, hereinafter called **"SPONSOR"** supplementing Original Agreement between the aforementioned parties, dated January 3, 2022. This Supplemental Agreement 1 rescinds and replaces the funding of the Original Agreement, dated January 3, 2022;

**WITNESSETH** that,

**WHEREAS**, the Original Agreement provided for the participation of **DEPARTMENT** and **SPONSOR** in a project for design and construction of Charles Town Augustine Ave; and

**WHEREAS**, the **DEPARTMENT** has bid the project and the lowest qualified bidder exceeded available project funds. **SPONSOR** has requested supplemental funds to be awarded to project as to award the construction of the project to the lowest qualified bidder; and

**WHEREAS, DEPARTMENT** has approved the **SPONSOR'S** request relating to this project and desires to cooperate with **SPONSOR** to bring this project to construction; and

**WHEREAS,** by Resolution bearing the date of the 19th day of August, 2024, the **CHARLES TOWN CITY COUNCIL** directed the proper authorities to execute, acknowledge and deliver this Supplemental Agreement 1, a copy of which Resolution is affixed hereto and made a part hereof;

**NOW, THEREFORE,** it is mutually agreed as follows:

## I. REVISED MAXIMUM AMOUNT PAYABLE

**A.** The total funding for the Construction Phase including construction inspection, will be seven hundred seventy-seven thousand five hundred ninety-five dollars and sixty-three cents ($773,595.63). This reflects an overall increase of seventy-three thousand five hundred ninety-five dollars and sixty-three cents ($73,595.63), of which fifty-eight thousand eight hundred seventy-six dollars and fifty cents ($58,876.50) is the federal aid amount at eighty percent (80%) and fourteen thousand seven hundred nineteen dollars and thirteen cents ($14,719.13) will be the twenty percent (20%) match provided by the **SPONSOR**.

See **Table 1.0** for a breakdown of current project funding.

**B.** **SPONSOR** will be responsible, at the one hundred percent (100%) level, for any and all cost in excess of the total eligible project cost as set by this Supplemental Agreement 1.

**C.** That **SPONSOR** will submit to **DEPARTMENT** a check payable to the West Virginia Division of Highways for the sum of fourteen thousand seven hundred nineteen dollars and thirteen cents ($14,719.13) for the required twenty percent (20%) match amount. The check shall be submitted with this Supplemental Agreement 1 upon execution by **SPONSOR**.

## II. INCORPORATED BY REFERENCE

It is understood and agreed upon by the parties hereto that all the terms and provisions contained in the hereto referenced Agreement between the **DEPARTMENT** and the **SPONSOR**, dated January 3, 2022, shall continue in full force and effect except as modified and/or altered by this Supplemental Agreement 1.

**IN WITNESS WHEREOF,** the parties hereto have caused their respective names to be signed by their duly authorized officers.

**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION,**
**DIVISION OF HIGHWAYS**

*(signature)* Jimmy Wriston, P.E. Secretary of Transportation/ Commissioner of Highways *(title)*

**CITY OF CHARLES TOWN**

Robert M Cramer MAYOR

*(signature)* *(title)*

(To be executed in triplicate)

Distribution:
City of Charles Town
Planning Division
Legal Division

APPROVED AS TO FORM ON
8/21/24
ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION.
DIVISION OF HIGHWAYS
David A Fox

 NUMBER: 2408008

**Table 1.0 CHARLES TOWN AUGUSTINE AVE FUNDING BREAKDOWN**
**FFY 2020**
**State Project: U319-CHA/RL-2. 00**
**Federal Project: TAP-2017(210)D (CONSTRUCTION)**

| FUNDING TYPE | FEDERAL FUNDS | MATCHING FUNDS | TOTAL |
|---|---|---|---|
| **CONSTRUCTION PHASE TAP-2017(210)D 80% Federal Funds and 20% Sponsor Funds** | | | |
| FFY 2020 TA Grant Funds | $560,000.00 | $140,000.00 | $700,000.00 |
| Supplemental TA Funds | $58,876.50 | $14,719.13 | $73,595.63 |
| Total Project Construction Funds | $618,876.50 | $154,719.13 | $773,595.63 |

**NOTES:**

**Supplemental funding requested by Sponsor to award project to lowest bidder.**

# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414

Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us


2024-005

**RESOLUTION**

**Resolution Authorizing the City to Enter into a Transportation Alternatives Project Supplemental Agreement 1 with the West Virginia Division of Highways for Phase 1 Construction of the Augustine Avenue Trail.**

**WHEREAS**, in 2022 the City of Charles Town (City) and further identified as "Sponsor" entered into an Original Agreement with the West Virginia Department of Transportation, Division of Highways, known as the "Department" for the participation of both the Sponsor and Department to design and construct the Charles Town Augustine Trail; and

**WHEREAS**, in 2020, the original awarded amount totaled $700,000 inclusive of $560,000 in federal funds and $140,000 in Sponsor Match funds totaling $700,000 based on engineering construction estimates; and

**WHEREAS**, the Department has now bid the project and selected the lowest qualified bidder and whose construction bid exceeds the original project funds by $73,595.63; and

**WHEREAS**, the Department provides federal funds to cover 80% of the construction overage amount and the Sponsor is responsible for 20% co-match in the amount of $14,719.13; and

**WHEREAS**, City Council has continually established and expressed the completion of the Augustine Trail system is a high priority project;

**NOW, THEREFORE BE IT RESOLVED**, City Council approves the attached WVDOH Transportation Alternatives (TA) Project (State Project: U319-CHA/RL-2. 00) Supplemental Agreement 1 and authorizes Mayor Trainor to sign the agreement to immediately fund the Sponsor's excess funding in the amount of $14,719.13 and begin work on this long-awaited project.

Adopted the 19th day of August 2024

Robert M. Trainor
Mayor

John Nissel
City Manager/Clerk

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-989 Article 365 Charles Town Parking District

**ATTACHMENTS:**

- Article 365 Charles Town Parking District.pdf

ARTICLE 365
Charles Town Parking District

365.01 Parking District established.

365.02 Parking district zones.

365.03 Parking fee rates and parking permits.

365.04 Days and hours of operation.

365.045 December exceptions.

365.05 Manner of parking.

365.055 Ten minute take away parking.

365.06 Parking and permit violations.

365.07 Tampering/slugs.

365.08 Commercial vehicles.

365.09 Purpose and use of revenue.

365.10 Disposition of parking meter revenue.

365.11 Authority of law enforcement and parking enforcement officers; parking citations.

365.12 Immobilization device (booting).

365.13 Other violations.

365.14 Accessible parking.

365.15 Severability.

365.99 Penalty.

CROSS REFERENCES

Registered owner prima-facie liable for unlawful parking - see TRAF. 361.12

365.01 PARKING DISTRICT ESTABLISHED.

The Charles Town parking district is bounded by the outside corners of:

(a) N West Street and W North Street

(b) E North Street and N Mildred Street

(c) S Mildred Street and E Congress Street

(d) W Congress Street and S West Street (Ord. 2022-013. Passed 12-5-22.)

365.02 PARKING DISTRICT ZONES.

The following zones are established within the Charles Town parking district:

(a) On-Street Metered Parking Zone. The parking meter zone is established on both sides of the following streets:

(1) Liberty Street - 200 block W Liberty Street through 100 block E Liberty Street

(2) Congress Street - 200 block W Congress Street through 100 block E Congress Street

(3) Lawrence Street-100 block S Lawrence Street through 100 block N Lawrence Street

(4) Charles Street -100 block S Charles Street through 200 block N Charles Street

(5) George Street - 200 block N George Street

(6) Samuel Street -100 block S Samuel Street through 100 block N Samuel Street

(b) Off-Street Permit/Metered Parking Lot Zones.

(1) Charles Street Lot - metered, applicable mobile pay app, or City parking permit - corner of W Congress and S Charles Streets

(2) Lawrence Street Lot - metered, applicable mobile pay app, or City parking permit - corner of W Congress and S Lawrence Streets.

(3)

() Liberty Street Lot - applicable mobile pay app or City parking permit- adjacent to North 100 block of W Liberty Street

(c) On-Street Two (2) Hour Free Parking Zone.

(1) Washington Street - 300 block W Washington Street through the 100 block E Washington Street.

(2) George Street - 100 block S George Street through 100 block of N George Street

(d) On-Street Non-Meter Parking Zone.

(1) North Street

(2) Liberty Street - 300 block W Liberty & 200 block E Liberty

(3) Congress Street - 300 block W Congress

(4) West Street

(5) Lawrence Street - 200 block N Lawrence

(6) Mildred Street

365.03 PARKING FEE RATES AND PARKING PERMITS.

(a) The parking fee rate during days and times specified in Section 365.04(a) shall be twenty-five cents ($.25) per sixty (60) minutes or any fraction thereof for a vehicle parked in the zones specified in Section 365.02(a) and (b).

