CITY OF CHARLES TOWN

CITY COUNCIL - REVISED
AGENDA • OCTOBER 21, 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

: **2024-1061:** City Council Meeting Minutes - October 7, 2024
CityCouncilMeetingMinutes_7Oct2024_Draft_rmt.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2024-1050:** Finance Committee Meeting - October 9, 2024
FinanceCommitteeReport_9Oct2024.pdf

: **2024-1052:** Personnel Committee Meeting - October 15, 2024
Personnel Committee Report 10-15-24.pdf

7. CITY MANAGER REPORT

: **2024-1074:** City Manager Report - October 21, 2024
City Manager Report - October 21, 2024.pdf
10.22.2024 Training Site Visit Agenda.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2024-1055:** Executive Session - Property Acquisition

10. NEW BUSINESS

: **2024-1054:** Consideration for adoption on first reading of the following ordinance (**without** 3% 20-year $216,016 funding):

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 $2,844,984 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue

Bonds, Series 2024 A (West Virginia Srf Program) And Not More Than $0.00 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (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.
Post Bid NO CSWRF 216, no green.pdf
Schedule B - Post Bid $0 CWSRF 3% Loan.pdf
CTUB Schedule.pdf
BOND ORDINANCE - One Series SRF_Forgivable(23789015.1).pdf

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2024-1073: Consideration for adoption on first reading of the following ordinance (**with** 3% 20-year $216,016 funding):

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 $2,844,984 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program); Not More Than $216,016 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program)And Not More Than $500,000 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.

CSWRF and Grant.pdf
Schedule B - Post Bid $216016 CWSRF Loan.pdf
BOND ORDINANCE SRF_SRF_Forgiveable-Green(23538754.2).pdf

: **2024-983:** Augustine Avenue Trail Phase 3 Presentation and Trail Options
241018 Revised Report2.pdf

: **2024-1053:** Executive Session - Zoning Enforcement

: **2024-1062:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulations and Taxation Code, Chapter 3 Taxes and Service Charges, Article 741 Municipal License Tax, Section 741.99 Penalty
Section 741.99.pdf

: **2024-1063:** FY2025 Capital Budget - Revision #1
Capital Budget 1st Revision.pdf

: **2024-1064:** Briefing Article 741 Municipal License Tax
Article 741 Municipal License Tax.pdf

: **2024-1065:** Pay Out of Sick Leave and Sick Leave Donation Policy

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: **2024-1075:** Payment of Bills - October 21, 2024
BUILDING COMM COUNCIL REPORT 2024 10 18.pdf
CAPITAL RESERVE COUNCIL REPORT 2024 10 18.pdf
Council report 2024 10 18.pdf
GENERAL FUND COUNCIL REPORT 2024 10 18.pdf
PARKS N REC COUNCIL REPORT 2024 10 18.pdf
PCARD COUNCIL REPORT 2024 10 18.pdf
SALES TAX COUNCIL REPORT 2024 10 18.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING November 4, 2024, at 7:00PM

: **2024-1051:** Charles Town Tree Board Meeting Minutes - September meeting
Tree Board Meeting Minutes - Sept. 5.pdf

: **2024-1056:** Charles Town Utility Board Meeting Minutes - September 11, 2024 and September 25, 2024
2024.09.11 UB MINUTES .pdf
2024.09.25 UB MINUTES .pdf

: **2024-1057:** Charles Town Police Department September Statistic Report
September CTPD Stats.pdf

: **2024-1058:** Planning Commission Meeting Minutes - July 22, 2024
7.22.24 PC MINUTES_DRAFT.pdf

: **2024-1059:** But For Historical Data
But-for Historical Data.pdf

: **2024-1060:** Charles Town Utility Board (CTUB) Presentation
CTUB Collection System Project.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 - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1061: City Council Meeting Minutes - October 7, 2024

ATTACHMENTS:
- CityCouncilMeetingMinutes_7Oct2024_Draft_rmt.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • October 7, 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	Present	

Mr. John Nissel, City Manager; Ms. Stephanie Grove, City Attorney; Ms. Alissa Meeks, Community Development Director; Ms. Cindy Rezmer, Operations Director; Ms. Kristen Stolipher, Charles Town Utility Board (CTUB) 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

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

There being no corrections, additions or changes, Mayor Trainor declared the September 16, 2024, meeting minutes approved.

3. PUBLIC COMMENT

No one signed up for public comment.

4. WARD REPORTS

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts reported that the Eastern Panhandle Transit Authority (EPTA) has a rider survey on their website available through the end of October. They are asking for people to ride the transit buses and provide feedback. She also reported that the recent hurricanes have brought attention to stormwater issues that need to be addressed in Charles Town, and she would like to see an Infrastructure Strategic Session scheduled in the near future.

Ward #2

Mr. Hynes reported that he is not against the infrastructure projects [sewer collection system project] proposed by the Charles Town Utility Board (CTUB) but disagrees with the proposed funding strategy. He also reported that he participated in the Walks About Nothing on October 2, 2024.

Mr. Tester had nothing to report.

Ward #3

Ms. Philabaum wished her son Ezkiel a happy 11th birthday.

Ms. Rodd had nothing to report.

Ward #4

Mr. George had nothing to report.

Ms. Sugrue had nothing to report.

5. MAYOR'S REPORT

Mayor Trainor reported that he attended the September 19, 2024, Jefferson County Commission meeting with Mr. Keith Lowry and Ms. Sarah Higgins of Jefferson County Community Ministries (JCCM), as well as Mr. John Nissel to discuss the importance of and possible FY2025 funding strategies for the Jefferson County Social Services Liaison position. The position is fully funded through FY2025.

6. COMMITTEE REPORTS

2024-991: Infrastructure Committee Report

Ms. Ricketts reviewed the Infrastructure Committee report with the Council.

7. CITY MANAGER REPORT

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

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

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the CTPD's September Statistic Report with the Council. He also reported that the CTPD has two new candidates who successfully passed the initial police officer testing last week; the CTPD currently has two vacancies. One of the candidates is a West Virginia certified police officer. Also, Corporal Jonathan DeSarno has been promoted to the position of Sergeant. He currently fills the School Resource Officer (SRO) position, which will be filled from existing CTPD personnel.

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.

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

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

2024-988: Property Acquisition Update - Executive Session

Mr. Tester moved to enter into Executive Session. Mr. Hynes seconded the motion and there were no objections. Mayor Trainor declared the Council in Executive Session.

Mayor Trainor declared the Council out of Executive Session.

There was no Council action taken on this agenda item.

Note: Agenda Item 2024-994 was also discussed during this Executive Session

10. NEW BUSINESS

2024-967: Opioid Distribution Plan

The Council directed staff to meet with Jefferson County leadership to determine if there is interest in partnering with the City to develop a spending strategy for the County and City Opioid Settlement distribution.

2024-987: Briefing Article 1102 Animals and Fowl

Mr. Hynes moved to refer Article 1102 Animals and Fowl to the Ordinance Committee to update and strengthen Section 1102.16 Free-Roaming Cats. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

2024-993: "But For" Disbursement Plan

Council directed staff to develop a policy for organizations to apply for "But For" funding, to include a submission deadline, and to present the policy to Council in November 2024.

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

This agenda item was discussed during agenda item 2024-988: Property Acquisition Update Executive Session.

There was no Council action taken on this agenda item.

2024-1002: Project Presentation CTUB

Ms. Stolipher briefed the Council on the CTUB Collection System Project and the funding strategies. Mr. John Maxey, the newly appointed CTUB director, reported on the ecological importance of this project due to the age of the existing infrastructure.

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

Mr. Kratovil moved to approve up to $5,000.00 from the Capital Budget to contribute to the Green-Copeland Highway Marker. Ms. Philabaum seconded the motion, and it passed by unanimous vote.

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

11. REFERRALS TO COMMITTEES/COMMISSIONS

2024-984: Ann Street Flooding - Infrastructure Committee Referral

No Council action was taken on this agenda item.

Article 1102 Animals and Fowls, per action taken on agenda item 2024-987, was referred to the Ordinance Committee.

12. APPROVAL OF BILLS

2024-1005: Approval of Bills - October 7, 2024

Mr. Kratovil moved to approve the bills for payment. Ms. Ricketts questioned payments to the Charles Town Utility Board (CTUB) that stated "Evitts Run Water" in the description line. After a review of the bills by Council members Philabaum and George, it was determined that the description of the bills in questions were mislabeled and that the service was provided for Rouse Hall, City Hall, the Municipal Building (661 S George) and the Maintenance Department. Ms. Ricketts stated that she would not object to the approval of the bills for payment but requested clarification on the labeling. Hearing no other questions or 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 10:31PM.

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

2024-968: Charles Town Police Department August Statistic Report

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

2024-989: Article 365 Charles Town Parking District

2024-990: Article 745 Business and Occupation Tax

2024-992: Memo Role of Charles Town over Charles Town Utility Board

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

2024-997: Constitution Week Proclamation

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City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1050: Finance Committee Meeting - October 9, 2024

ATTACHMENTS:

- FinanceCommitteeReport_9Oct2024.pdf

City of Charles Town Finance Committee Report
9 October 2024 Meeting

Drafted by: Bob Trainor - Chairman

Call to Order ooa 10:00AM

1. **Persons present:** Finance Committee Members: Ms. Julie Philabaum, Mr. Jeff Hynes, and Mr. Bob Trainor; City Manager, Mr. John Nissel; and Financial Director, Ms. Lori Nice

2. Unfinished Business

2024-1066: B&O Tax Waiver Requests

The Committee removed from the table the Go METRO (B&O) tax penalty waiver request and agreed to waive the $50.00 monthly fee, totaling $250 that was added to their 31 December 2023 tax, penalty, and interest bill of $17.60.

The Committee left on the table Charles Town Pharmacy and FN Flatbread

Recommendations to the City Council: None, information only

3. New Business

2024-1007: B&O Tax Waiver Requests

The Committee considered B&O tax waiver requests for Hallmark and Great American Financial. Since a significant percentage of the waiver requests, for both parties, include the $50.00 monthly fees for delinquent business licenses, which the Finance Committee is not yet authorized to waive (see Agenda Item 2024-1010), the Committee agreed to table both requests.

Recommendations to the City Council: None, information only

2024-1008: Capital Budget Revision

Ms. Nice presented the following proposed revision #1 for the Capital Budget (attachment (2a):

Department	Original Allocation	Proposed Adjustment	Revision 1 Allocation	Remarks
Encumbrances for Subsequent Years	$4,777,277	**$1,601,000**	$3,176,277	Account for approval of the LWCF grant award
Public Safety – Parking meters	$5,100	**$5,600**	$10,700	4-Hour parking meters to comply with revised Art 365
Contingences	$608.608	**$1,595,400**	$2,204,008	$1,601,000 - $5,600 = $1,595,400

Recommendations to the City Council: Review and approve Rev #1 to the Capital Budget

2024-1009: July and August Financials

Staff reviewed the July and August Financials with the Committee for the General Operating (attachment (1)), Capital (attachments (2a-c)), and Parks & Recreation budgets.

Recommendations to the City Council: None, information only

2024-1010: Article 741.99 Suggested Ordinance Change

The Committee, as directed by Council at the 16 September 2024 Council meeting and proposed the following change:

741.99 PENALTY, paragraph (a), line 7 & 8: replace “City Council” with “the Finance Committee.” (attachment (3)).

Recommendations to the City Council: Review and approve proposed change to Article 741.99

4. Finance Director’s Report

Ms. Nice updated the Committee on the status of B&O collection calculations, credits, and refunds to vendors (attachment (4)) and the City’s bank balances (attachment (5)).

Ms. Nice also recommended that landlord licenses be added to Charles Town Codified Code Article 741 – Municipal License Tax.