(b) Annual parking permits, available through the City Treasurer, are valid for the duration of the Fiscal Year (July 1 through June 30) in which they were issued.

(1) Annual parking permit fee shall be $180.00

(2) The fee for annual parking permits issued after July shall be prorated as follows:

A. August - $164.00

B. September - $149.00

C. October - $134.00

D. November - $119.00

E. December - $104.00

F. January - $89.00

G. February - $73.00

H. March - $60.00

I. April through June - $44.00

(3) The number of annual parking permits issued each year, including those parking permits issued to residents as cited in this Section, shall not exceed 180.

(4) Parking permits are only valid in the following locations: (1) on street metered spaces as cited in Section 365.02(a) that are designated as eight-hour spaces. and (2) all off-street parking spaces cited in Section 365.02(b) that are operated by the City.

(5) Parking permits are not valid in the two (2) or four (4) hour designated parking zone cited in section 365.02(c).

(c) The City may issue residential annual parking permits for homeowner-occupants and residents whose confirmed address is within the parking zones cited in Section 365.02(a), (b), or (c) and where an alternate parking space, of which the City does not charge a parking fee, is not reasonable available or accessible. The aforementioned parking permits will be available through the City Treasurer and are valid for the duration of the Fiscal Year (July 1 through June 30) in which they were issued.

(1) Persons who reside in the parking zone, but who do not own the property in which they reside and where an alternate parking space, of which the City does not charge a parking fee, is not reasonably available or accessible, as verified by City staff, are eligible to

purchase a maximum of one (1) residential annual parking permit per residence, for a fee of ninety dollars ($90.00).

(2) Owner-occupied properties located within the parking zone in which at least one resident is the property owner and where an alternate parking space, of which the City does not charge a parking fee, is not reasonably available or accessible, as verified by City, are eligible for:

A. Maximum of one (1) no-cost residential annual parking permit; and

B. Maximum of one (1) residential annual parking permit per residence, for a fee of ninety dollars ($90.00).

C. Since there is a maximum number of available parking passes per paragraph (f) of this Section, no-cost residential annual parking permits will be reserved yearly until the first Monday in August, at such time, if not claimed, will be released into the pool of available parking permits.

(3) The fee for residential annual parking permits issued after July 31 shall be prorated as follows:

A. August - $82.00

B. September - $74.00

C. October - $67.00

D. November - $59.00

E. December - $52.00

F. January - $44.00

G. February - $37.00

H. March - $30.00

I. April through June - $22.00

(4) Additional parking permits, beyond those referenced in subsections 365.03(c)(1) and (2) may be available for purchase at the rates specified in subsection 365.03(b).

(d) Juror parking permits, issued by the Jefferson County Circuit Court, are only valid at eight (8) hour meters or designated City parking lots (Section 365.02(b)) and only for the dates of active jury duty service, as noted on the permit.

(e) Parking permits are valid only when they are conspicuously displayed at the front windshield of the parked vehicle, so as to be viewed from outside the aforementioned vehicle.

(f) The total number of Annual Parking Permits cited in Section 365.03, issued each year shall not exceed 180. All permits, other than those specified in Section 365.03(c)(2)A. and (c)(2)C., are issued on a first come-first served basis.

365.04 DAYS AND HOURS OF OPERATION.

(a) Parking rates in Section 365.03 apply to parking zones specified in Sections 365.02(a) through (c) are in effect on all weekdays between the hours of 8:00 a.m. to 4:00 p.m., excluding legal holidays cited in West Virginia State Code §2-2-1, City-wide election or voting day(s), or as amended or modified from time to time by the City Council.

(b) Parking lots designated in Section 365.02(b) are open twenty-four (24)-hours a day; rates apply as cited in Section 365.04(a).

365.045 HOLIDAY EXCEPTIONS.

To encourage visitors and promote economic opportunity for our small businesses, from Thanksgiving through New Years Day each year, the City will waive the paid portion of the parking program at all four-hour and daily eight (8) hour street-metered parking spaces as described herein.

(a) All four (4)-hour street-metered parking spaces will retain their four(4)-hour parking time limit, with the paid portion waived. The four-hour imits will be noted on the meter covers; and will be monitored and enforced.

(b) All spaces in the municipal lots on Charles, Lawrence, and Liberty Streets, will retain their full functionality as paid parking and/or permit parking spaces.

(c) All free two (2)-hour and four (4)-hour with Handicapp placard parking spaces along Washington and George Streets, all painted curb restrictions, all handicap parking spaces, all loading zones, and any other restricted parking zones will continue to be monitored and enforced pursuant to this article.

365.05 MANNER OF PARKING.

(a) Whenever a parking meter space is designated, any vehicle parked in such space shall be parked so that the foremost part of such vehicle shall be nearest the parking meter; or in the case of a double meter on a single pole the rearmost part of the vehicle as appropriate.

(b) When any vehicle is parked in a metered parking space, the operator thereof shall be responsible for:

(1) Depositing the appropriate United States coin(s) in the parking meter associated with that space or;

(2) Paying the appropriate parking fee using an applicable mobile pay app, or;

(3) Displaying in the front window a valid parking permit pursuant to Sections 365.03.

(c) Adhering to the time limit of the designated space. All vehicles must be moved prior to the expiration of parking time established for any parking meter or free parking zone as designated by Section 365.02.

365.055 TEN MINUTE TAKEAWAY PARKING

(a) Within the parking district established in Section 365.01, the City may establish designated parking spaces for ten (10) minute takeaway parking. Ten (10) minute take away parking is defined as a dedicated space for short-term customer parking to pick up goods or services that have been pre- ordered from a downtown commercial business.

(b) The City may designate up to fifteen (15) spaces for ten (10) minute takeaway parking.

(c) The City Manager will designate the location of the ten (10) minute takeaway parking spaces with special attention given to geographic distribution, which will be reviewed annually. Designated spaces will be identified with City-approved signage and other markings.

(d) The designated parking spaces will be used exclusively for ten (10) minute takeaway parking between the hours of 8:00 a.m. and 8:00 p.m. daily and available for general parking at all other times.

(e) Any vehicle parked in a designated ten (10) minute takeaway parking space is limited to using the space for no more than ten (10) minutes. Any violation of this time restriction shall constitute a violation of Section 361.99 (a)(1)F. and the vehicle owner will be subject to the fines therein.

365.06 PARKING AND PERMIT VIOLATIONS.

(a) A vehicle parked in a space within parking zones cited in Section 365.02(a), (b)(l), (b)(2), and (b)(3) for longer than the time allotted at the parking meter within the time period cited in Section 365.04 shall constitute a violation of this article; except those vehicles parked in metered spaces with a Daily eight(8) hour or greater time limit displaying a valid parking permit.

(b) A vehicle parked in a space within a parking zone cited in Section 365.02(c) - two (2)-hour free parking - for longer than two (2) hours within the time period cited in Section 365.04 shall constitute a violation of this article.

(c) A vehicle with a handicap placard parked in two (2) free hour parking zone as designated in Section 365.02(c) for longer than four (4) hours.

(d) A vehicle parked in any space in the Liberty Street parking lot (Section 365.02(b)(4)) within the time period cited in Section 365.04 that fails to display a valid parking permit or pay for parking via a mobile pay app shall constitute a violation of this article.

(e) .Any vehicle displaying a parking permit that is 1) parked at an expired meter in a four (4) hour designated parking space or 2) parked in excess of two (2) hours at designated free two(2) hour parking space shall constitute a violation of this article.

(f) A vehicle otherwise failing to follow the provisions of Section 365.05 of this article shall constitute a violation of this article.

365.07 TAMPERING/SLUGS.

No person shall deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter; or deposit or cause to be deposited in any parking meter, any slug, device or metallic substance, or any other substitute, for a coin of the United States.

365.08 COMMERCIAL VEHICLES.

(a) Commercial/delivery trucks or vehicles parking during the hours pursuant to Section 365.04 may park, for a period of time not to exceed fifteen (15) minutes, in any vacant metered parking space within the parking district cited in Section 365.01, for onloading and offloading only, without paying the appropriate parking fee cited in Section 365.03. Any vehicle under this section parked in a metered parking space in excess of fifteen (15) minutes without paying the appropriate parking fee cited in Section 365.03 shall constitute a violation of this article.

(b) Loading/unloading zone violations within the designated parking district are subject to the rules and procedures as cited in Article 361 - Parking Generally - of the Charles Town Codified Code.

(c) Commercial vehicle as used in this section shall mean any motor vehicle, truck, bus, tractor- trailer, or other tandem vehicle licensed or used for the transportation of property and/or people, delivery of goods, wares, merchandise, or any other commercial-related service.

365.09 PURPOSE AND USE OF REVENUE.

Revenue and penalties received from parking meters, permits, and violations are hereby levied and assessed as fees to provide for the proper operation, enforcement, and maintenance of the parking program within the Charles Town parking district, described in Section 365.01.