Recommendations to the City Council: None, information only

5. Chairman’s Report

6. Pending Items

7. The meeting was adjourned ooa 12:21PM

8. Next Scheduled Finance Committee meeting is 6 November 2024 at 10:00AM.

the city of Charles Town, WV

July & August 2024 Budget to Actual

REVENUES	Current Budget	July 2024	August 2024	FY 2025 YTD Actual	FY 2025 Budget Balance	% of Budget	Approved Budget Notes and Explanations	Revision #1 Notes
30005 Unassigned Fund Balance (Carryover)	4,724,453	4,724,453		4,724,453	(0)	100%	$500K reserve for revenue/expense FY24 + $659,452 remaining Revenue/Loss balance	Bringing FY24 carryover into FY25 budget.
30101 Taxes - Ad Valorem	1,688,544	75,980		75,980	1,612,564	4%		
30106 Supplemental Taxes	36,000	5,560		5,560	30,440	15%	Property taxes owed from previous years, but paid in the current fiscal year.	
30107 Tax Loss Restoration Fund	-			-	-			
30200 Interest as Penalty	10,000	1,889		1,889	8,111	19%		
30300 Gas & Oil Severence Tax	33,000			-	33,000	0%	5% severance tax on gross receipts at the well head of oil and natural gas. $66K appears to be for 2 years. Confirm when payments are received.	
30400 Utility Tax (2%)	200,000	21,514	37,727	59,242	140,758	30%		
30500 Business & Occupation (B&O) Tax	1,700,000	655,196	310,851	966,047	733,953	57%	$459K actuals in FY24 thru 2/29/2024. Collections should continue through August 31 then be accrued to FY24, resulting in another revision to carry over balance.	
30600 Liquor Tax	25,000	6,919		6,919	18,081	28%	Each distribution quarter amount ranges from $5.5K - $7K, and has been steadily rising each	
30700 Animal Control Tax	1,600		632	632	968	39%		
30800 Hotel/Motel Tax	200,000	11,019	26,497	37,516	162,484	19%	4 traditional hotels (Turf Motel, Days Inn, TravelLodge, Carriage Inn) and 5 independent rental companies (Homeaway.com, Expedia, AirBnB, Hotel Tonight, Evolve Vacation Rental Network)	
32000 Court Costs, Fees & Charges	260,000	18,897	25,297	44,194	215,806	17%		
32100 Parking Violation Penalties	40,000	1,255	2,240	3,495	36,505	9%	Revised based on new program details and current year performance.	
32500 Business License Revenue	30,000	36,253	8,345	44,599	(14,599)	149%		
32600 Building Permit Fees	550,000	29,939	25,956	55,895	494,105	10%	Building activity increasing/expected to remain strong through FY2025 with new development projects on the horizon and increases in permit fee structure.	
32800 Franchise Tax	75,000		16,137	16,137	58,863	22%	Two Cable Franchisees; working with Shentel/GloFiber on franchisee compliance	
33000 International Registration Plan (IRP) Fees	70,000	19,503		19,503	50,497	28%	The International Registration Plan is an agreement for the registration of commercial motor vehicles that travel in the United States. It is designed to distribute apportioned taxes (registration fees) depending on the mileage driven in the participating jurisdictions.	
33900 Emergency Service Fee	1,700	168	169	337	1,363	20%	Revenue from utility bills for EMS (5 cents)	
34000 Parks & Rec Fee	1,700	168	169	337	1,363	20%	Revenue from utility bills for parks and recreation (5 cents)	
34200 Parking Meter Revenues	44,000	21,204	5,321	26,526	17,474	60%	Revenue from parking meters and parking permits including ParkMobile app.	
34500 Rents & Concessions	60,000	1,631	10,290	11,921	48,079	20%	CTUB rental of 661 space ($30k total); CW Hall Revenue is recorded as Due to Building Commission/CWH Landlord, so revising down to reflect true flow of revenues	
35300 Zoning Fee	17,000	4,043	490	4,533	12,467	27%	Zoning applications	
35500 Street Improvement Fee	135,000	13,092	13,526	26,618	108,382	20%	Revenue from utility bills for street improvements ($4 per month); pending fee decision from Council	
36504 Federal Government Grants	41,667			-	41,667	0%	DOJ/COPS grant for additional police officer. $125,000 across 3 years.	
36600 State Government Grants	-			-	-			
36900 Contributions from Other Funds - Sales Tax	1,000,000			-	1,000,000	0%	Ordinance requires payment of debt first (payments to BC are rent payments in PD and CH budgets).	
37600 Gaming Income	250,000	19,741	17,036	36,777	213,223	15%	Gaming receipts average $19K to $23K per month in the 2nd Quarter 2024.	
37900 Gain/Loss - Sale of Fixed Assets	-			-	-			
38007 Interest Income (Operating Acct)	35,000			-	35,000	0%		
38100 Reimbursements	110,000	62,253	1,836	64,089	45,911	58%	SRO reimbursement of $60k; crossing guards; misc. police reimbursements; Fuel Refunds; Pcard Rebate; etc.	
38200 Refunds - Overpayments	400	855		855	(455)	214%		
38600 Insurance Claims	-			-	-			
39200 Property Rehabilitation	-		100	100	(100)			
38700 Filing Fees	325			-	325	0%	Filing Fees Revenue - Election in FY25. $50.00 per person.	
39700 Video Lottery	600,000	22,077	1,282	23,359	576,641	4%	Video lottery receipts average $13.4K to $22.2K per week.	
39900 Misc Revenue	10,000	437	606	1,043	8,957	10%	Yard waste stickers and fingerprints	
39902 Special Events - WV Fest	4,000			-	4,000	0%		
39903 Special Events - General	900	25	900	925	(25)	103%	Special activities fees	
39904 Special Events - CW Hall	8,500	1,750	700	2,450	6,050	29%		
39907 Special Events - Car Show	7,000	225	3,970	4,195	2,805	60%	Car show registration and sponsors.	
Total Revenues	**11,970,789**	**5,756,046**	**510,078**	**6,266,124**	**5,704,664**	**52%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
Economic Development - 402	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	70,250	5,380	8,198	13,579	56,671	19%	Salary $68,844 plus 2.5% merit and holiday supplement.	
04 FICA	5,374	412	627	1,039	4,335	19%	FICA @ 7.65%	
05 Group Insurance	8,300	1,199	645	1,845	6,455	22%	Includes 14% premium increase projected by PEIA. $7,294 (Health Insurance), $540.48 (Life Insurance), Dental Ins ($266.16), Vision Ins ($111.00), EAP Premiums ($15.84)	
06 Retirement	6,323	484	1,072	1,556	4,766	25%	PERS II Employer Contribution 9%	
09 OPEB	2,108	137	193	329	1,778	16%	Deferred Compensation Employer Contribution 3%	
11 Telephone	750		32	32	718	4%	Cell phone	
14 Travel	4,200			-	4,200	0%	2 National Conferences; airfare, lodging, per-diem	
20 Advertising/Legal Publications	-			-	-			
21 Training & Education	-			-	-		$2,500 rolled under City Manager's office.	
22 Dues & Subscriptions	2,000		218	218	1,782	11%	IEDC Membership, Survey Subscription, Adobe subscription	
23 Professional Services	1,000			-	1,000	0%	Engineering Services	
26 Insurance and Bonds	5,000		630	630	4,370	13%	Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.	
41 Departmental Supplies	3,000		23	23	2,977	1%	Promotional items for events and City marketing and other departmental supplies.	
43 Auto Supplies	-			-	-			
Total Economic Development	**108,304**	**7,612**	**11,638**	**19,250**	**89,054**	**18%**		

Federal Grants - 403	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
Professional Services	-			-	-			
Departmental Supplies	-			-	-			
Total Federal Grants	**-**	**-**	**-**	**-**	**-**			

Mayor's Office - 409	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
01 Salary	12,500	1,042	1,042	2,083	10,417	17%	Mayor's Salary	
04 FICA Tax Expense	1,000	80	80	159	841	16%		
11 Telephone	-			-	-			
14 Travel Expense	2,000			-	2,000	0%	WV Municipal League	
20 Advertising/Legal Publication	-			-	-			
21 Training & Education	1,000			-	1,000	0%		
26 Insurance & Bonds	1,000		193	193	807	19%		
41 Departmental Supplies	500			-	500	0%	$453.00 - Ceremonial Keys to the City and Coins	
68 Community Contributions	2,000	696		696	1,305	35%		
Total Mayor's Office	**20,000**	**1,817**	**1,314**	**3,131**	**16,869**	**16%**		

Council - 410	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
01 Salaries	40,000	2,917	3,542	6,458	33,542	16%	Eight Council Members at $5,000 annual salary	
04 FICA Tax Expense	3,100	223	271	494	2,606	16%		
14 Travel Expense	4,800			-	4,800	0%	Conferences	
20 Advertising	-			-	-			
21 Training & Education	3,200		900	900	2,300	28%	Conference Registration ($450 per registration)	
26 Insurance & Bonds	3,200		617	617	2,583	19%	Umbrella, Commercial Property, Worker's Comp, Automobile, Liability	
41 Departmental Supplies	700		68	68	632	10%		
Total Council	**55,000**	**3,140**	**5,398**	**8,538**	**46,462**	**16%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
City Manager - 412	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	180,000	13,734	20,587	34,321	145,679	19%	City Manager Salary ($120,000) + 2.5% Merit ($1,545) + Holiday Supplement ($500) Deputy City Clerk Salary (from $52,674 to $54,000) + 2.5% Merit ($695.25) + Holiday Supplement ($500) City Manager requesting promotion and salary increase for from Deputy City Clerk to City Clerk. Finance Committee approved dollar amount.	
04 FICA Tax Expense	14,500	1,051	1,576	2,627	11,873	18%	FICA Tax @ 7.65%	Increase due to additional overtime allocation.
05 Group Insurance	2,000	116	279	394	1,606	20%	Health, Dental, Vision, Life insurance, EAP	
06 Retirement	16,200	1,236	1,855	3,091	13,109	19%	9% Employer Contribution PERS I and II	
08 Overtime	1,000		20	20	980	2%		Allocation for Deputy City Clerk overtime.
09 OPEB	5,400	405	617	1,022	4,378	19%	3% Employer Contribution Deferred Compensation plan	
11 Telephone	520		42	42	478	8%	Mobile phone service	
14 Travel Expense	1,500			-	1,500	0%	WVML Trip, City Clerk Election Training	
20 Advertising	-			-	-			
21 Training & Education	21,500		1,310	1,310	20,190	6%	402 Economic Development - $2,500 - Two National Conferences 415 Court Clerk - $500 - Municipal Court training, Election training 437 Planning & Zoning - $7,000 - Leadership WV Jefferson and APA Online Training 425 Enforcement Agency - $2,000 - ICC Conference & WV Code Officials Seminar 436 Building Inspections - $2,000 - ICC Conference & WV Code Officials Seminar 440 City Hall - $2,000 - WVML Conference 413 Treasurer's Office - $4,000 - WV GFAO Training - 4 employees; Spring or Fall Conference 750 Maintenance - $1,500	$1500 allowance for City Attorney training.
22 Dues & Subscriptions	1,000			-	1,000	0%	Adobe subscriptions. ICMA and WVML Fees.	
23 Professional Services	-			-	-		Background checks for City Manager candidates. Not required this year.	
26 Insurance & Bonds	15,000		2,941	2,941	12,059	20%	Umbrella, Commercial Property, Worker's Comp, Automobile, Liability	
41 Departmental Supplies	750			-	750	0%	Misc. Office Supplies	
43 Auto Supplies (Gas & Oil)	-			-	-		Gas is covered under travel expenses.	
Total City Manager	**259,370**	**16,541**	**29,226**	**45,768**	**213,602**	**18%**		