365.10 DISPOSITION OF PARKING METER REVENUE.

All parking meter revenue and penalties will be deposited in such bank, and to the credit of such account, as prescribed by ordinance or resolution of the City of Charles Town City Council.

365.11 AUTHORITY OF LAW ENFORCEMENT AND PARKING ENFORCEMENT OFFICERS; PARKING CITATIONS.

(a) It shall be the duty of law enforcement and parking enforcement officers acting in accordance with West Virginia Codes §8-14-3, §8-14-5a to report:

(1) The state registration number of vehicles parked in violation of the provisions of this article.

(2) Any other facts, a knowledge of which is necessary for a thorough understanding of the circumstances surrounding a violation.

(b) Law enforcement and parking enforcement officers shall attach the citation to the vehicle in violation of this article, which shall serve as a notice to the vehicle's owner/operator of the violation.

(c) The owner/operator shall, within five (5) days of the date noted on the citation, pay the fine in the amount of ten dollars ($10.00) by:

(1) Paying it directly to the City of Charles Town cashier during regular office hours;

(2) Depositing a check, cash, or money order in the designated drop box located at the entrance of the City Municipal Building, or;

(3) Paying on-line through the City's website address, or;

(4) Paying via the U.S. Postal Service (U.S. Mail) or other delivery service directly to the City of Charles Town. The City will recognize the post date of a valid payment to determine late payment penalties.

(d) Failure of such owner/operator to submit payment within five (5) days of the date and time noted on the citation shall render the owner/operator liable for a late fee penalty of an additional twenty dollars ($20.00), for a total fine and penalty amount of thirty dollars ($30.00) for satisfaction of such violation. If such violation(s) continues to remain unpaid for thirty (30) days, a Notice of Delinquent Parking Citation will be mailed to the owner of such vehicle in violation requiring the owner/operator to pay an additional penalty of thirty dollars ($30.00) for a total fine amount of sixty dollars ($60.00), which includes the fine amount of the original citation, for the satisfaction of such violation.

365.12 IMMOBILIZATION DEVICE (BOOTING).

(a) The owner/operator of any vehicle that has accumulated three (3) or more unpaid parking violations will receive written notice advising them that they will have twenty days (20) to settle all outstanding tickets and applicable fines and penalties. Failure to comply will result in an immobilization device (boot), which is a wheel restraint that immobilizes the vehicle, being affixed to the aforementioned vehicle.

(b) Whenever a vehicle is immobilized by this method, a written notice will be conspicuously affixed to the vehicle notifying the owner/operator that the vehicle has been immobilized for the violation of unpaid parking citations and that the vehicle is subject to

impoundment at the owner's expense per Section 361.04 of the Charles Town Codified Code.

(c) In addition to the payment in full of all unpaid parking citations, fines and penalties, the owner/operator of any vehicle, which has been immobilized shall pay an additional fee of fifty dollars ($50.00) for the removal of the boot from the vehicle.

(d) It shall be unlawful for any unauthorized person to attempt to remove the booting device or move any vehicle immobilized prior to obtaining such release.

365.13 OTHER VIOLATIONS.

Other parking violations within the designated parking district are subject to the rules and procedures as cited in Article 361- Parking Generally - of the Charles Town Codified Code.

365.14 ACCESSIBLE PARKING.

(a) Accessible parking within the Parking District shall conform with Article 361 - Parking Generally- of the Charles Town Codified Code.

(b) Parking rates cited in Section 365.03 apply in parking zones cited in Section 365.02.

365.15 SEVERABILITY.

The provisions of this article shall be liberally construed.to accomplish its objective and purposes. If any provision of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

365.99 PENALTY.

Refer to Article 361- Parking Generally- of the Charles Town Codified Code for any violation penalties not specifically cited in this Article.

First Reading: August 19, 2024

Second Reading: September 16, 2024

Changes Effective: November 28, 2024

Robert M. Trainor
Mayor

John Nissel
City Manager/Clerk

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-990 Article 745 Business and Occupation Tax

Article 745 Business and Occupation Tax

**ATTACHMENTS:**
- Article 745 Business and Occupation Tax.pdf

**ARTICLE 745 Business and Occupation Tax**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CROSS REFERENCES

Authority to tax - see W.Va. Code 8-13-5

Business and occupation tax - see W.Va. Code Art. 11-13

Collection of taxes - see W.Va. Code 8-13-15 et seq.

745.01 SHORT TITLE.

This article shall be known as the "City of Charles Town Municipal Business and Occupation Tax Ordinance."

(Passed 7-19-10.)

745.02 PURPOSE AND INTENT.

The purpose of this article is to impose a municipal business and occupation tax pursuant to West Virginia Code § 8-13-5 to the fullest extent allowable under the operative laws of the State of West Virginia and the United States unless a more restrictive application is required by an express limitation set forth in this article.

(Passed 7-19-10.)

745.03 DEFINITIONS.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless a different meaning is clearly required by the context in which the term is used:

(a) Banking business. The term "banking business or financial organization" means any bank, banking association, trust company, industrial loan company, small loan company, or licensee, building and loan association, savings and loan association, credit union, finance company, investment company, investment broker or dealer, and any other similar business organization at least ninety percent (90%) of the assets of which consists of intangible personal property and at least ninety percent (90%) of the gross receipts of which consists of dividends, interest and other charges derived from the use of money or credit.

(b) Business. The term "business" means all activities engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. The production of raw

materials or manufactured products which are used or consumed in the main business shall be deemed a business engaged in taxable in the class for which it falls.

(c) Contracting. The term "contracting" means the furnishing of work, or both materials and work, in the fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for the alteration, improvement or development of real property.

(d) Gross Income. The term "gross income" generally means the gross receipts of the taxpayer, other than a banking or financial business, received as compensation for personal services and the gross receipts of the taxpayer derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible property, real or personal, or service, or both, and all receipts by reason of the investment of the capital of the business engaged in, including interest, discount, rentals, royalties, fees, reimbursed costs or expenses or other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor costs, taxes, royalties, interest and discount paid, or sums paid to independent contractors, subcontractors or persons furnishing services or property used in the operation of any business to produce gross income, or any other expense whatsoever. "Gross income" of a banking or financial business is specified in Section 745.13 of this article.

(e) Gross proceeds of sales. The term "gross proceeds of sales" means the value actually proceeding from the sale of tangible property without any deduction on account of the cost of property sold or expenses of any kind. The words "gross income" and "gross proceeds of sales" shall not be construed to include cash discounts allowed and taken on sales; the proceeds of sale of goods, wares or merchandise returned by customers when the sale price is refunded either in cash or by credit; or the sale price of any article accepted as part payment on any new article sold, if the full sale price of the new article is included in the" gross income" or "gross proceeds of sales"; excise taxes imposed by the State; money or other property received or held by a professional person for the sole use and benefit of a client or another person or money received by the taxpayer on behalf of a bank or other financial institution for repayment of a debt of another; and excise taxes imposed by the federal government upon the consumer, not manufacturer, and which are held in trust by the vendor as agent for the federal government.

(f) Municipality. The term "municipality" means the City of Charles Town.

(g) Person. The terms "person" and "company" are used interchangeably in this article and mean and include any individual, firm, copartnership, joint adventure, association, corporation, limited liability company, trust, estate or any other group or combination acting as a unit, and the plural as well as the singular number. The word "it" shall also include the pronouns "he" and "she".

(h) Retail sales. The terms "retail sales" and "selling at retail" mean all sales other than wholesale sales, including but not limited to sales to persons for use in any activity not subject to the tax imposed by this article, all sales of real property, and sales to consumers.

(i) Sale. The terms "sale" and "sales" mean any transfer of the ownership of or title to property, whether for money or in exchange for other property.

(j) Services. The term "service business or calling" includes all activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the production or sale of tangible property, but shall not include the services rendered by an employee to his employer.

(k) Tax year. The terms "tax year" and "taxable year" mean as the period commencing July 1 and ending June 30. For the purpose of this article the taxable year shall be divided into two semi-annual periods. The first period shall be from July 1st through December 31st. The second period shall be from January 1st through June 30th.

(l) Taxpayer. The term "taxpayer" means any person liable for any tax hereunder.

(m) Treasurer. The term "treasurer" means the municipality's treasurer and his or her agents, delegates or representatives.

(n) Wholesale sales. The terms "selling at wholesale" and "wholesale sales" mean only:

(1) Sales of tangible personal property for the purpose of resale in the form of tangible personal property,

(2) Sales of machinery, supplies or materials which are to be directly consumed by the purchaser in the conduct of any business or activity which is subject to the tax imposed by this article, or

(3) Sales of tangible personal property to the United States of America, its agencies and instrumentalities, or to the State of West Virginia, its institutions and political subdivisions.

(Passed 7-19-10.)

745.04 IMPOSITION OF TAX.

(a) There are hereby levied and imposed and shall be collected annual privilege taxes, against the persons, on account of the business and other activities and in the amounts to be determined by the application of rates against values or gross income or gross proceeds as set forth in Sections 745.05 through 745.14 of this article, inclusive.