Treasurer - 413	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	235,000	16,547	25,158	41,705	193,295	18%	Director of Finance ($100,000), Accounting Clerk III ($44,762), Accounting Clerk II 0.5 FTE ($40,685), Accounting Clerk I ($37,500) plus 2.5% merit, holiday supplement, and overtime.	
04 FICA Tax Expense	19,000	1,281	1,932	3,212	15,788	17%	FICA Tax @ 7.65%	Increase due to additional overtime allocation.
05 Group Insurance	25,000	5,192	2,934	8,126	16,874	33%	Health, Dental, Vision, Life insurance, EAP	
06 Retirement	21,150	1,507	2,272	3,779	17,371	18%	9% Employer Contribution PERS I and II	
08 Overtime	2,000	196	91	287	1,713	14%		Allocation for Accounting Clerks I, II & III overtime.
09 OPEB	7,050	456	650	1,107	5,943	16%	3% Employer Contribution Deferred Compensation plan	
11 Telephone	500		32	32	468	6%	Director of Finance Cell Phone	
12 Printing	-			-	-			
14 Travel Expense	4,000			-	4,000	0%	Director & Acct. Clerk III - WV Government Finance Officers Association Training	
18 Postage	-			-	-		Transfer cost to City Hall and Pitney Bowes machine.	
20 Advertising/Legal Pubs	2,000			-	2,000	0%	Financial statement publication $625, Levy Estimate $425, Tax increase notice $250.	
21 Training & Education	-			-	-		$4,000 Rolled into City Manager's budget	
22 Dues & Subscriptions	800			-	800	0%	Adobe subscription for Director & Accounting Clerk III	
23 Professional Services	2,500		1,350	1,350	1,150	54%	J.C. Kunkle Accounting Services - CWH Landlord Trial Balance Analysis ($1,200) Police pension annual report ($800) Background Checks for New Hires ($300)	
24 Audit Costs	42,000			-	42,000	0%	Perry & Associates and J.C. Kunkle FY25 Compilation and Preparation of Audit	
26 Insurance & Bonds	15,000		3,346	3,346	11,655	22%	General Liability, Worker's Compensation, Umbrella	
30 Contracted Services	25,000			-	25,000	0%	Tyler Technologies - Incode Annual License Fee - $20,000 Business License Software Maintenance (Progressive Solutions) - $5,000	
38 Refunds		850	586	1,436	(1,436)			
41 Departmental Supplies	2,000		419	419	1,581	21%	Paper folder machine ($500)	
59 Capital Outlay	-			-	-			
Total Treasurer	**403,000**	**26,029**	**38,770**	**64,798**	**338,202**	**16%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
Court Clerk - 415	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	62,000	4,716	7,097	11,813	50,187	19%	Court Clerk Salary: $59,996 plus 2.5% merit, and holiday supplement	
04 FICA	5,060	361	553	914	4,146	18%	FICA Tax @ 7.65%	Increase due to additional overtime allocation.
05 Group Insurance	12,529	2,534	1,233	3,767	8,762	30%	Health, Dental, Vision, Life insurance, EAP + 14% premium increase	
06 Retirement	5,580	424	651	1,075	4,505	19%	9% Employer Contribution PERS I and II	
08 Overtime	1,000		133	133	867	13%		Allocation for Court Clerk overtime.
09 OPEB	1,860	122	171	293	1,567	16%	3% Employer Contribution Deferred Compensation plan	
14 Travel	500			-	500	0%	Court Clerk training and Election training	
18 Postage	-		35	35	(35)			
20 Advertising/Legal Publications	700			-	700	0%		
21 Training & Education	-			-	-		$500 transferred to City Manager's budget. WVML training and Election training.	
22 Dues & Subscriptions	-			-	-			
23 Professional Services	-			-	-			
24 Audit Costs	-			-	-			
26 Insurance & Bonds	4,500		892	892	3,608	20%	Court Clerk Bond, General Liability, Worker's Compensation, Umbrella	
30 Contracted Services	25			-	25	0%	Flu shot	
41 Departmental Supplies	600		27	27	573	5%	Ink cartridges, paper stock	
Total Court Clerk	**94,354**	**8,157**	**10,791**	**18,948**	**75,406**	**20%**		
Police Judges - 416	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	32,000	1,400	3,300	4,700	27,300	15%	Two Municipal Court judges; two magistrates; two prosecuting attorneys; and extra $2k for special judge.	
04 FICA	2,400	107	252	360	2,040	15%		
14 Travel	500			-	500	0%	WV State mandated annual training for magistrates & judges	
21 Training & Education	1,000			-	1,000	0%	WV State mandated annual training for magistrates & judges	
22 Dues and Subscriptions	100			-	100	0%		
23 Professional Services	1,000			-	1,000	0%		
26 Insurance & Bonds	2,500		494	494	2,006	20%		
41 Departmental Supplies	-			-	-			
Total Police Judges	**39,500**	**1,507**	**4,046**	**5,553**	**33,947**	**14%**		
City Attorney - 417	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	150,000		5,769	5,769	144,231	4%		Salary $ plus 2.5% merit and holiday supplement.
04 FICA	12,000		441	441	11,559	4%		FICA @ 7.65%
05 Group Insurance	13,000			-	13,000	0%		Health, Dental, Vision, and Life insurance.
06 Retirement	13,500		346	346	13,154	3%		PERS II Employer Contribution 9%
09 OPEB	4,500		173	173	4,327	4%		Deferred Compensation Employer Contribution 3%
11 Telephone	2,000			-	2,000	0%		$1500 cell phone cost and $500 for monthly services.
14 Travel	1,000			-	1,000	0%		Travel allowance for various trainings.
20 Advertising/Legal Publications	1,000			-	1,000	0%		Allowance for legal publications.
21 Training & Education	-			-	-			Rolled under City Manager's office.
22 Dues & Subscriptions	1,500			-	1,500	0%		Allowance for legal subscriptions and memberships.
23 Professional Services	25,000			-	25,000	0%	Cost for outside legal council.	
26 Insurance and Bonds	5,000			-	5,000	0%		Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.
41 Departmental Supplies	500			-	500	0%		Miscellaneous office supplies.
Total Attorney	**229,000**	**-**	**6,730**	**6,730**	**222,270**	**3%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
Enforcement Agency - 425	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	56,000	4,602	6,312	10,914	45,086	19%	Code Enforcement Officer: $54,322.83 plus 2.5% merit and holiday supplement.	
04 FICA	4,284	352	483	835	3,449	19%	FICA @ 7.65% of Salary	
05 Group Insurance	1,140	1,199	353	1,553	(413)	136%	Includes 14% premium increase projected by PEIA. Current expenses include: Life Ins. ($545 per mo), Dental ($266 per mo), and Vision ($111 per mo).	
06 Retirement	5,040	373	568	941	4,099	19%	PERS II Employer Contribution 9%	
09 OPEB	1,680	153	218	371	1,309	22%	457(b) Deferred Compensation Employer Contribution (3%)	
11 Telephone	2,250		1,837	1,837	413	82%		Allocation for new cell phone.
14 Travel	3,000			-	3,000	0%	International Code Council Conference. Orlando. 2-3 days; airfare, lodging, meals, rental car/gas WV Code Officials Association Seminar. Roanoke, WV; airfare, lodging, meals, rental car/gas	
18 Postage	1,000		783	783	217	78%	Certified Mailings	
20 Advertising/Legal Publications	1,000			-	1,000	0%		
21 Training & Education	-			-	-		$3,500 transferred to City Manager's budget. International Code Council Conference. Orlando, FL. Registration Fee ($1,600) WV Code Officials Spring Seminar, Roanoke, WV (9/2024) Registration Fee ($150)	
22 Dues & Subscriptions	1,000			-	1,000	0%	Women in Code Enforcement (WICED) Membership Fees ($35) ICC Membership ($160/yr)	
26 Insurance and Bonds	3,800		752	752	3,048	20%	Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.	
30 Contracted Services	71,100	508	1,315	1,823	69,277	3%	Kimley-Horn Engineering Services / Nuisance Properties; discuss process w/council. Trash removal fees at Marware apartments ($5,500) and storage fees at Whitteried property ($15,600). Cost moved to Code Enforcement.	
41 Departmental Supplies	3,000		3,263	3,263	(263)	109%	Office printer, building safety month supplies, jackets, boots, code books	
43 Auto Supplies	-			-	-		Under Maintenance budget	
Total Enforcement Agency	**154,294**	**7,188**	**15,884**	**23,072**	**131,222**	**15%**		
Regional Dev Authority - 435	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
22 Dues & Subscriptions	6,600	6,142		6,142	458	93%	Region 9 Assessment - Fees are going up	
Total Regional Dev. Authority	**6,600**	**6,142**	**-**	**6,142**	**458**	**93%**		
Total City Administration	**1,369,422**	**78,133**	**123,797**	**201,931**	**1,167,491**			
Building Inspections - 436	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	82,300	6,453	9,605	16,057	66,243	20%	Building Official/Inspector: $80,653.29 plus 2.5% merit plus holiday supplement	
04 FICA	6,296	494	735	1,228	5,068	20%	FICA @ 7.65% of Salary	
05 Group Insurance	1,650	110	164	274	1,376	17%	Dental/Life/Vision/EAP Premiums	
06 Retirement	7,100	539	864	1,404	5,696	20%	PERS II Employer Contribution (9%). $272.37 per pay period * 26 pay periods	
09 OPEB	1,575	120	192	312	1,263	20%	457(b) Deferred Comp Employer Contribution (3%). $60.53 per pay period * 26 pay periods	
11 Telephone	1,010		84	84	926	8%	Two lines; one is a hot spot. $84.18 per month x 12 months = $1,010.16 per year in actual costs	
14 Travel	3,000			-	3,000	0%	National ICC Conference; Women in Code Enforcement Training; airfare, lodging, meals, gas	
17 R&M Auto	-			-	-		Under Maintenance budget	
18 Postage	1,000			-	1,000	0%	Certified mailings for property Notice of Violations	
20 Advertising/Legal Publications	500			-	500	0%	Job posting costs	
21 Training & Education	-			-	-		$2,500 in City Manager's budget. ICC national conference, WV State Code Conference.	
22 Dues & Subscriptions	1,000			-	1,000	0%	ICC membership dues; WICA subscription	
23 Professional Services	15,000			-	15,000	0%	To cover expenses associated with inspections; compliance.	Allowance for outsourcing inspections.
26 Insurance & Bonds	6,000		1,139	1,139	4,861	19%	Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.	
41 Departmental Supplies	3,000		33	33	2,967	1%	Mobile printer for vehicle, jackets, boots, building safety month	
43 Auto Supplies	-			-	-		Under Maintenance budget	
Total Building Inspections	**129,431**	**7,716**	**12,816**	**20,532**	**108,899**	**16%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
Planning & Zoning - 437	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	243,000	19,165	29,575	48,740	194,260	20%	Director of Community Development: $96,937, City Planner/Zoning/Subdiv Administrator: $84,721, Permit Tech: $50,141 plus 2.5% step increase on 1/1/2025 for all three positions. Includes Holiday Supplement pay ($500 x 3 employees = $1,500) and summer intern ($5,250).	
04 FICA	19,050	1,466	2,272	3,738	15,312	20%	FICA @ 7.65% of Salary	Increase due to additional overtime allocation.
05 Group Insurance	31,000	2,724	1,548	4,272	26,728	14%	Includes 14% increase projected by PEIA. Health/Dental/Life/Vision/EAP Premiums	
06 Retirement	23,085	1,630	2,495	4,126	18,959	18%	PERS II Employer Contribution (9%)	
08 Overtime	500		121	121	379	24%		Allocation for Permit Tech. overtime.
09 OPEB	7,290	342	507	849	6,441	12%	457(b) Deferred Comp Employer Contribution (3%).	
11 Telephone	250		20	20	230	8%	Director's department cell phone	
14 Travel	8,000			-	8,000	0%	James - American Planning Association Conference Alissa - WV Leadership Trainings (12 trainings) & Women Leaders in Code Kim - MGO Conference	
18 Postage	1,000			-	1,000	0%	Certified Mailings; Legal notices, yard sign postings	
20 Advertising/Legal Publications	4,500		154	154	4,346	3%	Advertising of BZA and public hearings for P/C meetings; hearing placards	
21 Training & Education	-			-	-		$7,000 rolled into City Manager's budget. Alissa - WV Leadership conference registration	
22 Dues & Subscriptions	3,000			-	3,000	0%	AICP Membership; Kim ICC membership; Alissa Community Development Society membership; Women Leaders in Code membership, Adobe subscription for 2 people.	
23 Professional Services	5,000			-	5,000	0%	GIS Aerial imagery, Engineering Services, Background Checks	
26 Insurance & Bonds	20,000		3,241	3,241	16,759	16%	Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property.	
30 Contracted Services	30,000		890	890	29,110	3%	Kimley-Horn and Associates - Engineering and routine plan review; bond assessments;	
31 Contracted Services - Tree Board	2,000			-	2,000	0%	To maintain Tree City USA Status, we must house this cost in the budget which is based on the population.	
38 Refunds			50	50	(50)			
41 Departmental Supplies	4,000		332	332	3,668	8%	Public hearing signs, office supplies, promotional supplies	
53 Computer Software / Tech	9,000		730	730	8,270	8%	MyPermit Now Monthly Fees	
59 Capital Outlay	-			-	-			
Total Planning and Zoning	**410,675**	**25,328**	**41,934**	**67,263**	**343,412**	**16%**		
Total City Bldg Inspection, P&Z, and Enforcement Agency	**802,704**	**47,844**	**82,273**	**130,116**	**672,588**			

Elections - 438	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
12 Printing	3,000			-	3,000	0%		
20 Advertising/Legal Publications	500			-	500	0%	Publish ballot multiple times	
23 Professional Services	-			-	-			
30 Contracted Services	5,000			-	5,000	0%	Poll workers for early voting and day of election.	
41 Departmental Supplies	2,000			-	2,000	0%	Purchase of ballots $1,500, Election Kits, Paper, Election Banner, Voter Stickers	
Total Elections	**10,500**	**-**	**-**	**-**	**10,500**	**0%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
City Hall - 440	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
3 Salaries	95,000	7,229	11,014	18,243	76,757	19%	Director of Operations Salary: $92,500 + 2.5% Merit + Holiday Supplement	
4 FICA Taxes	7,600	553	843	1,396	6,204	18%	FICA @ 7.65%	
5 Group Insurance	16,500	2,513	1,319	3,832	12,668	23%	Health, Dental, Vision, Life, Employee Assistance Program	
6 Retirement	9,500	651	991	1,642	7,858	17%	9% Employer Contribution	
9 OPEB	2,000	246	359	605	1,395	30%	3% Deferred Compensation Employer Contribution	
11 Telephone	18,000	487	4,003	4,490	13,510	25%	WebEx Phone Services ($6,000), Internet Service ($3,012), Cell phone - Director ($384), Rouss Hall Phone Service ($7,200 per year/$600 per mo.) **Proposing upgrade to internet service. 1 Gbps with GloFiber. $1,900 per month, $22,800 per year. One time set up fee $1,900. $950 set up cost allocated to Police Dept, $950 set up cost allocated to City Hall. Please review quote in attachments.**	
13 Utilities	21,000		198	198	20,802	1%	City Hall Oil and Electric, Rouss Hall Electric, CTUB Water/Sewer	
14 Travel Expense	2,000			-	2,000	0%	WV Municipal League Election Training in Charleston, WV and another conference in Baltimore, MD	
15 Repair & Main. Bldg & Grounds	12,000		159	159	11,841	1%	Elevator Services and City Hall maintenance.	
16 Repair & Main. Equipment	-			-	-			
17 Repair & Main. Auto	-			-	-			
18 Postage	4,000	182	703	885	3,115	22%	Pitney-Bowes Machine Postage; includes Treasurer's office mailings for B&O Tax Collection	Allowance for increase in postage costs.
19 Bldg & Equipment Rental	250,000	516	59,289	59,805	190,195	24%	CWH Loan ($16,667 per month), CTUB Rent ($2,550 per month), Postage Lease, City Copier Rental, Plat Printer	
20 Advertising/Legal Publications	5,000		416	416	4,584	8%	American Legal Publishing, Job postings, Weekly Event Calendar ($3,640), Board Vacancy Advertisements	
21 Training & Education	-			-	-		$2,000 transferred to City Manager's budget	
22 Dues & Subscriptions	3,500			-	3,500	0%	Jefferson County Chamber of Commerce ($275), SHRM Membership ($300), WVML Annual Dues ($2,400)	
23 Professional Services	25,000	2,500	1,728	4,228	20,772	17%	Millenium Group insurance broker services estimated $1,800 per month, Open enrollment, payroll integration.	
24 Audit Costs	-			-	-			
26 Insurance & Bonds	17,000	1,800	7,058	8,858	8,142	52%	Liability, Worker's Comp, Auto Insurance, Umbrella, Commercial	
30 Contracted Services	181,404	895	86,019	86,915	94,490	48%	Sustainable Strategies (Grant Consultant, Matt Ward) - $28,800 ($2,400 per month) Website Hosting Fee (Revize) - $3,900 per year for 5 years Pest Control Services - $1,000 Printer & Copier Lease - $14,400 Patton Commercial Cleaning Services for City Hall and Rouss Hall - $35,000 Payroll Processing Base Fees - $3,864 ADP Software Recurring Annual Fee - $19,440 Tek Advisors - Moving this out of Capital Budget and into Operating budget - $75,000 per year.	
31 Bad Debt Expense	-			-	-			
32 Bank Charges	60,000	5,371	513	5,884	54,116	10%	Credit card merchant fees, eCheck Usage Fees, Fraud Detection Fees	Allocation for credit card merchant fees.
37 Other Fees/Taxes	1,500			-	1,500	0%	Late fees	
41 Departmental Supplies	15,000		1,195	1,195	13,805	8%		Increase due to rising kitchen, cleaning, & office supplies costs.
43 Auto Supplies (Gas & Oil)	-			-	-			
53 Computer Software / Tech	15,000		11,763	11,763	3,237	78%	City Sonic Wall Annual License - $1,700 Clearcaster Annual License - $1,700 Granicus Annual License - $9,500 - Agenda management,Online training, Audio/Visual software for livestreaming meetings VEEAM Annual Maintenance - $600.00 Zoom Fees - $1,500 per year	
59 Capital Outlay	-			-	-			
68 Contributions	-			-	-			
70 Capital Lease	-			-	-			
75 Special Emergency Expense	-			-	-		Covid related expenses	
Total City Hall	**761,004**	**22,943**	**187,569**	**210,512**	**550,492**	**28%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
Contributions/Transfers - 444	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
68 Contributions - "But For" Organizations	60,000			-	60,000	0%	Citizens Fire Co. $95K and EPTA Requests $50K	
68 Community Awards	-			-	-			
68 Contributions - Revive Grant	20,000			-	20,000	0%	Unspent Revive! Funding rolled over to FY24	
68 Contributions - Façade Improvement Program	15,000			-	15,000	0%		
68 Contributions - Homeless Solutions	25,000		14,402	14,402	10,598	58%	County Homelessness position funding commitment	
68 Contribution - Nuisance Property Expenses	-			-	-		Trash removal fees at Marware apartments ($5,500) and storage fees at Whitteried property ($15,600). Cost moved to Code Enforcement.	
68 Contributions - Sidewalk Improvement Program	15,000			-	15,000	0%	SIP grant historically funded out of CIP, but expense was moved General Operating budget to reflect ongoing and not capital expenses. Reducing by $5k due to lack of public interest	
Total Contributions/Transfers	**135,000**	**-**	**14,402**	**14,402**	**120,598**	**11%**		

Parking - 571	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	41,614			-	41,614	0%	Base salary, contingency, 2.5% merit, holiday supplement, and clothing allowance	
04 FICA Tax Expense	3,500			-	3,500	0%	FICA @ 7.65%	Increase due to additional overtime allocation.
05 Group Insurance	9,300			-	9,300	0%	Health, Dental, Vision, Life, Employee Assistance Program	
06 Retirement Expense	3,600		96	96	3,504	3%	9% Employer Retirement Contribution	
08 Overtime	2,000			-	2,000	0%		Allocation for parking attendant overtime.
09 OPEB	1,400		45	45	1,355	3%	3% Deferred Compensation Employer Contribution	
13 Utilities	1,200			-	1,200	0%	Electric Service	
16 Repair & Main - Equipment	3,000			-	3,000	0%	Parking meter repairs and maintenance	
18 Postage	500			-	500	0%		
19 Bldg & Equipment Rental	1,000			-	1,000	0%		
20 Advertising / Legal Publications	500			-	500	0%		
23 Professional Services	-			-	-			
26 Insurance & Bonds	3,000		557	557	2,443	19%	Prof Liability, Umbrella, Automobile, Worker's Comp	
30 Contracted Services	500			-	500	0%		
41 Departmental Supplies	5,000		176	176	4,824	4%	Office Supplies, Batteries, Handheld Printer Paper	
45 Uniforms	500		229	229	271	46%	Jacket, Uniform Shirt, Patches, Badge, etc.	
53 Computer Software/Tech	4,000			-	4,000	0%	United Public Safety/T2 Annual Fees	
Total Parking	**80,614**	**-**	**1,103**	**1,103**	**79,511**	**1%**		

Contingencies - 699	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**Budget Balance**	**Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
Other Contributions	350,000			-	350,000	0%	Placeholder for 3.2% COLA ($84,900 plus $16,980 for FICA/Retirement Cont.); $50,000 for emergency snow costs. $41,667 for COPS grant for additional police officer.	Allowance for city wide unexpected expenses.
Total Contingencies	**350,000**	**-**	**-**	**-**	**350,000**	**0%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
Police Department - 700	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	1,537,798	113,383	169,995	283,378	1,254,420	18%	Base Salaries plus contingency, 2.5% merit, longevity, shift differential, clothing allowance, holiday supplement. Seven (7) Patrolman ($52,998.40 - $55,681.60) Two (2) Patrolman First Class ($58,510.40 - $64,542.40) Three (3) Sergeants ($76,689.60 - $86,756.80) Two (2) Lieutenants ($93,246.40 - $95,576.00) Three (3) Corporals ($67,808 - $82,617.60) Three (3) Administrative personnel ($36,276.00 - $55,910.40) One (1) Chief ($134,650)	Allowance for additional promotions.
04 FICA	51,200	5,958	8,202	14,160	37,040	28%	FICA Tax at 7.65%	Increase due to additional overtime allocation.
05 Group Insurance	180,000	27,024	14,086	41,109	138,891	23%	PEIA/Health insurance increase from $9K to $12K per month.	
06 Retirement	140,000	11,288	15,684	26,971	113,029	19%	Employer Retirement Contribution PERS I and II (9%) and MPFRS (8.5%)	
07 Police Pension	64,000	200	15,062	15,262	48,738	24%	Legacy CTPD Retirement System	
08 Overtime	160,000	24,826	18,668	43,493	116,507	27%		Allowance for unanticipated police overtime.
09 OPEB	48,000	3,416	5,133	8,549	39,451	18%	457(b) Deferred Compensation 3%	
11 Telephone	48,500	461	3,694	4,155	44,345	9%		
13 Utilities	48,000		1,832	1,832	46,168	4%	Electric and Internet Service, increase in FY254.	
14 Travel	4,000		614	614	3,386	15%		
15 R&M Building & Grounds	2,200		56	56	2,144	3%	Lights, Paint, Air Filters, Electrical supplies, Batteries	
16 R&M Equipment	2,500			-	2,500	0%	Generator Service	
17 R&M Auto	45,000		5,677	5,677	39,323	13%	Oil changes, Air filters, Vehicle Repairs, State Inspections, Vehicle Maintenance (Brakes/Rotors, Tires, etc.	
18 Postage	1,300		8	8	1,292	1%		
19 Building & Equipment Rental	100,000	280	23,803	24,083	75,917	24%		
20 Advertising/Legal Publications	5,600		588	588	5,013	10%	New Hire Ads 3-6 ads in local paper	
21 Training & Education	20,000		1,500	1,500	18,500	8%		
22 Dues & Subscriptions	2,000	60		60	1,940	3%	WVCOP Dues, IACP, SRO, Journal	
23 Professional Services	6,500		325	325	6,175	5%	Polygraph Exams, Physical Exams, Diagnostic Imaging	
26 Insurance & Bonds	105,000		21,256	21,256	83,744	20%	Worker's Comp, Liability, Automobile, Liability Claims, Commercial Property Insurance	
30 Contracted Services	48,000	517	2,756	3,273	44,727	7%	CALEA Annual Continuation Fee ($4,595), Background Checks, Court Translator, Cleaning Fees, HVAC Service 661 George St.	
32 Bank Charges	250			-	250	0%		
37 Other Fees & Taxes	250			-	250	0%	661 George St. Ambulance Fees	
41 Departmental Supplies	40,000	779	3,122	3,901	36,099	10%	Ammunition, Office Supplies, Cleaning Supplies, Water Delivery	
43 Auto Supplies	65,000	346	6,142	6,488	58,512	10%	Gas for Police Vehicles	
45 Uniforms	20,000		2,276	2,276	17,724	11%		
53 Computer Software/Tech	29,000		11,400	11,400	17,600	39%	CAD, Guardian Tracking, Police One Academy, Powerdms, POSS-Essentials	
Total Police Dept	**2,774,098**	**188,537**	**331,880**	**520,417**	**2,253,681**	**19%**		
Police-Special Duty Crossing Guard - 704	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	34,803		1,113	1,113	33,691	3%	Five (5) Part-Time Crossing Guards (Wright Denny and Charles Town Middle). Expenses reimbursed by BOE. No COLA.	
04 FICA Tax Expense	2,600		85	85	2,515	3%		
26 Insurance & Bonds	1,750		378	378	1,372	22%		
41 Departmental Supplies	250			-	250	0%	Stop signs	
45 Uniforms	500			-	500	0%	Reflective jackets and vests	
43 Auto Supplies (Gas & Oil)	-			-	-			
Total Police - Special Duty Crossing Guard	**39,903**	**-**	**1,576**	**1,576**	**38,327**	**4%**		
Total Police and Crossing Guards	**2,814,001**	**188,537**	**333,456**	**521,993**	**2,292,009**			

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
Dog Warden - 707	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
Contributions	1,600			-	1,600	0%	City passes along the dog tag fees to the County	
Total Dog Warden	**1,600**	**-**	**-**	**-**	**1,600**	**0%**		
Maintenance - 750	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
03 Salaries	263,643	20,130	28,106	48,237	215,406	18%	Promote Maintenance Supervisor to Director; increase in salary from $73,418 to $80,000, plus three (3) Maintenance Staff: $66,454, $49,995 and $42,064 plus 5.0% Merit and Holiday Supplement.	
04 FICA Tax Expense	21,491	1,587	2,206	3,792	17,699	18%	FICA @ 7.65%	Increase due to additional overtime allocation.
05 Group Insurance	26,000	3,768	2,030	5,799	20,201	22%	Health, Dental, Vision, Life, Employee Assistance Program	
06 Retirement	23,728	1,701	2,595	4,296	19,432	18%	9% Employer Contribution	
08 Overtime	5,000	611	724	1,335	3,665	27%		Overtime allowance for maintenance employees.
09 OPEB	7,909	364	524	888	7,021	11%	3% Deferred Compensation Employer Contribution	
11 Telephone	3,000		59	59	2,941	2%	Field staff equipped with cell phones	
13 Utilities	100,000	96		96	99,904	0%	Electric (street lights), water, sewer, and internet	
14 Travel Expense	1,500			-	1,500	0%	Maintain certifications; other skill enhancement training as required/proposed	
15 R&M Buildings and Grounds	34,000			-	34,000	0%	General maintenance of city buildings.	Increase for elevator and HVAC repairs transfererd from capital outlay. This also includes repairs for Ortegas equipment per contract.
16 R&M Equipment	15,000		292	292	14,708	2%	Regular maintenance of fleet equipment, primary expense is street sweeper repairs. We have a new leaf vacuum, so we don't have as much maintenance expense.	
17 R&M Auto	10,000		1,349	1,349	8,651	13%	Regular maintenance of department vehicles.	Allocation for additional vehicle repair.
19 R&M Bldg and Equip Rental	-			-	-		Equipment rented as required to maintain various city buildings.	
20 Advertising	-			-	-		Spring and Fall Cleanup. Additional city sponsored projects as required.	
21 Training & Education	-			-	-		Maintain certifications; other skill enhancement training as required/proposed	
22 Dues & Subscriptions	500			-	500	0%	Camera subscription and CDL License Fees	Additional allocation for CDL licenses.
23 Professional Services	500		104	104	396	21%	CDL physicals	Additional allocation for CDL physicals.
26 Insurance & Bonds	19,000		3,608	3,608	15,392	19%	Liability, Worker's Comp, Vehicle Insurance	
30 Contracted Services	55,000		2,545	2,545	52,455	5%	Trash Service, Box Rental Fees, Contractor for Tree Services, Snow Removal and Salt	Allowance for Happy Retreat Ash tree removal.
41 Departmental Supplies	41,000		2,460	2,460	38,540	6%	General maintenance annual supplies.	$5000 for PPE and tree work tools. $9000 for street light replacement. $5000 for street signs and poles. $10,000 for Christmas wreaths transferred from Fairs/Festivals.
43 Auto Supplies (Gas, Oil & Tires)	28,000	84	2,774	2,858	25,142	10%	Other city vehicle maintenance.	$5000 tire expenses transferred from Capital Outlay.
45 Uniforms	5,000		1,097	1,097	3,903	22%	Cintas service cost increase	Reduced due to termination of Cintas contract.
53 Software/Tech	-			-	-			GoGov Work Order Software cost transferred from supplies.
59 Capital Outlay	-			-	-		Elevator repairs, HVAC repairs, tires, various equipment.	$5000 transferred to Auto Supplies and $20,000 transferred to R&M Buildings and Grounds.
Total Streets	**660,271**	**28,340**	**50,473**	**78,813**	**581,458**	**12%**		
Visitor's Center - 901	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
13 Utilities	5,200			-	5,200	0%	Electric Service for Rouss Hall	
15 R&M - Building & Grounds	-			-	-			
23 Professional Services	-			-	-			
30 Contracted Services	-			-	-			
41 Departmental Supplies	-			-	-			
66 Contributions	100,000		5,509	5,509	94,491	6%	50% of Hotel/Motel Tax Revenue Contribution to Visitor's Center. Hotel/Motel Tax Revenue is trending 6% higher than FY24; primarily in August and January.	
Total Visitor's Center	**105,200**	**-**	**5,509**	**5,509**	**99,691**	**5%**		

DEPARTMENT LINE ITEMS							NOTES AND EXPLANATIONS	
Fairs/Festivals - 903	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
19 Bldg & Equipment Rental	-			-	-		No longer needed, we bought a generator.	
20 Advertising/Legal Publications	2,000		49	49	1,951	2%		Allowance for increase of Carlisle Ads costs.
30 Contracted Services	36,000		1,100	1,100	34,900	3%	**WV Fest** Stage/Sound ($5,000), Musicians ($5,000), Athlete Appearances ($4,300), Signage ($2,000), Inflatables ($2,000), Labor ($2,100), Portable toilets ($1,000), Hospitality/lodging and meals for talent ($1,000), Game Entertainment Avenue ($2,000) **Car Show** Sound ($2,500), Announcer ($500), Model T Ford Car Club ($600), Portapotts ($900), Labor ($700) **Halloween** Labor ($146) **Christmas Parade** Labor ($146)	**WV Fest** Stage/Sound ($5,000), Musicians ($5,000), Athlete Appearances ($10,000), Signage ($2,000), Inflatables ($2,000), Portable toilets ($1,000), Hospitality/lodging and meals for talent ($2,000), Shuttle bus ($1500), Game Entertainment Avenue ($2,000) **Car Show** Sound ($2,500), Announcer ($500), Model T Ford Car Club ($600), Portapotts ($900), Gaming Trailer ($1,000)
38 Refunds			45	45	(45)			
41 Departmental Supplies	22,000	4,636	743	5,380	16,621	24%	**WV Fest** Water/cups ($1,500), Tents ($1,500), Trophies ($500), Chairs & Railing ($1,000), Contests ($300) **Car Show** Trophies/Plaques ($4,700), Signage/Parking ($500), Water/Chips ($1,500) **General** Welcome bags for new residents ($1,000), Candy ($325), Contest prizes for Light the City and Xmas parade ($1,625), Christmas costumes, Signs **Christmas Wreaths - $3,000**	**WV Fest** Water/cups ($1,500), Sinage ($1,500), Trophies ($500), Chairs & Railing ($1,000), Contests ($300) **Car Show** Trophies/Plaques ($4,700), Signage/Parking ($500), Water/Chips ($1,500) **General** Welcome bags for new residents ($1,000), Candy ($2000), Contest prizes for Light the City and Xmas parade ($1,625), Christmas costumes, Signs ($500) **Christmas Wreathes** - Transferred to Maintenance.
52 Computer Software	1,300			-	1,300	0%	Light the City Map Software - App for Christmas lighting. Around Town Christmas contest. Annual Fee. Reimbursed 50% from Ranson, WV.	
68 Contributions	4,000			-	4,000	0%	Donations to the Boys & Girls Club, High School Choir, and Jefferson High School Air Force ROTC.	
Total Fairs/Festivals	**65,300**	**4,636**	**1,937**	**6,573**	**58,727**	**10%**		
Transfers - 960/698 SAO	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
01 Transfers to Capital Reserve - Repaving	130,000			-	130,000	0%	Monthly Street Fee Remittance from CTUB is xfrd to Capital Reserve for future street repaving expenditures	
02 Transfers to Capital Reserve - One Time Funding	3,714,452		3,714,452	3,714,452	-	100%	$659,452 Revenue/Loss Allowance	$3,055,000 for Jefferson Memorial Park pool.
03 Transfers Out - Parks & Rec	120,000	(100)	5,609	5,509	114,491	5%	50% Hotel/Motel tax revenue. Pool/Tennis Revenue funds the Parks & Rec budget. Reference Parks & Rec FY 2025 budget for further details.	
04 Transfers to Residual Fund	263,319		263,319	263,319	-	100%		Transfer to Residual Fund to build up Rainy Day savings.
11 Transfers to Capital Reserve - Table Games	850,000			-	850,000	0%	FY 2025 budget transfer includes lottery money (gaming and video); FY2025 proposed is the gaming/lottery estimated amounts transferred to Capital Reserve.	
Total Transfers	**5,077,771**	**(100)**	**3,983,380**	**3,983,280**	**1,094,491**	**78%**		
General Government - 975	**Current Budget**	**July 2024**	**August 2024**	**FY 2025 YTD Actual**	**FY 2025 Budget Balance**	**% Over/Under Budget**	**Approved Budget Notes and Explanations**	**Revision #1 Notes**
Contributions	-			-	-			
Total General Government	**-**	**-**	**-**	**-**	**-**			
Total Expenses	**11,970,789**	**355,533**	**4,756,378**	**5,111,911**	**6,858,879**		**Provides for comparable year-over-year comparision of operating costs**	
Surplus or Deficit	**(0)**	**5,400,513**	**(4,246,299)**	**1,154,213**	**(1,154,213)**			

the city of Charles Town, WV

FY 2025 Capital Reserve Budget (Revision #1)