(b) If any person liable for any tax under Section 745.05 or 745.06 of this article shall ship or transport its products, or any part thereof, out of the municipality without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the municipality shall be the basis for the assessment of the tax imposed in those sections. Gross income included in the measure of the tax under Section 745.05 or 745.06 of this article, shall neither be added nor deducted in computing the tax levied under the other sections of this article. In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and the seller is such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the value upon which such privilege tax shall be levied shall correspond as nearly as possible to the gross proceeds from the sale of similar products of like quality or character where no common interest exists between the buyer and the seller but where the circumstances or conditions are otherwise similar.

(c) The municipal business and occupation tax is imposed on each person engaged in privileges taxable under this article if such person is engaged in purposive revenue generating activities within the municipality's limits and such person has sufficient contacts to sustain the municipality's taxing jurisdiction. By way of example (but not limitation), if a person's activities within the municipality contributes to the establishment and maintenance of a market, such contacts are considered to be sufficient to sustain the municipality's taxing jurisdiction assuming federal constitutional nexus standards are satisfied.

(Passed 7-19-10.)

745.05 NATURAL RESOURCE PRODUCTION.

(a) Upon every person engaging or continuing within the municipality in the business of severing, extracting, mining, quarrying, reducing to possession and/or producing for sale, profit or commercial use any natural resource products, the amount of such tax shall be equal of the value of the articles produced as shown by the gross proceeds derived from the sale thereof by the producer, except as hereinafter provided, multiplied by the respective rates as follows: Coal, one percent (1.00%); limestone or sandstone quarried or mined, one and one-half percent (1.50%); oil or blast furnace slag, three percent (3.00%); natural gas in excess of the value of five thousand dollars ($5,000.00), six percent (6.00%); sand, gravel or other mineral products, not quarried or mined, three percent (3.00%); timber one and one-half percent (1.50%), and other natural resource products, two percent (2.00%).

(b) The measure of this tax is the value of the entire production in the municipality, regardless of the place of sale or the fact that delivery may be made to points outside the municipality.

(c) A person exercising privileges taxable under this section and using or consuming the natural resources so produced in his business or transferring or delivering the natural resources as any royalty paid, in kind, or the like, shall be deemed to be engaged in the business of producing natural resources and shall be required to make returns on account of the production of the business, showing the gross proceeds or equivalent in accordance with uniform and equitable rules for determining the value upon which privilege taxes shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other taxpayers.

(d) Persons who produce natural resources outside the municipality and who make sale of those products within the municipality shall not pay the tax imposed by this section but shall pay the tax imposed by Section 745.07 of this article for the privilege of selling such products within the municipality.

(e) A person exercising any privilege taxable under this section and engaging in the business of selling its natural resource products in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed in Section 745.07 of this article for the privilege of engaging in the business of selling such natural resource products in the municipality.

(Passed 7-19-10.)

745.06 MANUFACTURING.

(a) Upon every person engaging or continuing within the municipality in the business of manufacturing, compounding or preparing for sale, profit or commercial use, either directly or through the activity of others, in whole or part, any article or articles, substance or substances, commodity or commodities, or newspaper publishing (including all gross income or proceeds of sale from circulation and advertising), the amount of the tax shall be equal to the value of the article, substance, commodity or newspaper manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same, except as otherwise provided, multiplied by a rate of eighteen one-hundredths percent (0.18%).

(b) The measure of the tax in this section is the value of the entire product manufactured, compounded or prepared in the municipality for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the municipality. It is further provided, however, that in those instances in which the same person partially manufactures, compounds or prepares products within the municipality and partially manufactures, compounds or prepares such products outside the municipality, the measure of tax under this section shall be that proportion of the sales price of the product that the payroll costs of manufacturing within the municipality bears to the entire payroll costs of manufacturing the product.

(c) If any person shall ship or transport its products or any part thereof out of the State without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the State shall be the basis for the assessment of the tax imposed. The treasurer may prescribe equitable and uniform rules of ascertaining such value; provided that, in the absence of such rules, the person manufacturing the products within the municipality shall report the value in a consistent and reasonable manner.

(d) The dressing and processing of food intended for human consumption by a person, or the cooking and serving of food by a restaurant which food is to be sold in the municipality by such person, shall not be considered manufacturing or compounding or preparing for sale, but the sale of these products shall be reported under Section 745.07 of this article either as wholesale or retail sale, as the case may be.

(e) Persons who manufacture, compound or prepare products outside the municipality and who make sale of such product within the municipality shall not pay the tax imposed by this section but shall pay tax imposed by Section 745.07 of this article for the privilege of selling such product within the municipality.

(f) A person exercising any privilege taxable under this section and engaging in the business of selling its product in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed by this section at the rate set forth in Section 745.07 of this article for the privilege of engaging in the business of selling such manufactured goods in the municipality.

(Passed 7-19-10.)

745.07 SELLING TANGIBLE PROPERTY.

(a) Upon every person engaging or continuing within the municipality in the business of selling any tangible property whatsoever, real or personal, including the sale of food in hotels, restaurants, cafeterias, confectioneries and other public eating houses and wholesale sales from a rolling stockpile, except sales of any person engaging or continuing in the business of horticulture, agriculture or grazing, or selling stocks, bonds, or other evidence of indebtedness, there is hereby levied, and shall be collected, a tax equal to five one-hundredths percent (0.05%) of the gross income of the business; except, therein the case of selling at wholesale, the tax shall be equal to five one-hundredths percent (0.05%) of the gross income of the business.

(Passed 1-20-15.)

(b) Gross income or gross proceeds of sales derived from sales within West Virginia that is not taxed or taxable by any other municipality are included in the measure of municipal business and occupation tax if the sales are either directed from a location within the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when the taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(c) Persons domiciled outside the municipality who solicit sales within the municipality and sell tangible personal property within the municipality are doing business in the municipality, irrespective of the domicile of such persons and irrespective of whether or not such persons maintain a permanent place of business in the municipality and irrespective of how a sales order is transmitted or processed. If an order is placed in connection with solicitation by a representative (regardless whether there is an employment or agency relationship or whether acting as an independent contractor) who solicits orders within the municipality, and the tangible personal property is to be delivered in the municipality, then the gross proceeds of such sales are included in the measure of the tax imposed by this article.

(Passed 7-19-10.)

745.08 PUBLIC SERVICE OR UTILITY BUSINESS.

Upon every person engaging or continuing within the municipality in any public service or utility business, except railroad, railroad car, express, pipeline, telephone and telegraph companies, water carriers by steamboat or steamship and motor carriers, there is levied, and shall be collected, taxes on account of the business engaged in equal to the gross income of the business multiplied by the respective rates as follows: electric light and power companies, four percent (4.00%) on sales and demand charges for domestic and commercial lighting and three percent (3.00%) on sales and demand charges for all other purposes; natural gas companies, three percent (3.00%); and upon all other public service or utility business, two percent (2.00%). The measure of this tax shall not include gross income derived from commerce between the State and other states of the United States. The measure of the tax under this section shall include only gross income received from the supplying of

public service. The gross income of the taxpayer from any other activity shall be included in the measure of the tax imposed upon such other activity by the appropriate section of this article.

(Passed 7-19-10.)

745.09 CONTRACTING.

Upon every person engaging or continuing within the Municipality in the business of contracting, the tax shall be equal to two percent (2.00%) of the gross income of the business.

(Passed 4-21-15.)

745.10 AMUSEMENTS.

Upon every person engaging or continuing within the municipality in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park, carnival, circus, dance hall skating rink, racetrack, radio broadcasting station or any other place at which amusements are offered to the public, the tax shall be equal to fourteen one-hundredths percent (0.14%) of the gross income of the business.

(Passed 7-19-10.)

745.11 SERVICE BUSINESS OR CALLING NOT OTHERWISE CLASSIFIED.

(a) Upon every person engaging or continuing within the municipality in any service business or calling not otherwise specifically taxed under this article, there is hereby levied, and shall be collected, a tax equal to twenty-three one-hundredths percent (0.23%) of the gross income of any such business.

(b) Gross income or gross proceeds of sales derived from services within West Virginia that is not taxed or taxable by any other municipality are included in the measure of tax under this article if the services are either directed from a location in the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when a taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(Passed 7-19-10.)

745.12 RENTALS AND ROYALTIES.

Upon every person engaging or continuing within the municipality in the business of furnishing any real or tangible personal property which has a tax situs in the municipality, or any interest therein, for hire, loan, lease or otherwise, whether the return is in the form of rentals, royalties, fees or otherwise, the tax shall be thirty one-hundredths percent (0.30%) of the gross income of any such activity. The term "tangible personal property", as used herein, shall not include money or public securities.

(Passed 7-19-10.)