Capital Approved: 5 August 2024
Rev 1 Approved: XX XXX XX

CAPITAL BUDGET REVENUES

REVENUES	ENCUMBERED	COUNCIL APPROVED	REV 1 PROPOSAL	FY 2025 CURRENT BUDGET	JULY 2024	AUGUST 2024	FY 2025 YTD ACTUAL	FY 2025 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
Capital Reserve Carryover		$ 4,881,215		$ 4,881,215	$ 4,881,215		$ 4,881,215	$ -	100%	Carryover balance from FY2024 Capital Reserve - Improvement Budget.
36800 Contributions from GF ($659,452 Revenue/Loss & $3,055,000 Pool)		$ 3,714,452		$ 3,714,452			$ -	$ 3,714,452	0%	Contributions from GF - $659,452 from Revenue/Loss and $3,055.000 from FY24 Carryover disignated for JMP Pool.
33000 Developer Fees		$ 100,000		$ 100,000	$ 4,740	$ 948	$ 5,688	$ 94,312	6%	Estimated based on FY2024 receipts
36800 Contributios from GF - Lottery / Gaming Revenue		$ 850,000		$ 850,000	$ 17,459		$ 17,459	$ 832,541	2%	All lottery/gaming revenue remitted to Charles Town gets XFRD to Capital Reserve from GenFund.
38000 Interest on Bank Accounts & Other Sources		$ 60,000		$ 60,000	$ 9,074		$ 9,074	$ 50,926	15%	Reveue from 3 diferent interest bearing checking accounts.
TOTAL REVENUES	**$ -**	**$ 9,605,667**	**$ -**	**$ 9,605,667**	**$ 4,912,488**	**$ 948**	**$ 4,913,436**	**$ 4,692,231**	**51%**	

CAPITAL BUDGET EXPENSES

EXPENDITURES	ENCUMBERED	COUNCIL APPROVED	REV 1 PROPOSAL	FY 2025 CURRENT BUDGET	JULY 2024	AUGUST 2024	FY 2025 YTD ACTUAL	FY 2025 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
975 GENERAL GOVERNMENT										
975-23 General Government Professional Services - Capital Improvement Plan		$ 125,000		$ 125,000			$ -	$ 125,000	0%	Outsourcing costs to create a rigorous 5 year revolving capital improvement plan for all areas of the City.
975-23 General Government Professional Services - Zoning & Subdivision Ordinance Overhaul	$ 100,000	$ 150,000		$ 150,000			$ -	$ 150,000	0%	Outsourcing costs to update this ordinance. It has not been updated since 2012 - This is a 2 year plan for a total of $250,000.
975-58 General Government Capital Outlay - Chairs for Staff		$ 10,000		$ 10,000			$ -	$ 10,000	0%	20 chairs for staff.
975-58 General Government Capital Outlay - Rouss Hall Landlord buy back		$ 140,000		$ 140,000			$ -	$ 140,000	0%	
975-59 General Government Capital Outlay Technology - Computer Replacement		$ 25,000		$ 25,000			$ -	$ 25,000	0%	Computer replacement program for all General Government departments.
975-59 GG Capital Outlay Technology - GovTech Software		$ 100,000		$ 100,000			$ -	$ 100,000	0%	Centralized Finance/Permitting/Zoning/Grants/Bond Tracking Software. This software will replace GoGov, MyGov, PSI, and Incode (except for the court module). Having a centralized software will improve efficiency and reduce duplication of work. This software takes a year to implement.
975-59 General Government Capital Outlay Technology - Data Center Centralization		$ 120,000		$ 120,000			$ -	$ 120,000	0%	
975-59 General Governement Capital Outlay Technology - Payroll & Human Resource Onboarding Services Implementation Cost				$ -			$ -	$ -		
975-59 General Government Capital Outlay Technology - Zoom Room Equipment Upgrade		$ 5,790		$ 5,790			$ -	$ 5,790	0%	
TOTAL GENERAL GOVERNMENT	**$ 100,000**	**$ 675,790**	**$ -**	**$ 675,790**	**$ -**	**$ -**	**$ -**	**$ 675,790**	**0%**	
976 PUBLIC SAFETY										
975-60 General Government Capital Outlay Technology Police Department - Computer Replacement		$ 58,000		$ 58,000		$ 57,549	$ 57,549	$ 451	99%	20 computers with greater than 8gb of memory are needed to view body camera footage.
976-59 Public Safety Capital Outlay Vehicles - Police Cars		$ 113,300		$ 113,300		$ 110,788	$ 110,788	$ 2,512	98%	PD requests 2 vehicles per rotation schedule based on vehicle lifespan of 7 years.
976-60 Public Safety Capital Outlay Equipment - Officer Equipment		$ 57,000	$ -	$ 57,000			$ -	$ 57,000	0%	Funding requested: $3723 for 18 Monadnock batons and pouches and $53,107 for 18 tasers.
976-60 Public Safety Capital Outlay Equipment - Traffic Safety Equipment		$ 44,700		$ 44,700			$ -	$ 44,700	0%	Funding requested: $37,610 for 2 trailerable traffic signs; $1200 for 20 portable barricades; $2660 for 10 temporary signs and holders; $3230 for 100 traffic cones with lettering. This equipment will be jointly used with the maintancence department.
976-62 Public Safety - Parking Meters		$ 5,100	$ 5,600	$ 10,700			$ -	$ 10,700	0%	Routine replacement of a portion of the parking meters (24) in the downtown parking district. **Revision 1: $5,600 to purchase additional 4-hour meters to comply with Art 365 revision.**
TOTAL PUBLIC SAFETY	**$ -**	**$ 278,100**	**$ 5,600**	**$ 283,700**	**$ -**	**$ 168,337**	**$ 168,337**	**$ 115,363**	**59%**	

EXPENDITURES	ENCUMBERED	COUNCIL APPROVED	REV 1 PROPOSAL	FY 2025 CURRENT BUDGET	JULY 2024	AUGUST 2024	FY 2025 YTD ACTUAL	FY 2025 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
977 STREETS & TRANSPORTATION										
977-57- Streets & Transportation Capital Outlay Buildings - Charles Washington Hall masonary tuck point repair		$ 12,000		$ 12,000			$ -	$ 12,000	0%	Brick wall on George Street side is deteriorating.
977-57 Streets & Transportation Capital Outlay Buildings - Replace City Hall rooftop AC units		$ 25,000		$ 25,000			$ -	$ 25,000	0%	
977-57 Streets & Transportation Capital Outlay Buildings - City Hall interior repair/maintenance		$ 60,500		$ 60,500			$ -	$ 60,500	0%	Funds requested to paint interior of City Hall, replace flooring, and replace appliances in first floor kitchen. Includes a 10% contingency.
977-57 Streets & Transportation Capital Outlay Buildings - City Hall roof replacement		$ 128,000		$ 128,000			$ -	$ 128,000	0%	City Hall roof is over 20 years old and is failing.
977-57 Streets & Transportation Capital Outlay Buildings - City Hall masonary tuck point repair		$ 35,000		$ 35,000			$ -	$ 35,000	0%	Flues and chimneys on City Hall roof have not been addressed for many years.
977-57 Streets & Transportation Capital Outlay Buildings - Maintenance office air conditioner		$ 7,000		$ 7,000			$ -	$ 7,000	0%	The current window unit does not keep up with the heat.
977-57 Streets & Transportation Capital Outlay Buildings - New maintenance equipment building		$ 150,000		$ 150,000			$ -	$ 150,000	0%	Current building is maxed out on space.
977-57 Streets & Transportation Capital Outlay Buildings - New/repair maintenance yard		$ 80,000		$ 80,000			$ -	$ 80,000	0%	Maintenance yard study. Current maintence yard is in poor condition and needs replaced or renovated. This is a placeholder to get this project going.
977-57 Streets & Transportation Capital Outlay Buildings - Rouss Hall roof repair				$ -			$ -	$ -		Rouss Hall roof is rusted. A low odor roof coating will protect the roof for another 10 years.
977-58 Streets & Transportation Capital Outlay Other Improvements - Paving Path from bridge to road by the skate park		$ 5,000		$ 5,000			$ -	$ 5,000	0%	Connect the existing path on one side of the bridge to the other side.
977-58 Streets & Transportation Capital Outlay Other Improvements - Happy Retreat & Stake Park Bridge		$ 100,000		$ 100,000			$ -	$ 100,000	0%	
977-58 Streets & Transportation Capital Outlay Other Improvements - ADA sidewalks & stormwater drain for Lawrence/Congress		$ 60,000		$ 60,000			$ -	$ 60,000	0%	Stormwater repair and ADA sidewalks for the Lawrence & Congress intersection. Expected grant funding from State Carbon Reduction Funding.
977-58 Streets & Transportation Capital Outlay Other Improvements -West End connector				$ -			$ -	$ -		Design and fund construction documents of Mordington Ave sidewalk from S George St to S West St. - pending grant.
977-58 Streets & Transportation Capital Outlay Other Improvements - Flower planters	$ 5,000	$ 5,000		$ 5,000			$ -	$ 5,000	0%	2 year plan to install flower planters on Washington Street.
977-58 Streets & Transportation Capital Outlay Other Improvements - Potter's Field		$ 115,000		$ 115,000		$ 12,928	$ 12,928	$ 102,072	11%	Installation of Interpretative signs, fencing, monument and landscaping.
977-59 Streets & Transportation Capital Outlay Equipment - Bucket Truck	$ 153,000	$ 37,000		$ 37,000			$ -	$ 37,000	0%	Current bucket truck cannot safely reach the required heights for maintenance tasks. The cost of a new truck is approximately $170,000. The truck will be ordered in FY25 and received in FY26. This also includes a $20,000 allowance for purchase of Ranson's used truck to use in the interim. Epected expenditures in FY25 will be $20,000 used truck and $17,000 deposit for new truck. Leaving a FY26 encumberance of $153,000.
977-59 Streets & Transportation Capital Outlay Equipment - Street line striper		$ 5,000		$ 5,000			$ -	$ 5,000	0%	Current striper constantly needs repaired.
977-59 Streets & Transportation Capital Outlay Equipment - Utility Vehicle		$ 25,000		$ 25,000		$ 20,776	$ 20,776	$ 4,224	83%	Beneficial for events and watering flowers.
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Basic Stormwater Improvements			$ -	$ -			$ -	$ -		ACKNOWLEDGED IMPROVEMENT LOCATIONS - Install new sidewalk drain in 200 block of W. Washington (design completed - SW project); design improvements for 100 block of Shutter St; 400 block of S. Samuel, and culvert at 4th and Hunter
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Charles Street Flooding			$ -	$ -			$ -	$ -		Engineering costs to determine Charles Street flooding mitigation.
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Green Infrastructure Master Plan		$ 204,000		$ 204,000			$ -	$ 204,000	0%	This funding is a 2 year plan to cover 6 study areas and 3 area reviews each year.
TOTAL STREETS & TRANSPORTATION	**$ 158,000**	**$ 1,053,500**	**$ -**	**$ 1,053,500**	**$ -**	**$ 33,704**	**$ 33,704**	**$ 1,019,796**	**3%**	

EXPENDITURES	*ENCUMBERED*	*COUNCIL APPROVED*	*REV 1 PROPOSAL*	*FY 2025 CURRENT BUDGET*	*JULY 2024*	*AUGUST 2024*	*FY 2025 YTD ACTUAL*	*FY 2025 BUDGET BALANCE*	*% OVER/UNDER BUDGET*	*NOTES*
979 CULTURE & RECREATION										
979-56 Culture & Recreation Land - Depot Park Land Acquisition		$ 500,000	$ -	$ 500,000			$ -	$ 500,000	0%	Place holder for possible land acquisition from APUS for the Depot Park initiative.
979-58 Culture & Recreation Other Improvements - Evitts Run Park Security Boundary		$ 13,500	$ -	$ 13,500			$ -	$ 13,500	0%	Install perimeter fence along Evitts Run to improve lack of security of City asset and protect park users.
979-58 Culture & Recreation Other Improvements - Happy Retreat Ash Tree removal				$ -			$ -	$ -		These trees are a safety hazzard.
979-58 Culture & Recreation Other Improvements - JMP Basketball Courts & Evits Run Resurfacing, Evits Run basketball court fence replacement, & 4 basketball hoops		$ 60,000		$ 60,000			$ -	$ 60,000	0%	
979-58 Culture & Recreation Other Improvements - Safety Lighting		$ 10,000		$ 10,000			$ -	$ 10,000	0%	
979-58 Culture & Recreation Other Improvements - JMP Tennis Court ground penetrating radar		$ 20,000		$ 20,000			$ -	$ 20,000	0%	
979-58 Culture & Recreation Other Improvements - Skate Park			$ -	$ -			$ -	$ -		Purchase and installation of mobile pump track. Finance Committee recommends including in CIP plan.
979-58 Culture & Recreation Other Improvements - Skate Park Mural and benches		$ 40,000		$ 40,000			$ -	$ 40,000	0%	
979-58 Culture & Recreation Other Improvements - Arts & Culture - Historical Signs		$ 20,000		$ 20,000			$ -	$ 20,000	0%	Finance Committee recommends including in CIP plan.
979-58 Culture & Recreation Other Improvements - Wayfinding signage - 3-year program	$ 100,000	$ 97,400	$ -	$ 97,400			$ -	$ 97,400	0%	CDD REQUEST $100K for wayfinding signage implementation phase 1 cost (3 years of phases) (request related to 2023 CTNOW ARPA Request)
979-59 Culture & Recreation Equipment - JMP Slide		$ 14,200		$ 14,200			$ -	$ 14,200	0%	
TOTAL CULTURE AND RECREATION	**$ 100,000**	**$ 775,100**	**$ -**	**$ 775,100**	**$ -**	**$ -**	**$ -**	**$ 775,100**	**0%**	
Contingencies		$ 608,608	$ 1,595,400	$ 2,204,008			$ -	$ 2,204,008	0%	**Revision 1 reflects $1,601,000 from Encumbrances for Subsequent Years less $5,600 for Public Safety – Parking meters**
Encumberances for Subsequent Years		$ 4,777,277	$ (1,601,000)	$ 3,176,277			$ -	$ 3,176,277	0%	Grant related projects FY2026 estimated at $4,419,277 less expected grant funding + $358,000 multi-year non grant related capital projects. **Revision 1 reflects the approval of the LWCF grnat of $1,600,695 for pool renovation.**
Transfer to Grant Projects		$ 1,437,292		$ 1,437,292			$ -	$ 1,437,292	0%	
TOTAL EXPENSES	**$ 358,000**	**$ 9,605,667**	**$ -**	**$ 9,605,667**	**$ -**	**$ 202,041**	**$ 202,041**	**$ 9,403,626**	**2%**	
REVENUES OVER EXPENSES		**$ -**	**$ -**	**$ -**	**$ 4,912,488**	**$ (201,093)**	**$ 4,711,395**	**$ (4,711,395)**		