745.13 BANKING AND OTHER FINANCIAL BUSINESSES.

Upon every person engaging or continuing within the municipality in the business of banking or financial business, the tax shall be equal to twenty-three one-hundredths percent (0.23%) of the gross income received from interest, premiums, discounts, dividends, service fees or charges, commissions, fines, rents from real or tangible personal property, however denominated, royalties; charges for bookkeeping or data processing, receipts from check sales, charges or fees, and receipts from the sale of tangible personal property; provided, that gross income shall not include (a) interest received on the obligations of the United States, its agencies and instrumentalities; (b) interest received on the obligations of this or any other state, territory or possession of the United States, or any political subdivision of any of the foregoing or of the District of Columbia; or (c) interest received on investments or loans primarily secured by first mortgages or deeds of trust on residential property occupied by nontransients; provided further, that all interest derived on activities exempt under (c) above shall be reported, as to amounts, on the return of a person taxable under the provision of this section.

(Passed 7-19-10.)

745.14 HEALTH MAINTENANCE ORGANIZATIONS.

The rate of tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of West Virginia Code §§ 33-25A-1 et seq. shall not exceed one half of one percent (0.50%) to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the State employee programs administered by the public employee insurance agency pursuant to West Virginia Code §§ 5-16-1 et seq., and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization that is expended for administrative expenses; and shall not exceed one-half of one percent (0.50%) to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, State employee programs administered by the public employees insurance agency and other federal programs for health care items or services provided directly or indirectly by the health maintenance organization: Provided, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any such company maintains its office or offices in the municipality, whether such income is in the form of rentals or royalties.

(Passed 7-19-10.)

745.15 PERSONS TAXABLE ON MULTIPLE ACTIVITIES; CREDITS.

(a) A person taxable under Section 745.07 of this article with respect to selling products at wholesale in this municipality shall be allowed a non-refundable credit against the tax imposed on such wholesale sales pursuant to Section 745.07 for any (i) manufacturing taxes paid by such person with respect to the manufacturing of products so sold at wholesale in this municipality, and/or (ii) extracting taxes paid by such person with respect to the extracting of products so sold in this municipality or ingredients of products so sold at wholesale in this municipality.

(b) For purposes of this section:

(1) Manufacturing tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a manufacturer and includes (i) the tax imposed in Section 745.06 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units (other than State governments) within the United States.

(2) Extracting tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a producer of natural resource products and includes (i) the tax imposed in Section 745.05 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units within the United States (other than State governments) within the United States.

(3) Gross receipts tax" means a tax which (i) is imposed on or measured by the gross volume of business in terms of gross receipts or in other terms and in the determination of which deductions allowed would not constitute the tax an income tax or value added tax and (ii) which is not, pursuant to law or custom, separately stated from the sales price.

(c) If imposition of the municipality's tax would place an undue burden upon interstate commerce or violate constitutional requirements, a taxpayer shall be allowed a credit to the extent necessary to preserve the validity of the tax under this article, and still apply the tax to as much of the taxpayer's activities as may be subject to the municipality's taxing authority.

(Passed 7-19-10.)

745.16 EXEMPT ACTIVITIES.

The provisions of this article shall not apply to:

(a) Insurance companies which pay the State of West Virginia a tax upon premiums; provided, that such exemption shall not extend to that part of gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in the municipality, whether such income is in the form of rentals or royalties; '

(b) Nonprofit cemetery companies organized and operated for the exclusive benefit of their members;

(c) Fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit; provided, that this exemption shall not extend to that part of gross income arising from the sale of alcoholic liquor, food and related services of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of West Virginia Code §§ 60-7-1 et seq.;

(d) Corporations, associations and societies organized and operated exclusively for religious or charitable purposes;

(e) Production credit associations, organized under the provisions of the federal Farm Credit Act of 1933; provided, that the exemption of this section shall not apply to

corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.;

(f) Any credit union organized under the West Virginia Code; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.; and

(g) Gross income derived from advertising service rendered in the business of radio and television broadcasting.

(h) Licensed new and existing childcare and/or facilities operating in the City.

(Passed 7-19-10.)

745.16A OPTIONAL EXEMPT ACTIVITIES

The City Council, by vote of 2/3 majority of the Council, reserves the right to apply, reduce, or eliminate for a specified time period and/or for a specific project, the Business and Occupation tax per the following provision(s): Any activity associated with a municipality-initiated/tax payer-funded project that directly benefits Charles Town's residents, and in which the taxes rendered under this article could result in higher rates to those residents for existing services and/or higher project costs for the municipality.

(Passed 9-5-2023)

745.16B B&0 TAX CREDIT INCENTIVES

In addition to any other tax incentive otherwise available, any business that meets the following qualifying requirements shall be entitled to a tax credit computed under the provisions of this article for:

(a) Old Town Mixed Use - Commercial (OTMU-C) District Retail, Dining, & Entertainment Tax Credit

(1) For any new retan dining, and entertainment business that locates within the Old Town Mixed Use - Commercial (OTMU-C), as defined by the City's Zoning Ordinances, the business entity may be allowed:

A. One hundred (100%) percent credit against the business and occupation tax liability annually for the first year from the date the entity qualifies for the tax credit

B. Fifty (50%) percent credit against the business and occupation tax liability annually for the second year from the date the entity qualifies for the tax credit

C. Twenty-five (25%) percent credit against the business and occupation tax liability annually for the third year from the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside the OTMU-C District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) New business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce 50% or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for Retail, Dining, or Entertainment, the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(b) New Retail, Dining, & Entertainment Tax Credit inside a City Commercially Zoned District.

(1) For any new retail, dining, and entertainment businesses that locates beyond the boundaries of the OTMU-C, but still within the corporate limits of the City's zoned commercial area(s), the business entity may be allowed:

A. Fifty percent (50%) credit against the business and occupation tax liability annuallyfor the first year from the date the entity qualifies for the tax credit

B. Twenty-five (25%) credit against the business and occupation tax liability annuallyfor the second year the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside a City Commercially Zoned District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) New business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce 50% or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for Retan Dining, or Entertainment, the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(Passed 6-03-2024.)

745.17 TAX CUMULATIVE.

The tax, interest and penalty imposed by this article shall be in addition to all other licenses, taxes and other revenue measures levied or collected by the municipality as a condition precedent to the right of any person to engage or continue in any business, profession, trade, calling or other activity within this municipality. A person exercising a privilege taxable under this article, subject to the payment of all licenses and charges which are conditions precedent to exercising the privileges taxed, may exercise the privilege in this municipality for the tax year upon the condition that he shall pay the tax, interest and penalty imposed by this article.

(Passed 7-19-10.)

745.18 ADMINISTRATION GENERALLY.

The administration of this article is vested in and shall be exercised by the treasurer who shall prescribe forms and may promulgate from time to time reasonable rules, publications and instructions for the making of returns, and for ascertaining, assessment, collection and administration of tax, interest and penalty imposed hereunder.

(Passed 7-19-10.)

745.19 RETURNS; COMPUTATION AND PAYMENT OF TAX.

(a) The tax levied by this article shall be due and payable in semi-annual installments on or before the expiration of one month from the end of each semi-annual period in which they accrue. The taxpayer shall, within one month from the expiration of each semi-annual period, make a return reporting the computation of tax for which it is liable for each semi-annual period; sign and mail the completed return, together with any remittance due, to the location specified by the treasurer. The treasurer may allow return and payment under this section for periods other than semi-annual periods.

(b) On or before thirty-one (31) days after the end of the tax year, each person liable for the payment of tax under this article shall make a second semi-annual return, showing the gross proceeds of sale or gross income of business, trade, calling or activity, computing the amount of tax, interest and penalty chargeable against the person in accordance with the provisions of this article and transmit with the return a remittance in the sum required by this article, covering the remainder of the tax, interest and penalty chargeable against the person for the tax year, to such location or locations specified by the treasurer. Such returns shall be verified by the oath of the taxpayer, if made by an individual, or by the individual designated by a taxpayer that is an entity to take the oath on behalf of the taxpayer.

(c) All remittances and payments of tax, interest and penalty imposed by this article shall be made to the treasurer, in lawful money of the United States or by bank draft, certified check, cashier's check, or other commercially acceptable means specified by the treasurer, to be kept, deposited and accounted for as provided by law.

(Passed 7-19-10.)

745.20 TAXPAYER RECORDS.

Each person subject to this article shall maintain sufficient records for review by the treasurer as long as the contents of such records may be material in the administration of tax imposed by this article.

(Passed 7-19-10.)

745.21 TAX RETURN INFORMATION CONFIDENTIALITY.

(a) Except when required in an investigation or proceeding to ascertain or collect amount of tax, interest, penalty, refund or credit due, or pursuant to an exemption in W. Va. Code § 11-10-5d, it shall be unlawful for any officer, employee or agent of the municipality to divulge or make known in any manner the tax return, or any part thereof, of any person, or disclose information concerning the personal affairs of any individual or the business of any person, or disclose the amount of income or any particulars set forth or disclosed in any report, declaration or return required to be filed with the treasurer or otherwise obtained by the municipality in an investigation undertaken by the treasurer concerning the tax imposed by this article. Any person protected by the provisions of this article may, in writing, waive the confidentiality provisions of this section for such purpose and such period as he shall therein state. This section shall not be construed to prohibit the publication or release of statistics so classified as to prevent the identification of particular reports and the items thereof. Notwithstanding the foregoing, the treasurer may permit the proper officer, or his authorized representative or agent, of the United States or the State, or any political subdivision of the State, to inspect return information to or may furnish to such officer or representative a copy of any such return or any other tax return information, provided, that such other jurisdiction grants similar privileges to this municipality or if the other jurisdiction is a party of an intergovernmental agreement authorizing the exchange of such information.

(b) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall divulge facts or information obtained from returns or tax statements other than for the purpose of administering such tax shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(c) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall make unauthorized disclosure of information received from the State Tax Commissioner under authority of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(d) For purposes of this article, "unauthorized disclosure" means the release to any person of any tax information obtained by the municipality from the State Tax Commissioner unless the person receiving the information is the authorized counsel of the municipality and shall be using the information only for the purpose of administering the tax imposed by this

article, Sales Tax from single location businesses, or Liquor Sales Tax; or the person who filed the return has authorized, in writing, its release, thereby waiving his right to secrecy.

(Passed 7-19-10.)

745.22 ERRONEOUS COMPUTATION OF TAX.

If any taxpayer shall make any error in computing the tax, interest and penalty under this article, the treasurer shall correct such error or reassess the proper amount of tax, interest and penalty, and notify the taxpayer of his or her action by mailing the taxpayer promptly a copy of the corrected assessment, and any additional tax, interest and penalty for which such taxpayer may be liable shall be paid within fifteen (15) days after the receipt of such statement. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be immediately refunded to the taxpayer upon the request of the treasurer and shall be payable out of any funds available for the purpose. The taxpayer may, at its election, apply an overpayment as credit upon tax subsequently accruing hereunder.

(Passed 7-19-10.)

745.23 INVESTIGATIONS.

(a) For the purpose of ascertaining the correctness of a tax return, claim or assessment or for the purpose of making an estimate of any taxpayer's liability for the tax administered under this article, the treasurer shall have the power to examine or cause to be examined any books, papers, records, memoranda and other documents or data bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or the attendance of any other person having knowledge of relevant matters. In connection therewith, the treasurer may take testimony and shall have the power to administer oaths.

(b) The treasurer has the power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and production of documents for the purpose of ascertaining the correctness of a return or claim or for performing an assessment or for any hearing held by the treasurer. In case of the failure or refusal of a witness to appear and testify or to produce evidence, the treasurer may invoke the aid of the circuit court of Jefferson County. Upon proper showing, the treasurer may apply for an order requiring the witness to appear and give testimony and produce evidence concerning the matter in question.

(Passed 7-19-10.)

745.24 ASSESSMENTS.

(a) If any person who is required by this article to do so shall fail or refuse to make a return, either in whole or part, or if the treasurer believes the tax imposed by this article has been insufficiently returned by any taxpayer, the treasurer may proceed to assess the tax and shall notify the person assessed of the amount of the tax, additional tax, interest and penalties so assessed.

(b) The treasurer may, at any time before the assessment becomes final, amend, in whole or in part, any assessment whenever the treasurer ascertains that such assessment is

improper or incomplete in any material respect. The treasurer may, at any time within the period prescribed for assessment, make a supplemental assessment whenever the treasurer ascertains that any assessment is incorrect in any material respect.

(c) The amount of tax, interest and penalties imposed by this article shall be assessed within three (3) years after the date the second semi-annual return for the year in which such tax arose is filed by the taxpayer; provided, that in the case of a false or fraudulent return filed with the intent to evade the tax or in case no return is filed, an assessment may be made at any time. (Passed 7-19-10.)

745.25 NOTICE OF ASSESSMENT; PETITION FOR REASSESSMENT.

The treasurer shall give the taxpayer written notice of any assessment made pursuant to this article. Unless the taxpayer to whom the notice of assessment is given shall within thirty (30) days after service thereof file with the treasurer a petition for reassessment, the assessment shall become final and not subject to administrative or judicial review. A petition for reassessment must be in writing verified under oath by the taxpayer or his duly authorized agent having knowledge of the facts, setting forth with particularity the items of the assessment objected to, together with the reasons for the objections. The total amount of an assessment shall be due and payable on the day following the date upon which the assessment becomes final.

(Passed 7-19-10.)

745.26 HEARING PROCEDURE; DECISION; REVIEW.

(a) When a petition for reassessment or a petition for refund or credit is properly filed pursuant to this article within the time prescribed for such filing, the treasurer shall assign a time and a place for a hearing thereon and shall notify the petitioner of such hearing by written notice at least twenty (20) days in advance thereof. Such hearing shall be held within ninety (90) days from the date of filing the petition, unless continued by agreement of the parties or by the treasurer for sufficient cause.

(b) The hearing shall be informal and shall be conducted in an impartial manner by the Finance Committee of the municipality. The burden of proof shall be upon the taxpayer to show that the assessment or denial refund or credit is incorrect and contrary to law, in whole or in part.

(c) After such hearing, the Finance Committee of the municipality shall, within a reasonable time, give notice in writing to the taxpayer of their decision. An appeal may be taken by the taxpayer of the Finance Committee's decision to the council of the municipality.

(d) An appeal may be taken by the taxpayer to the Circuit Court of Jefferson County within thirty (30) days after service of the council's administrative decision issued pursuant to this section.

(Passed 7-19-10.)

745.27 INJUNCTION.

After any delinquency shall have continued sixty (60) days, the treasurer may proceed in the Circuit Court of Jefferson County to obtain an injunction restraining the further exercise of the privilege until full payment shall have been made of all tax, interest and penalty due under this article. In any proceeding under this section, upon judgment or decree for the municipality, the municipality shall be awarded its costs.

(Passed 7-19-10.)

745.28 UNPAID TAX A LIEN; DELINQUENCY NOTICE FILING AND RELEASE.

Any tax, interest and penalties due and payable under this article shall be a debt due the municipality and shall constitute a lien on the real and personal property of the taxpayer. The treasurer, for the more effective collection of the tax, interest and penalty imposed by this article, may file with the Clerk of the Jefferson County Commission a certified notice of lien for delinquent taxes, interest and penalty under this article for recordation. If a lien has been recorded respecting a delinquency, upon full payment of all delinquent tax, interest and penalty, the treasurer shall attest to the fact and amount of payment, and shall forward a certificate of release to the taxpayer. Upon presentment and payment of the recording fee by the taxpayer, the Clerk of the Jefferson County Commission shall record such certificate in the book in which releases are recorded.

(Passed 7-19-10.)

745.29 SUCCESSOR LIABILITY.

The tax, interest and penalty imposed by this article shall be a continuing lien upon the property of any person subject to the provisions hereof who shall sell out its business or stock of goods, or shall quit business, and such person shall be required to make the return provided for in this article within thirty (30) days after the date it sold out its business or stock of goods, or quit business, and its successor in business shall be required to withhold a sufficient amount of the purchase money to cover the amount of such tax, interest and penalty due and unpaid until such time as the former owner shall produce a receipt from the treasurer showing that all tax, interest and penalty has been paid. If the purchaser of a business or stock of goods fails to withhold purchase money as hereby provided, and the tax, interest and penalty shall be due and unpaid after the thirty-day period allowed, the successor shall be personally liable for the payment of the tax, interest and penalty accrued and unpaid on account of the operation of the business by the former owner.

(Passed 7-19-10.)

745.30 REVOCATION, NON-RENEWAL OF LICENSES AND PERMITS.

(a) The treasurer has the authority to revoke, deny and prevent any and all licenses and permits issued by the municipality in the event a licensee or permittee fails or refuses to file any return required hereby or fails or refuses to pay any delinquent tax, interest or penalty due and owing to the municipality.

(b) In the event of such a revocation or denial, the treasurer will provide written notice to the affected person at least five (5) days prior to the contemplated revocation or denial and

such notice shall be served by certified mail. The notice shall indicate the time and the place of a revocation/denial review meeting, the general grounds of said contemplated action, and shall advise the affected person of its rights to appear at said hearing in person and represented by legal counsel, and to be heard orally upon the merits of the person's defense. The treasurer may request legal advice from the City Attorney, and adopt such procedures for its decorum and the dispatch of business at such hearings as the treasurer may regard advisable. The revocation decision of the treasurer will be final.

(c) Each license or permit that has been revoked or denied pursuant to this section may be issued or re-issued upon payment of all delinquent tax, interest or penalty due and owing to the municipality and satisfaction of all relevant licensing conditions otherwise imposed by the municipality.

(Passed 7-19-10.)