REPAVING BUDGET

REVENUES	*FY 2025 CURRENT BUDGET*	*JULY 2024*	*AUGUST 2024*	*FY 2025 YTD ACTUAL*	*FY 2025 BUDGET BALANCE*	*% OVER/UNDER BUDGET*	*NOTES*
Repaving Carryover	$ 1,472,865	$ 1,472,865		$ 1,472,865	$ -	100%	Carryover balance from FY2024 Repaving Funds
36877 Contributions from GF - Repaving Fees	$ 130,000			$ -	$ 130,000	0%	Street Fees source = $4.10 fee, collected by the Charles Town Utility Board and remitted to the City of Charles Town for Capital Reserve Fund - Street Paving
TOTAL REVENUES	**$ 1,602,865**	**$ 1,472,865**	**$ -**	**$ 1,472,865**	**$ 130,000**	**92%**	
EXPENDITURES	*FY 2025 CURRENT BUDGET*	*JULY 2024*	*AUGUST 2024*	*FY 2025 YTD ACTUAL*	*FY 2025 BUDGET BALANCE*	*% OVER/UNDER BUDGET*	*NOTES*
977-60 Streets & Transportation Capital Outlay Street Paving	$ 300,000			$ -	$ 300,000	0%	12 Jan 2023 Infrastructure Comm report identified 23 streets for repaving/repairs. Due to large scope and delays in the Request for Bid process, Finance Committee recommends caping FY2024 paving/repairs expenses at $300K.; $130K FY24 income; **$170K from paving reserves**
977-60 Streets & Transportation Capital Outlay Street Paving - Paving Contingency	$ 1,302,865			$ -	$ 1,302,865	0%	This contingency represents past income collected by CTUB earmarked for street paving.
TOTAL EXPENSES	**$ 1,602,865**	**$ -**	**$ -**	**$ 2,945,730**	**$ 1,602,865**	**184%**	
REVENUES OVER EXPENSES	**$ -**	**$ 1,472,865**	**$ -**	**$ (1,472,865)**	**$ (1,472,865)**		

GRANT PROJECTS BUDGET

	ENCUMBERED	COUNCL APPROVED	FY 2025 CURRENT BUDGET	JULY 2024	AUGUST 2024	FY 2025 YTD ACTUAL	FY 2025 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
COPS GRANT									
Capital Reserve Carryover		$ 7,344	$ 7,344	$ 7,344		$ 7,344	$ -	100%	City expense of equipment purchase after application of grant funds.
36501 Federal Grant Revenue - COPS Grant		$ 71,706	$ 71,706			$ -	$ 71,706	0%	PD Equipment Grant of $400K - $143,414 remaining balance for FY26 & FY27
TOTAL REVENUES	**$ -**	**$ 79,050**	**$ 79,050**	**$ 7,344**	**$ -**	**$ 7,344**	**$ 71,706**	**9%**	
976-59 Public Safety Capital Outlay Vehicles - Police Vehicle Upfit Costs		$ 79,050	$ 79,050		$ 59,511	$ 59,511	$ 19,540	75%	Funding requested: $79,050 for vehicle upfit equipment. $71,706 covered under DOJ COPS Equipment Grant. Note: $143,413 remaining balance for FY26 & FY27.
TOTAL EXPENSES	**$ -**	**$ 79,050**	**$ 79,050**	**$ -**	**$ 59,511**	**$ 59,511**	**$ 19,540**	**75%**	
COPS GRANT REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ -**	**$ 7,344**	**$ (59,511)**	**$ (52,167)**	**$ 52,167**		
AUGUSTINE AVENUE									
Capital Reserve Carryover	$ 426,000	$ 74,000	$ 74,000	$ 74,000		$ 74,000	$ -	100%	$350,000 Capito Earmark match & $76,443 Liberty reallocation match. $41,378 expense to the City after receiving grant funds.
36600 State Grant Revenue - 2023 WVDOH TAP-II grant Augustine Avenue Trail Construction - (Reallocation from Liberty)			$ -			$ -			76,443.50 Match Phase I Construction
36600 State Grant Grant Revenue - WVDOH TAP-II grant Augustine Avenue Trail Construction - Phase I			$ -			$ -	$ -		Design grant expected to be complete by close of FY25; will include FY24 TAP grant on construction once award details concrete and City commits to project in FY24 ($560K grant with $140K match)
36501 Federal Grant Revenue - CDS - Senator Capito Grant Augustine Avenue Trail Construction			$ -			$ -	$ -		Trail Completion
TOTAL REVENUES	**$ 426,000**	**$ 74,000**	**$ 74,000**	**$ 74,000**	**$ -**	**$ 74,000**	**$ -**	**100%**	
979-58 Culture & Recreation Other Improvements - Augustine Avenue Trail Construction - Construction Phase I		$ 74,000	$ 74,000		$ 14,719	$ 14,719	$ 59,281	20%	Construction - Phase 1 (Total cost = $773,595 Grant = $560,000 - Funded through WVDOT; City Match = $140,000. Paid in FY24). Anticipate construction begin FY24. An additional $1,700,000 estimated for project completion - CDS Grant = $1,400,000; City Match = $350,000, likely in FY 2025
979-58 Culture & Recreation Other Improvements - Augustine Avenue Trail Construction - Construction Phase II & III Encumberance for FY26 & FY27.	$ 426,000		$ -			$ -			CDS Grant = $1,400,000; City Match = $350,000, likely in FY 2026.
TOTAL EXPENSES	**$ 426,000**	**$ 74,000**	**$ 74,000**	**$ -**	**$ 14,719**	**$ 14,719**	**$ 59,281**	**20%**	
AUGUSTINE AVENUE REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ -**	**$ 74,000**	**$ (14,719)**	**$ 59,281**	**$ (59,281)**		

	ENCUMBERED	COUNCL APPROVED	FY 2025 CURRENT BUDGET	JULY 2024	AUGUST 2024	FY 2025 YTD ACTUAL	FY 2025 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
LIBERTY STREET FLOODING MITIGATION									
Capital Reserve Carryover		$ 705,774	$ 705,774	$ 705,774		$ 705,774	$ -	100%	FEMA match = $305,774
TOTAL REVENUES		**$ 705,774**	**$ 705,774**	**$ 705,774**	**$ -**	**$ 705,774**	**$ -**	**100%**	
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Liberty Street Flooding Mitigation - Phase I		$ 705,774	$ 705,774		$ 2,059	$ 2,059	$ 703,715	0%	$750,000 Est Construction Cost - FEMA Match = $305,774; Chesapeake Match = 0.00
TOTAL EXPENSES	**$ -**	**$ 705,774**	**$ 705,774**	**$ -**	**$ 2,059**	**$ 2,059**	**$ 703,715**	**0%**	
LIBERTY STREET FLOODING REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ -**	**$ 705,774**	**$ (2,059)**	**$ 703,715**	**$ (703,715)**		

	ENCUMBERED	COUNCL APPROVED	FY 2025 CURRENT BUDGET	JULY 2024	AUGUST 2024	FY 2025 YTD ACTUAL	FY 2025 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
JEFFERSON MEMORIAL POOL									
Capital Reserve Carryover		$ 650,174	$ 650,174	$ 650,174		$ 650,174	$ -	100%	
Transfer from Capital	$ 2,392,277		$ -			$ -	$ -		Transfer from Capital Carryover
TOTAL REVENUES	**$ 2,392,277**	**$ 650,174**	**$ 650,174**	**$ 650,174**	**$ -**	**$ 650,174**	**$ -**	**100%**	
979-58 Culture & Recreation Other Improvements - JMP Pool House Renovation		$ 250,000	$ 250,000			$ -	$ 250,000	0%	Land & Water Conservation Grant for Pool House renovation = $250,00; City Match = $250,000 Total Pool renovation estimated at $4,893.451.
979-58 Culture & Recreation Other Improvements - JMP Pool Upgrade Encumbrance for FY26	$ 2,392,277	$ 400,174	$ 400,174			$ -	$ 400,174	0%	In support of identified LWCF grant funding expected to be required for FY2024. A FY2024 Congressional Directed Grant Funding request for $1,600,695 pends.
TOTAL EXPENSES	**$ 2,392,277**	**$ 650,174**	**$ 650,174**	**$ -**	**$ -**	**$ -**	**$ 650,174**	**0%**	
JEFFERSON MEMORIAL POOL REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ -**	**$ 650,174**	**$ -**	**$ 650,174**	**$ (650,174)**		

741.99 PENALTY.

(a) Whoever engages in any activity contrary to the provisions of this article, whether without obtaining a license required therefor before commencing the same or by continuing the same after the termination of the effective period of any such license, shall, in addition to paying the license tax, be subject to a penalty of fifty dollars ($50.00) for each month or fraction thereof during which he has been in default of the license tax. It shall be the duty of the City Treasurer to collect the full amount of the license tax and penalty imposed. Any waiver of the penalty herein provided for shall have the approval of ~~City Council~~ the Finance Committee.

(b) In addition to the foregoing and except as may herein be otherwise expressly provided, whoever violates any provision under this article during any one twelve month period shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), and whoever shall commit multiple violations of this article during more than one twelve month period, whether or not said periods shall be consecutive 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 thirty days or both. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

(c) 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 application 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.

(Ord. 97-003. Passed 4-21-97.

HdL Billing Status

09-Oct-24

Business	HdL Invoice	Received by CT	Amount to sent HdL	Revised Invoice	CT & HDL Split	CT Balanace	Recommend Refund	CT Revised Balance	HdL Credit	CT Ending Balance
Praxair Distributers - Linde Gas	$ 21,392.39	$ 21,392.39	$ 10,696.20	$ 5,642.39	$ 2,821.20	$ 10,696.20	$ 15,750.00	$ (5,053.81)	$ 7,875.00	$ 2,821.20
Safelite Fulfillment Inc	$ 21,733.78	$ 21,733.78	$ 10,866.89	$ 5,733.78	$ 2,866.89	$ 10,866.89	$ 16,000.00	$ (5,133.11)	$ 8,000.00	$ 2,866.89
Williams Scotsman, Inc	$ 5,236.07	$ 5,236.07	$ 2,618.04	$ 2,586.07	$ 1,293.04	$ 2,618.04	$ 2,650.00	$ (31.96)	$ 1,325.00	$ 1,293.04
ABC Supply Co.	$ 22,208.57	$ 22,208.57	$ 11,104.29	$ 6,908.57	$ 3,454.29	$ 11,104.29	$ 15,300.00	$ (4,195.72)	$ 7,650.00	$ 3,454.29
McGrath Rent Corp	$ 2,768.46	$ 2,768.46	$ 1,384.23	$ 768.46	$ 384.23	$ 1,384.23	$ 2,000.00	$ (615.77)	$ 1,000.00	$ 384.23
Pace Analytical Services	$ 22,410.09	$ 22,410.09	$ 11,205.05	$ 6,210.09	$ 3,105.05	$ 11,205.05	$ 16,200.00	$ (4,994.96)	$ 8,100.00	$ 3,105.05
Pitney Bowes Global	$ 22,933.25	$ 22,933.25	$ 11,466.63	$ 7,133.25	$ 3,566.63	$ 11,466.63	$ 15,800.00	$ (4,333.38)	$ 7,900.00	$ 3,566.63
Pitney Bowes Inc	$ 21,512.49	$ 21,512.49	$ 10,756.25	$ 5,712.50	$ 2,856.25	$ 10,756.25	$ 15,799.99	$ (5,043.75)	$ 7,900.00	$ 2,856.25
Rug Doctor	$ 21,701.36	$ 21,701.36	$ 2,925.68	$ 5,851.36	$ 2,925.68	$ 18,775.68	$ 15,850.00	$ 2,925.68	$ -	$ 2,925.68
United Rentals	$ 27,381.85	$ 27,381.00	$ 5,365.93	$ 10,731.86	$ 5,365.93	$ 22,015.07	$ 16,649.14	$ 5,365.93	$ -	$ 5,365.93
Totals	$189,278.31	$189,277.46	$ 78,389.16	$ 57,278.33	$28,639.17	$110,888.30	$131,999.13	$ (21,110.83)	$ 49,750.00	$ 28,639.17

Remitted to HdL	$ 78,389.16
Due HdL via Revised Invoice	$ 28,639.17
HdL Credit (after refunds)	$ 49,750.00