745.31 SETTLEMENT AGREEMENTS AND COMPROMISES.

The treasurer, with approval of the City Manager, is authorized to enter into an agreement in writing with any person relating to the liability of such person in respect of the tax, interest and penalty imposed by this article for any taxable period. If such a closing agreement is duly made and entered into, such agreement shall be final and conclusive for the periods covered except upon a showing of fraud, malfeasance or misrepresentation of a material fact. The treasurer, with approval of the City Manager, may compromise all or part of any administrative determination or civil case concerning tax, interest and penalty or otherwise arising under the provisions of this article. (Passed 7-19-10.)

745.32 ADDITIONAL ADMINISTRATIVE PROVISIONS CONCERNING CONTRACTING.

(a) Without limiting the generality of the administrative and collection powers granted to the treasurer in this article, the treasurer is also empowered to require any person engaging or continuing within the municipality in the business of contracting to furnish a list of the names, addresses and amounts paid by them to any subcontractors employed and suppliers of materials used upon any job or to do any work within the municipality. The treasurer may also require every person engaging or continuing within the municipality in the business of contracting who is a nonresident of the State to pay or guarantee the payment of the amount of the tax imposed by this article for the privilege of engaging in the business of contracting within the municipality, such payment of such tax to be based upon the amount of the building permit issued by the municipality for the work to be performed by such person, as a condition precedent to the issuance of such building permit. In lieu of such prior payment in cash of such tax any such nonresident may guarantee the payment of such privilege tax provided for herein by delivering to the municipality a bond, with good and adequate surety, payable to the municipality, and conditioned to pay such tax on or before the estimated date of the completion of the work to be performed by such person within the municipality.

(b) Any person engaging a contractor or subcontractor within this municipality shall withhold payment in sufficient amount to cover taxes assessed by this article in the final settlement of such contracts until the receipt of a certificate from the treasurer to the effect that all taxes levied and accrued under this article against the contractor have been paid. If any person fails to withhold as provided herein and the contractor or subcontractor fails to

timely pay such tax, such person shall be personally liable for the payment of such taxes, and the same shall be recoverable by the treasurer by appropriate legal proceedings.

(Passed 7-19-10.)

745.33 CLAIMS FOR REFUND OR CREDIT.

(a) Any taxpayer claiming to have overpaid any tax, interest or penalty imposed by this article shall file its claim with the treasurer within three (3) years after the due date of the return in respect of which the tax was imposed, and not thereafter.

(b) If, as a result of the claim, the treasurer shall be of the opinion that the tax, interest or penalty, or any part thereof, was overpaid, the treasurer shall refund the same to the taxpayer. If the treasurer denies the claim, the taxpayer may within thirty (30) days after notice of denial file with the treasurer a petition for refund or credit, which shall be heard in accordance with Section 745.27 of this article. A taxpayer's failure to abide by express procedures contained in this section precludes taxpayer's right to any refund or credit of tax, interest and penalties paid or collected under this article.

(Passed 7-19-10.)

745.34 INTEREST AND PENALTY; CRIMINAL LIABILITY.

(a) If any person, as required by this article, fails to complete and submit their semi-annual tax return, or submits their tax return after the due date, or submits their tax return but fails to remit in whole the proper amount of tax owed, to the appropriate municipal authorities, then there shall be added to the amount of tax owed and unpaid, from the date such tax should have been paid, a penalty in the amount of twenty-five (25.00%) percent of the tax due for the period of such failure or delinquency. In addition, such tax and penalty shall bear an interest at the rate of twelve percent (12.00%) per annum from the due date of the payment until paid. Whoever engages in any activity contrary to the provisions of this article shall, in addition to paying the tax, penalty, and interest imposed by this article, be subject to a fee of fifty dollars ($50.00) for each month or fraction thereof during in which that person has been in default of filing and/or remitting to the municipality taxes due including penalties and interest. This fee will not exceed $250.00 for any semi-annual tax reporting period. It shall be the duty of the treasurer to collect the full amount of the tax, penalty, interest, and fee(s) imposed. The person(s) responsible for remitting the tax, after all required taxes, penalties, and interest, less the accrued fees, have been paid in full, may for good cause shown, request that the municipality waive the penalty, interest, and fees owed in whole or in part. The municipality may waive the penalty, interest, and fees owed in whole or in part upon the recommendation of the municipality's Finance Committee. The City Manager may grant a fifteen (15) day grace period for delinquent zero return filings. After the grace period has expired the City Manager may waive the fees for returns with zero balances. Repeat waiver requests within a three year period will not be considered.

(Passed 9-16-2024.)

(b) Interest and penalties may be collected in the same manner as the tax imposed by this article.

(c) Any person who shall willfully, and with intent to evade, refuse to pay all or any part of the tax imposed by this article shall be guilty of a misdemeanor. If the amount of the unpaid tax shall be less than one thousand dollars ($1,000), such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and if the amount of the unpaid tax shall be one thousand dollars ($1,000) or more, such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than thirty days, or be both fined and imprisoned as herein provided. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

(d) Whoever knowingly makes a false statement in any tax form or application shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000). Each false statement, whether made with or without other false statements on any one or more applications shall constitute a separate offense. And, whoever shall knowingly make a false statement in two separate "tax filings", whether or not said applications shall have been filed consecutively, and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than six months, or both.

(Passed 7-19-10.)

745.35 SEVERABILITY.

If any provision of this article is held unconstitutional or invalid, on its face or as applied, the remaining provisions of this article shall remain in full force and effect; and to this end, the provisions of this article are declared to be severable.

(Passed 7-19-10.)

745.36 REPEAL OF THE BUSINESS FRANCHISE TAX.

The Business Franchise Tax heretofore enacted by the City of Charles Town in 1970 remains repealed.

(Passed 7-19-10.)

745.37 EFFECTIVE DATE.

The effective date of this article shall be July, 2010.

(Passed 7-19-10.)

First Reading: August 19, 2024

Second Reading: September 16, 2024

Enacted this 16th day of September, 2024

Robert M. Trainor
Mayor

John Nissel
City Manager/Clerk

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-992 Memo Role of Charles Town over Charles Town Utility Board

Memo Role of Charles Town over Charles Town Utility Board

**ATTACHMENTS:**

- Memo Role of City of Charles Town over the Charles Town Utility Board.pdf

# MEMORANDUM

**TO:** JOHN NISSEL

**FROM:** ROBERT R. RODECKER

**SUBJECT:** ROLE OF CITY OF CHARLES TOWN OVER THE CHARLES TOWN UTILITY BOARD

**DATE:** AUGUST 28, 2024

On August 26, 2024, you requested that I review an exchange of e-mails between Mr. Michael Tolbert and you regarding the relationship between the City of Charles Town (City) and the Charles Town Utility Board (CTUB) relating to the role and responsibility of both the City and CTUB regarding the City's water and sewer systems.

This memorandum is intended to address such request.

**Statutory and local authority.**

There are basically two legal sources that set up the framework for, and address the responsibilities of, the City and CTUB as they relate to one another in the ownership and operation of the City's water and sewer systems. The first is the state statutory authority for the management, operation, repair and maintenance of a combined municipal water and sewer system. The second is the local authority as set forth in City ordinances. Both sources need to be read together.

***West Virginia Code* §8-20-1 *et seq.* and *West Virginia Code* §8-16-4**

*West Virginia Code* §8-20-1 authorizes municipalities to "acquire, construct, establish and equip and thereafter repair, maintain and operate a combined waterworks and sewerage system either wholly within or partly within and partly without the corporate limits thereof".

*West Virginia Code* §8-20-10(a)(1) authorizes the governing body of a municipality to, among other things, "make and enforce all necessary rules for the repair, maintenance, operation, and management of the combined system."

*West Virginia Code* §8-20-10(a)(2) states that a municipality, among other things, has the "authority to charge the users for the use and service of a combined system" and to establish rates, fees and charges for such purposes."

*West Virginia Code* §8-20-18(a) states that as an alternative to the procedure provided in the other provisions of Chapter 8 Article 20 of the *West Virginia Code,* any municipality is authorized to authorized to:

"acquire, construct, establish, extend, equip, repair, maintain and operate a combined system . . . under the provisions of this article . . . and to collect the revenues therefrom for the services rendered thereby, **through the supervision and control of a committee, by whatever name called, composed of . . . a board or commission appointed by the governing body, as may be provided by the governing body, and if such alternative is followed, said committee, board or commission shall have and be limited to all the powers, authority and duties granted to and imposed upon a board as provided in article sixteen of this chapter**." (Emphasis added)

Article 16 of Chapter 8 of the *West Virginia Code* referred to in §8-20-18(a) as quoted above pertains to the authority of municipalities with regard to Public Works. *West Virginia Code* §8-16-4 provides in pertinent part as follows:

The construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment, repair (including replacements), custody, maintenance and operation of any such works, and the collection of revenues therefrom, shall be under the supervision and control of the governing body, or of a committee, by whatever name called, composed of all or a portion of the governing body . . . .