CITY OF CHARLES TOWN
BANK AND INVESTMENT ACCOUNTS
BALANCES AS OF AUGUST 31, 2024

ACCOUNT	LAST 4 OF ACCOUNT #	FUND	BANK	GL ACCOUNT #	ACCOUNT BALANCE	UNRESTRICTED FUNDS	RESTRICTED FUNDS	COMMENTS
American Rescue Plan Act	4174	ARPA	Bank of Charles Town	073-101-01	$ 8,952	$ 8,952		All funds have been spent and grant has been closed out. Remaining balance is accumulated interest.
Bond Escrow Fund	3004	Bond Escrow	Bank of Charles Town	900-101-00	$ 177,179		$ 177,179	Account is used to deposit bond funds from developers and held until projects are completed.
Building Commission	4862	Bldg Commission	Truist	400-101-00	$ 127,785	$ -	$ 127,785	Near -term expenditures (i.e. debt service) are paid from the BC fund and directly reimbursed through monthly lease payments from the General Fund. Other expenditures restricted to BC purposes.
Capital Reserve Fund	2822	Capital Reserve	Bank of Charles Town	200-101-00	$ 4,758,266	$ -	$ 4,758,266	Funding for capital projects and grant projects approved in FY 2025 Capital Budget.
Coal Severance Tax Revenue Fund	2946	Coal Severance	Bank of Charles Town	002-101-05	$ 163,396		$ 163,396	Special revenue fund used for P&R pool.
CWH Landlord, LLC	3365	CWH Landlord	Bank of Charles Town	009-101-00	$ 636,459	$ 636,459	$ -	Unrestricted revenues from the sale of federal historic tax credits. Near-term expenditures are to begin design of City Hall Renovations. $25,000 allocated for possible option by out.
EPA/RLF Fund	2911	Capital Reserve	Bank of Charles Town	200-101-20	$ 203,805	$ -	$ 203,805	EPA project completed, but account remains open because it is a depository for Federal Equitable revenue and reimbursable grants.
Federal Equitable Fund	2873	Investigative	Bank of Charles Town	021-101-02	$ 99,241	$ -	$ 99,241	Funds restricted for limited police activities er Department of Justice guidelines.
General Fund	2792	General	Bank of Charles Town	001-101-00	$ 4,542,159		$ 4,542,159	General Fund operations.
Housing Rehab Program	1233	CDBG	United Bank	020-101-00	$ 66,088	$ -	$ 66,088	Funds restricted to housing rehab services.
Opioid Settlement Fund	926	Opioid Fund	Summit Bank	026-101-01	$ 199,887		$ 199,887	Special revenue fund. Council is determining use of funds per State guidelines.
Parks & Rec	2881	Parks & Rec	Bank of Charles Town	207-101-00	$ 153,845		$ 153,845	Operating account for Parks and Recreation.
Parks & Rec Capital Improvement	7203	Parks & Rec	Bank of Charles Town	207-101-05	$ 8,204		$ 8,204	Account designated to P&R donations/contributions for future Parks capital improvement (i.e. tennis courts, pool, etc.)
Police Employees Fund	3357	Employees Fund	Bank of Charles Town	106-101-00	$ 970		$ 970	Funds for police use.
Police Evidence Account	2806	Investigative	Bank of Charles Town	021-101-00	$ 1		$ 1	Funds for police use.
Police Investigation Account	2814	Investigative	Bank of Charles Town	021-101-01	$ 49,143		$ 49,143	Funds for police use.
Police Pension Relief Fund	3822	Police Pension	United Bank	700-101-00	$8,213.41* July		$8,213.41* July	Funds used to support pension beneficiaries. Includes employer contributions from the General Fund calculated annually from the Bolton Actuarial Valuation Report and one annual State contrubition.
Repaving	7796	Capital Reserve	Summit Bank	200-101-09	$ 1,482,358		$ 1,482,358	Special revenue for resurfacing projects approved in FY 2025 Capital Budget.
Residual Fund	7591	Residual	Summit Bank	003-101-07	$ 721,844		$ 721,844	Savings account/emergency fund for the city. Maximum balance can be 30% of general fund budget. No planned expenditures.
Sales Tax	3012	Sales Tax	Bank of Charles Town	008-101-00	$ 4,099,724	$ 4,099,724	$ -	$1 million committed to General Fund for FY 2025. Debt service is to be paid first per ordinance.
Total Bank Accounts					**$ 17,499,306**	**$ 4,745,135**	**$ 12,754,170**	
Fidelity Police Pension Fund #6846	6846	Police Pension	United Capital Fidelity	700-101-20	$ 535,894		$ 535,894	Investment fund for restricted use of future pension payments.
Fidelity City Residual Fund #9959	9959	Residual	United Capital Fidelity	003-101-20	$ 783,830		$ 783,830	Investment fund for budget stabalization.
Total Bank Accounts plus two Investment Accounts					**$ 18,819,029**	**$ 4,745,135**	**$ 14,073,894**	

Attachment (5)

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1052: Personnel Committee Meeting - October 15, 2024

ATTACHMENTS:
- Personnel Committee Report 10-15-24.pdf

City of Charles Town Personnel Committee Report

October 15, 2024 Meeting

Call to Order at 5:00PM

1. **Persons present**: Personnel Committee Members Councilman Micheal George, Councilman Jeff Hynes, Councilman Kevin Tester; Mayor Bob Trainer, Chief of Police Chris Kutcher, Operations Director Cindy Rezmer, Laurie Bracelin, Millenium Group Insurance and Tom Bracelin, Millenium Group Insurance

2. **Unfinished Business**

   2024-1040: Employee Handbook Review
   Tabled.

3. **New Business**

   2024-1036: STD and LTD Proposal from SunLife – Millenium Group
   Millenium Group marketed and obtained a proposal from SunLife for the City's short and long term disability plans. The new proposal increases the short term disability weekly benefit from $900 to $1200 and decreases the short term disability duration from 26 weeks to 13 weeks which is concurrent with FMLA. Price came down substantially and would be effective 11/1/2024. Chief Kutcher inquired about employee sick leave banks being used beyond 12 weeks. Millenium advised that if city wants to let employees exhaust sick time, we would have to get an exception from each insurancce carrier. Insurance carriers adhere to FMLA. Committee advised staff to move forward with acceptance of SunLife proposal effective 11/1/2024.

   2024-1037: Dental Proposal
   New proposal from SunLife. Received many complaints from employees that Delta Dental was not being accepted at local dentists. SunLife has 5 providers in Charles Town and dozens more within 50 miles. Orthodontics benefit increased from age 19 to 26 and reimbursement for non-participating providers increased approximately 25% Rates are slightly higher but benefit is better. Committee advised staff to move forward with dental proposal from SunLife effective 11/1/2024.

   2024-1038: Sick Leave Donation Program
   Committee discussed current sick leave donation program and made recommendation to cap amount an employee can donate at 80 and the most an employee can received is the equivalent of 12 weeks. After revisions, the program will be added to Employee Handbook.

   2024-1039: Personnel Issue – Possible Executive Session
   After executive session, motion made and approved to recommend a policy to council that employee's banked sick time is paid out upon termination of employement if due to disability, effective immediately.

4. **Meeting adjourned at 6:30pm**

5. **Next Personnel Committee meeting is scheduled for 5:00pm November 12, 2024.**

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1074: City Manager Report - October 21, 2024

ATTACHMENTS:

- City Manager Report - October 21, 2024.pdf
- 10.22.2024 Training Site Visit Agenda.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 17, 2024

- I want to thank Charles Town Now and all the merchants and volunteers for hosting and helping with the annual Charles Town Trick or Treat event this past weekend.
- We will be reviewing and adjusting our fee structure for CW Hall over the next month to present to Council in December.
- As the cooler temperatures arrive, and the leaves begin to fall, I want to remind our citizens that we will begin our leaf removal program this coming Wednesday the 23rd.
- I want to remind folks that early voting will begin at CW Hall on October 23rd and run through November 2nd which includes Saturdays. Early voting is not offered on Sundays. Polls are open 6:30am through 7:30pm.
- I want to extend my thanks for the Tree Board who planted 25 trees this past weekend at Willingham Knolls Park. A special shout-out to our Maintenance crew who dug all the holes in advance of the plantings.
- Just and FYI the school light located on West Congress Street is experiencing some issues and will eventually need to be replaced. Jim Wysong is working with the schools on a temporary fix until we get a replacement.
- As reported previously the light pole that was damaged in front of the American Legion has arrived and we are awaiting the fixture for installation. The claim has been successfully paid.
- On October 30th our Maintenance team will begin installing the holiday lights and garland on the city light poles. The “Be Kind November” banners will go up at the same time.
- We will be installing a four-way stop sign at the intersection of Mildred and 1st Street this week. Crosswalks have already gone in in advance of the stop signs.
- The Washington Street Safety Corridor Study HEPMPO workgroup will be meeting tomorrow the 22nd here in Council Chambers. The agenda is in your packet for reference.

Agenda

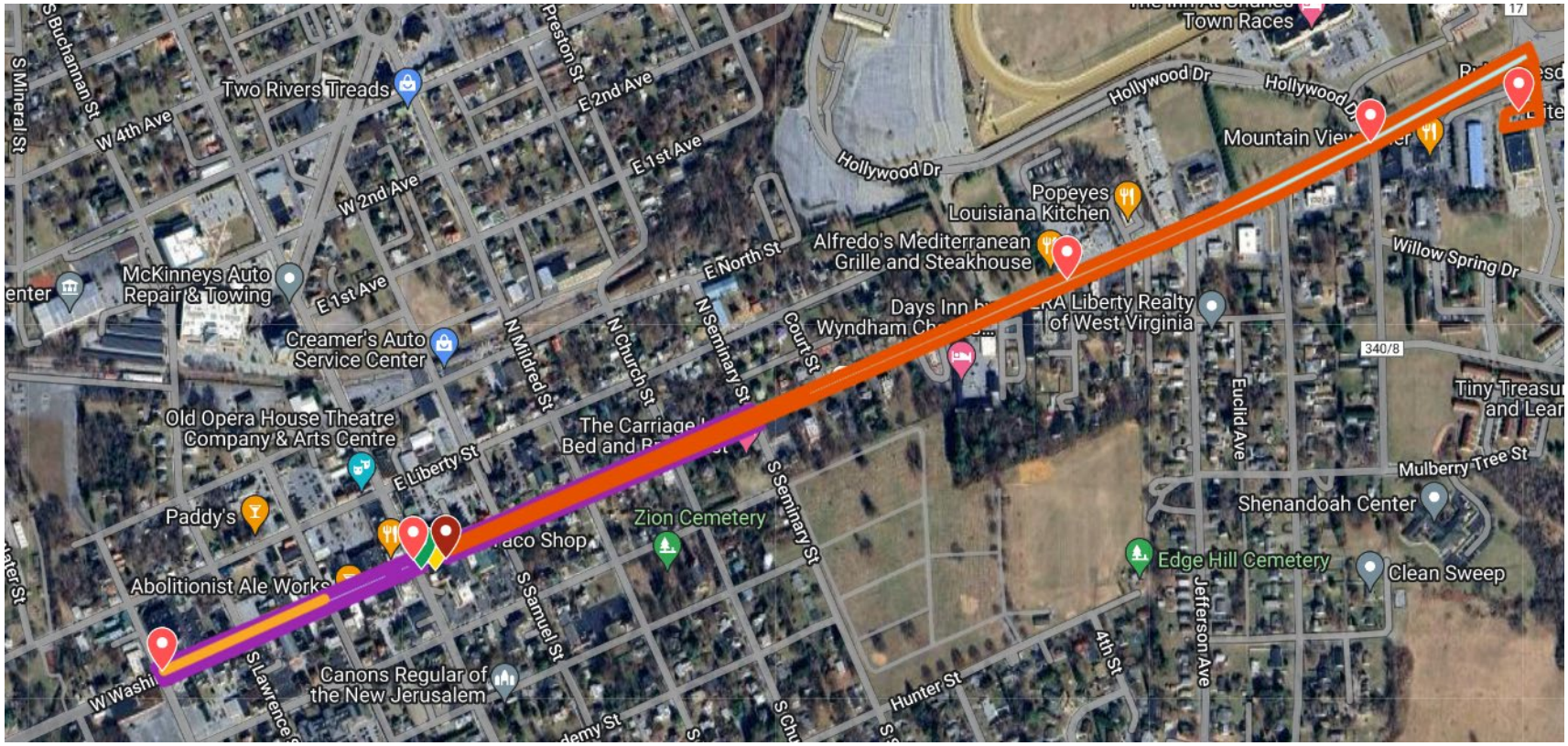
HEPMPO Safety Corridor Study – Washington St

Tuesday, October 22nd, 2024
9:00 AM – 3:00 PM

Training Location Address & Site Visit Starting Point
Charles Town City Hall
101 E Washington St, Charles Town, WV

9:00 – 9:15 AM	**Welcome and Introductions** Project and meeting purpose Participant Introductions
9:15 AM – 12:00 PM	**FHWA SSA Project Alignment Tool Training** Overview of framework Input categories: exposure, likelihood, risk factors, severity Framework scoring process Exercise/Walk-through: Applying the framework to Washington St intersection and segment (existing conditions) Exercise/Walk-through: Small group exercise thinking through potential countermeasures to address at-risk factors
12:00 – 12:45 AM	**Lunch** On your own and reconvene at site visit starting point
1:00 – 3:00 PM	**Washington St Corridor Site Visit** Brief overview of framework and SSA prompts Walk 1 mile and drive remainder of corridor Validate framework inputs for the Washington St intersection and segment existing conditions Assess risk factors in the field

Washington St Corridor Site Visit Map



Visit: https://www.google.com/maps/d/edit?mid=1-LA4QHD3e3-93X-0UQNd98EcjB8gTHk&usp=sharing

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1055: Executive Session - Property Acquisition

ATTACHMENTS:

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Ordinance
Initiator:

2024-1054: Consideration for adoption on first reading of the following ordinance (without 3% 20-year $216,016 funding):

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 $2,844,984 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program) And Not More Than $0.00 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (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 First Reading

ATTACHMENTS:
- Post Bid NO CSWRF 216, no green.pdf
- Schedule B - Post Bid $0 CWSRF 3% Loan.pdf
- CTUB Schedule.pdf
- BOND ORDINANCE - One Series SRF_Forgivable(23789015.1).pdf

Post Bid $0 CSWRF 3% loan, $0 CWSRF Green Grant		
Project Total	**$7,665,560.00**	
GRANTS		
CWSRF "Green" Principal Forgiveness, $500,000	$0	
Economic Enhancement Grant, $1,077,000	$1,077,000	
Project Total less Grant $$	**$6,588,560.00**	
Funding Source	**Growth**	**Non-growth**
Project Split	**$4,019,022**	**$2,569,538**
Percentage	61%	39%
CWSRF Loan (0.25%, 0.25% admin, 40yr), $2,844,984)	$275,446	$2,569,538
% funding	4%	39%
CWSRF Loan (2.75%, 0.25% admin, 20yr), $216,016		
% funding	0%	0%
Capacity Improvement Fee Internal funding	$3,743,576	
% funding	57%	0%
CTUB Internal Funding Contribution	$0	
% funding	0%	0%
Total remaining funding based on allocation	**$4,019,022**	**$2,569,538**
% funding	**61%**	**39%**