When such supervision and control are vested in a committee, board or commission, the governing body . . . may provide, by ordinance or ordinances, for said committee, board or commission to exercise such of the functions of the governing body or bodies in connection with the matter as it or they deem proper, and may provide for said committee, board or commission to receive such compensation as such body or bodies may deem proper, all of which authority and compensation shall be specifically provided for by ordinance or ordinances. Any such committee, board or commission shall consist of the number of members fixed in the ordinance or ordinances creating the same, and the manner and mode of the selection and appointment of the members of any such board or commission shall be stated in such ordinance or ordinances. The members of any such board or commission appointed by the governing body or bodies shall be chosen without regard to their political affiliations, but with regard to their business and professional experience or standing as citizens in the community. All compensation and expenses, including attorney's fees, of such committee, board or commission shall be paid solely from funds provided under the authority of this article. Any such

committee, board or commission shall have the power to establish bylaws, rules and regulations for its own government.

**Article 147 of the Codified Ordinances of the City of Charles Town, West Virginia**

The City Council of the City, in accordance with the provisions of *West Virginia Code* §8-20-18(a) and §8-16-4 adopted Article 147 of the Codified Ordinances of the City to create CTUB and to set forth the scope of CTUB's authority. The most recent amendment of Article 147 occurred in February 2022.

Section 147.01 sets forth the combination of the previously separate Waterworks and Sewerage systems into a single system (System) under the a newly created Charles Town Utility Board ((CTUB); vests the Board of CTUB with the governance and oversight of the System, and vests the supervision and management of the System in a general manager accountable to the Board. Finally, the Manager is given the authority to hire a staff to operate and maintain the System.

Section 147.02 sets forth the composition of the five (5) member CTUB Board of Directors (Board). The Board is to be chaired by the City Manager and includes four (4) other members appointed by the City Council.

Section 147.03 sets forth the length of the terms of the CTUB Board members, compensation for the appointed Board members; the method of filling vacancies on the Board, and removal of Board members. Removal of the appointed Board members is by the City Council after a hearing and recorded vote of the Council.

Section 147.04 provides for the election of a Vice Chair, Secretary, and Treasurer annually by the Board; sets for the number of members constituting a quorum (3) and requires a positive vote of 3 members for taking any action. The Secretary and Treasurer do not have to be members of the Board and one person can serve as both Secretary and Treasurer. The Treasurer shall receive and disburse fund of the Board at the direction of the Board.

Section 147.05 sets forth the Powers and Duties of the Board.

Subsection (a) establishes that the Board shall set all policies related to the governance, oversight, and operations of the System and shall also have the power to recommend to City Council tariff changes, capital projects, and borrowings. The Manager and staff will assist the Board of Directors by providing technical advice on such matters to City Council. The Manager and staff are also responsible for implementing policies and developing procedures to carry out the directives established by the Board of Directors.

Subsection (b) establishes that the Manager is accountable to the Board of Directors and has full and complete authority for the supervision, management, control and operation of the System.

Subsection (c) establishes that the Manager is responsible for collecting and accounting for all bills for water service in accordance with the law, the rules of the Public Service Commission, ordinances of the City, and provisions of bond documents. Disbursements and accounts of the System shall be paid out upon approval of the Board.

Subsection (d) provides that, after consultation with the Board of Directors, the Manager or staff designee shall have the power and authority to prepare, evaluate, and negotiate all contracts, agreements and other matters for the final review and approval of the Board as is necessary or proper for the effective governance, oversight, and operation of the System.

Subsection (e) provides that personnel policies, practices, and other matters affecting the Manager and staff shall, to the extent practicable and unless otherwise approved by City Council, be the same as those undertaken by the City.

Section 147.06 provides that the Board shall employ, discharge and fix the compensation of the Manager and shall establish an annual budget for the operation of the System.

Section 147.07 provides that:

(a) The Manager shall provide reports, at least annually, or as otherwise required by law, to the Mayor, the City Manager and City Council, indicating the System's financial condition. City Council may, from time to time, request more current financial statements showing the most recent quarterly financial condition of the System.

(b) The Manager shall provide to the City Council audited financial statements of the System that have been reviewed with the Board of Directors, minutes of meetings of the Board of Directors, an annual budget for the System, and other information as may reasonably be requested. The Manager shall also make themself available to answer questions from City Council.

Section 147.08 provides that Article 147 was enacted for the protection of the ratepayers and the bondholders and no amendment or repeal of the Article shall be enacted unless approved by seventy-five percent (75%) of the members of City Council.

**Observations**

Based upon the foregoing, and in response to the request for a review of the relationship between the City and CTUB, I have the following observations:

1. The City has properly combined its water and sewer operations as a combined System under the control of CTUB through the enactment of Article 147 under the authority of *West Virginia Code* §8-20-18(a) and §8-16-4. Title and ownership of the System remain in the name of the City.

2. CTUB has the authority for governance and oversight of the System.

3. CTUB has the authority to hire a Manager of the System whose responsibility it is to operate and maintain the System.

4. CTUB has the authority to recommend to the City tariff changes, capital projects and borrowings based upon the technical advice of the Manager and staff. Thus, the rates, fees and charges and construction projects and the issuance of bonds are the responsibility of the City but the collection of rates and construction of projects and operation of the System have been delegated to CTUB by Article 147.

5. The Manager is accountable to the Board with full and complete authority for the supervision, management, control and operation of the System.

6. The Manager is responsible for paying for the operations of the System out of revenues received from its customers at the approval of the Board.

7. After consultation with the Board, the Manager or staff designee shall have the power and authority to prepare, evaluate, and negotiate all contracts, agreements and other matters for the final review and approval of the Board.

8. The Board has the authority to employ, discharge and fix the compensation of the Manager and shall establish an annual budget for the operation of the System.

9. The Manager is responsible for providing a report to the City on CTUB's financial condition at least annually.

10. Personnel policies, practices, and other matters affecting the Manager and staff shall, to the extent practicable and unless otherwise approved by City Council, be the same as those undertaken by the City.

I hope this has been responsive to your inquiry. Please contact me if you have further questions.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-995 A Resolution Designating September as Library Card Sign-Up Month

A Resolution Designating September as Library Card Sign-Up Month

**ATTACHMENTS:**

- A Resolution Designating September as Library Card Sign-Up Month.pdf

City of Charles Town
101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

## A Resolution Designating September as Library Card Sign-Up Month

**WHEREAS**, the Charles Town Library has existed at 200 E. Washington St. in Charles Town, West Virginia serving the community since 1927, as a fine-free library, offering borrowing privileges to any resident of Jefferson County, or person who is employed in Jefferson County; and

**WHEREAS,** libraries are essential for the education and development of children, offering a variety of activities and material from preschool story times to college and career planning resources for high school students, nurturing literacy and a love for reading; and

**WHEREAS,** libraries provide welcoming and inclusive spaces committed to creating and maintaining diverse programs and collections that reflect the communities they serve, where individuals from all backgrounds can learn and connect, bridging cultural, ethnic, generational, and economic divides, and strengthening the social fabric of their communities; and

**WHEREAS,** the shared resources provided by libraries help households save money, conserve resources, and reduce waste, while boosting the local economy by providing critical access to technology and training for job-seekers, entrepreneurs, and students; and

**WHEREAS,** libraries offer assistance to people of all ages while navigating life's complexities, providing access to research materials, various forms of information, as well as government and other services, enhancing productivity and fulfillment; and

**WHEREAS,** during times of crisis, libraries and their staff play a vital role in supporting communities both in-person and virtually; and

**WHEREAS,** a library card ignites creativity and empowers individuals to explore new interests and pursue lifelong learning; and

**WHEREAS,** the Charles Town Library and Jefferson County Museum welcome residents of Jefferson County as well as tourists and visitors to Jefferson County on a daily basis.

**NOW, THEREFORE LET IT BE RESOLVED,** that the City of Charles Town, as the decision-making body for the municipality of Charles Town, in the County of Jefferson, in the state of West Virginia proclaims September as Library Card Sign-Up Month in Charles Town, West Virginia and encourages everyone to sign up for a library card today.

Adopted the sixteenth day of September, 2024.

Robert M. Trainor
Mayor

Attest:
John Nissel
City Clerk

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/07/24
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-997 Constitution Week Proclamation

Constitution Week Proclamation

**ATTACHMENTS:**

- Constitution Week Proclamation.pdf

# Constitution Week Proclamation

**WHEREAS:** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS:** September 17, 2024, marks the two hundred and thirty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS:** it is the privilege and duty of the American people to commemorate the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution Week.

**NOW THEREFORE, I,** Robert M Trainor, as Mayor of Charles Town, West Virginia, do hereby proclaim the week of September 17th through 23rd as

## CONSTITUTION WEEK

and urge all citizens to study the United States Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which the privilege involves.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of Charles Town, West Virginia to be affixed this 16th day of September, two thousand twenty-four.

Robert M. Trainor
Mayor

Attest:

Mr. John Nissel
City Clerk