Charles Town Utility Board - 2022 Sewer Collection System Project

Post Bid $0 CWSRF 3% Loan, $0 CWSRF Green Grant

DRAFT

IJDC PROJECT 2021S-2041 **CWSRF Project C544686** **10/17/2024**

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 Fund	Economic Enhancement Grant
	7,665,560.00	**2,844,984.00**	**0.00**	**0.00**	**3,743,576.00**	**1,077,000.00**
1 Construction						
a. Contract 1	6,074,000.00	2,804,334.00	0.00	0.00	2,192,666.00	1,077,000.00
2 Construction Contingency	303,700.00	0.00	0.00	0.00	303,700.00	0.00
3 Sub Total line 2 and 3	**6,377,700.00**	**2,804,334.00**	**0.00**	**0.00**	**2,496,366.00**	**1,077,000.00**
B. Cost of Legal, Engineering and Soft Costs						
4 Legal	140,000.00	0.00	0.00	0.00	140,000.00	0.00
5 Accountant (Kunkle)	30,000.00	0.00	0.00	0.00	30,000.00	0.00
6 Technical Services						
a Study and Report	58,500.00	0.00	0.00	0.00	58,500.00	0.00
b. Preliminary Design	168,720.00	0.00	0.00	0.00	168,720.00	0.00
c Final Design	230,280.00	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
e Eng. During Construction	100,000.00	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
g Special Services						
i. Geotechnical	18,990.00	0.00	0.00	0.00	18,990.00	0.00
ii. Land Surveys & Easement	47,700.00	0.00	0.00	0.00	47,700.00	0.00
iii. Engineering Surveys	30,700.00	0.00	0.00	0.00	30,700.00	0.00
iv. Funding Applications	4,200.00	0.00	0.00	0.00	4,200.00	0.00
7 Administration						
a Other Admin (legal ads, conf calls)	10,000.00	0.00	0.00	0.00	10,000.00	0.00
8 Lands / Easements						
a Easements	50,600.00	0.00	0.00	0.00	50,600.00	0.00
b R/W Agent	102,135.00	0.00	0.00	0.00	102,135.00	0.00
9 Permits	7,000.00	0.00	0.00	0.00	7,000.00	0.00
10 Plats	11,385.00	0.00	0.00	0.00	11,385.00	0.00
11 Sub Total line 4 thru 11	**1,247,210.00**	**0.00**	**0.00**	**0.00**	**1,247,210.00**	**0.00**
C. Costs of Financing						
12 Registrar Fees	650.00	650.00	0.00	0.00	0.00	0.00
13 Bond Counsel (S&J)	40,000.00	40,000.00	0.00	0.00	0.00	0.00
14 Sub Total line 13 thru 14	**40,650.00**	40,650.00	0.00	**0.00**	**0.00**	**0.00**
15 Total Project Cost Line 3+12+14	**7,665,560.00**	**2,844,984.00**	**0.00**	**0.00**	**3,743,576.00**	**1,077,000.00**
D. SOURCES OF OTHER FUNDS						
16 CWSRF Loan (40 Year)	2,844,984.00	0.00	0.00	0.00	0.00	0.00
17 CWSRF Loan (20 Year)	0.00	0.00	0.00	0.00	0.00	0.00
18 Sub Total Bond Issue	**2,844,984.00**	2,844,984.00	0.00	0.00	0.00	0.00
19 State Grant (EEGF)	0.00	0.00	0.00	0.00	0.00	0.00
20 Federal Grant (CWSRF)	1,077,000.00	0.00	0.00	0.00	0.00	1,077,000.00
21 Sub Total Grant Funds	**1,077,000.00**	0.00	0.00	0.00	0.00	0.00
22 Capital Improvement Fee Fund	3,743,576.00	0.00	0.00	0.00	3,743,576.00	0.00
23 Sub Total Internal Funds	**3,743,576.00**	0.00	0.00	0.00	0.00	0.00
24 Total Project Funding (Line 18, 21 and 23)	**7,665,560.00**					

* **FSPS Rehab Project - $950,000 to be completed in 2025 and funded with internal funds.**

Charles Town Utility Board

RK&K, LLP

October 16, 2024 4:00 p.m. CTUB Regular Meeting

- Consideration of Change to funding per City Council Request

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

- **First Reading and Approval of Bond Ordinance**

November 4, 2024 7:00 p.m. Council Regular Meeting

- **Second Reading and Adoption of Bond Ordinance**

November 6, 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

November 13, 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

November 18, 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.

December 2, 2024 **7:00 p.m. Supplemental Parameters Resolution**

Bond Closing no later than December 13, 2024 – Need 10 days from Supplemental Parameters resolution

EXCLUDES 3% 20 YEAR BOND ISSUE

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 $2,844,984 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 A (WEST VIRGINIA SRF PROGRAM) AND NOT MORE THAN $0.00 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 B (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, and the Jett's Farm 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 $3,000,000 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 $2,844,984 (the "Series 2024 A Bonds"); and (ii) Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 B (West Virginia SRF Program/Forgivable), in the total aggregate principal amount of not more than $0.00 (the "Series 2024 B 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 as to liens, pledge, source of and security for payment, being the Issuer's:

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 A 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 enactment of a Project Ordinance as required by West Viginia Code 24-2-11.

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 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 and the Series 2024 B 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/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 and the Series 2024 A 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 not to exceed $7,665,560 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 not to exceed $7,665,560, of which $2,844,984 will be obtained from the proceeds of the Series 2024 A Bonds, $0.00 will be obtained from the proceeds of the Series 2024 B Bonds, $3,743,576 will be obtained from Capacity Improvement Fees collected for the System, and $1,077,000 will be obtained from the Authority in the form of a 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 $2,844,984, and "Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 B (West Virginia SRF Program/Forgivable)," in the principal amount of $500,000; and all shall have such terms as set forth hereinafter and in the Supplemental Resolution. The proceeds of the Series 2024 A Bonds remaining after funding of the Series 2024 A Bonds Reserve Account (if funded from Bond proceeds) and capitalization of interest, if any, on the Series 2024 A Bonds 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. 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.

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 A 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 A Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Series 2024 A 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 B Bonds advanced will be deemed forgiven on the 30th day of June of the Fiscal Year in which advanced. The Series 2024 B Bonds shall be deemed no longer Outstanding after the last advance is forgiven. The Series 2024 B 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:

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(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");

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"); AND

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") (COLLECTIVELY, THE "PRIOR BONDS").

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]

EXCLUDES 3% 20 YEAR BOND ISSUE

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

EXCLUDES 3% 20 YEAR BOND ISSUE

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

EXCLUDES 3% 20 YEAR BOND ISSUE

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 B
(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 B 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 B Bonds will be deemed forgiven on the 30th day of June in the fiscal year in which advanced. The Series 2024 B 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 B 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);

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

53. Series 2024 A Bonds Sinking Fund; and

54. Series 2024 A Bonds Reserve Account.

The Series 2024 B Bonds are forgivable; therefore, no accounts are established for the Series 2024 B 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 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, if any, on the Prior 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 is 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 B 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 B 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 A 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 A Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Series 2024 A 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 January 2, 2024, and the sewer rate ordinance enacted on January 2, 2024, 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 *Spirit of Jefferson,* 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: October 21, 2024

Passed on Second Reading: November 4, 2024

Passed on Final Reading
Following Public Hearing: November 18, 2024

[Remainder of this Page Intentionally Left Blank, Signature Page Follows]

CITY OF CHARLES TOWN

_____

Mayor

[Signature Page for Bond Ordinance]

CERTIFICATION

Certified a true copy of an Ordinance duly enacted by the Council of the CITY OF CHARLES TOWN on the 18th day of November, 2024.

Dated: November 18, 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 B
(WEST VIRGINIA SRF PROGRAM/FORGIVABLE)

BOND ORDINANCE

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SIGNATURES
CERTIFICATION

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Ordinance
Initiator:

2024-1073: Consideration for adoption on first reading of the following ordinance (with 3% 20-year $216,016 funding):

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 $2,844,984 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 A (West Virginia Srf Program); Not More Than $216,016 In Aggregate Principal Amount Of Combined Waterworks And Sewerage System Revenue Bonds, Series 2024 B (West Virginia Srf Program)And Not More Than $500,000 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.

ATTACHMENTS:

- CSWRF and Grant.pdf
- Schedule B - Post Bid $216016 CWSRF Loan.pdf
- BOND ORDINANCE SRF_SRF_Forgiveable-Green(23538754.2).pdf

Post Bid $216,016 CWSRF		
Project Total	**$7,665,560.00**	
GRANTS		
CWSRF "Green" Principal Forgiveness, $500,000	$500,000	
Economic Enhancement Grant, $1,077,000	$1,077,000	
Project Total less Grant $$	**$6,088,560.00**	
Funding Source	**Growth**	**Non-growth**
Project Split	**$3,714,022**	**$2,374,538**
Percentage	61%	39%
CWSRF Loan (0.25%, 0.25% admin, 40yr), $2,844,984)	$470,446	$2,374,538
% funding	7%	36%
CWSRF Loan (2.75%, 0.25% admin, 20yr), $216,016	$216,016	
% funding	3%	0%
Capacity Improvement Fee Internal funding	$3,027,560	
% funding	46%	0%
CTUB Internal Funding Contribution	$0	
% funding	0%	0%
Total remaining funding based on allocation	**$3,714,022**	**$2,374,538**
% funding	**61%**	**39%**

Charles Town Utility Board - 2022 Sewer Collection System Project

Post Bid $216,016 CWSRF **DRAFT**

IJDC PROJECT 2021S-2041 **CWSRF Project C544686** **10/17/2024**

	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 Fund	Economic Enhancement Grant
		7,665,560.00	**2,844,984.00**	**216,016.00**	**500,000.00**	**3,027,560.00**	**1,077,000.00**
1	Construction						
	a. Contract 1	6,074,000.00	2,804,334.00	216,016.00	196,300.00	1,780,350.00	1,077,000.00
2	Construction Contingency	303,700.00	0.00	0.00	303,700.00	0.00	0.00
3	Sub Total line 2 and 3	**6,377,700.00**	**2,804,334.00**	**216,016.00**	**500,000.00**	**1,780,350.00**	**1,077,000.00**
B.	**Cost of Legal, Engineering and Soft Costs**						
4	Legal	140,000.00	0.00	0.00	0.00	140,000.00	0.00
5	Accountant (Kunkle)	30,000.00	0.00	0.00	0.00	30,000.00	0.00
6	Technical Services						
	a Study and Report	58,500.00	0.00	0.00	0.00	58,500.00	0.00
	b. Preliminary Design	168,720.00	0.00	0.00	0.00	168,720.00	0.00
	c Final Design	230,280.00	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
	e Eng. During Construction	100,000.00	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
	g Special Services						
	i. Geotechnical	18,990.00	0.00	0.00	0.00	18,990.00	0.00
	ii. Land Surveys & Easement	47,700.00	0.00	0.00	0.00	47,700.00	0.00
	iii. Engineering Surveys	30,700.00	0.00	0.00	0.00	30,700.00	0.00
	iv. Funding Applications	4,200.00	0.00	0.00	0.00	4,200.00	0.00
7	Administration						
	a Other Admin (legal ads, conf calls)	10,000.00	0.00	0.00	0.00	10,000.00	0.00
8	Lands / Easements						
	a Easements	50,600.00	0.00	0.00	0.00	50,600.00	0.00
	b R/W Agent	102,135.00	0.00	0.00	0.00	102,135.00	0.00
9	Permits	7,000.00	0.00	0.00	0.00	7,000.00	0.00
10	Plats	11,385.00	0.00	0.00	0.00	11,385.00	0.00
11	Sub Total line 4 thru 11	**1,247,210.00**	**0.00**	**0.00**	**0.00**	**1,247,210.00**	**0.00**
C.	**Costs of Financing**						
12	Registrar Fees	650.00	650.00	0.00	0.00	0.00	0.00
13	Bond Counsel (S&J)	40,000.00	40,000.00	0.00	0.00	0.00	0.00
14	Sub Total line 13 thru 14	**40,650.00**	**40,650.00**	**0.00**	**0.00**	**0.00**	**0.00**
15	**Total Project Cost Line 3+12+14**	**7,665,560.00**	**2,844,984.00**	**216,016.00**	**500,000.00**	**3,027,560.00**	**1,077,000.00**
D.	**SOURCES OF OTHER FUNDS**						
16	CWSRF Loan (40 Year)	2,844,984.00	0.00	0.00	0.00	0.00	0.00
17	CWSRF Loan (20 Year)	216,016.00	0.00	216,016.00	0.00	0.00	0.00
18	**Sub Total Bond Issue**	**3,061,000.00**	2,844,984.00	0.00	0.00	0.00	0.00
19	State Grant (EEGF)	500,000.00	0.00	0.00	500,000.00	0.00	0.00
20	Federal Grant (CWSRF)	1,077,000.00	0.00	0.00	0.00	0.00	1,077,000.00
21	**Sub Total Grant Funds**	**1,577,000.00**	0.00	0.00	0.00	0.00	0.00
22	Capital Improvement Fee Fund	3,027,560.00	0.00	0.00	0.00	3,027,560.00	0.00
23	**Sub Total Internal Funds**	**3,027,560.00**	0.00	0.00	0.00	0.00	0.00
24	**Total Project Funding (Line 18, 21 and 23)**	**7,665,560.00**					

* **FSPS Rehab Project - $950,000 to be completed in 2025 and funded with internal funds.**

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 $2,844,984 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 A (WEST VIRGINIA SRF PROGRAM); NOT MORE THAN $216,016 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2024 B (WEST VIRGINIA SRF PROGRAM) AND NOT MORE THAN $500,000 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; (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 $3,061,000 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 $2,844,984 (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 $216,016 (the "Series 2024 B Bonds"); and (iii) 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 $500,000 (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 not to exceed $7,712,310 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 not to exceed $7,665,560, of which $2,844,984 will be obtained from the proceeds of the Series 2024 A Bonds, $216,016 will be obtained from the proceeds of the Series 2024 B Bonds, $500,000 will be obtained from the proceeds of the Series 2024 C Bonds, $3,027,560 will be obtained from Capacity Improvement Fees collected for the System, and $1,077,000 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 $2,844,984, "Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 B (West Virginia SRF Program)", in the principal amount of $216,016, and "Combined Waterworks and Sewerage System Revenue Bonds, Series 2024 C (West Virginia SRF Program/Forgivable)," in the principal amount of $500,000; 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 $216,016 (THE "SERIES 2024 B BONDS").

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 $2,844,984 (THE “SERIES 2024 A BONDS”).

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);

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 January 2, 2024, and the sewer rate ordinance enacted on January 2, 2024, 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.

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

Passed on First Reading: October 21, 2024

Passed on Second Reading: November 4, 2024

Passed on Final Reading
Following Public Hearing: November 18, 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 18th day of November, 2024.

Dated: November 18, 2024.

[SEAL]

_____

Recorder

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

BOND ORDINANCE

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SIGNATURES
CERTIFICATION

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/21/24
Department: City Council - REVISED
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-983: Augustine Avenue Trail Phase 3 Presentation and Trail Options

ATTACHMENTS:

- 241018 Revised Report2.pdf

AUGUSTINE AVENUE TRAIL
PHASE 3

POTENTIAL OPTIONS REPORT
for
CITY OF CHARLES TOWN, WV

October 18, 2024

AAI PROJECT NO. 2401008.00

ALPHA ASSOCIATES, INCORPORATED
209 PRAIRIE AVENUE
MORGANTOWN, WEST VIRGINIA 26501

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Introduction

The City of Charles Town is currently in the design phase to construct a multi-purpose trail on the west side of Augustine Avenue. This project will be divided into two parts, Phase 1 and Phase 2. When complete, the trail will extend from Washinton Patriots Drive on the southern end, to just across Evitt's Run on the northern end.

The City of Charles Town, with additional funding, would like to extend the trail north and south. On the southern end, they would like to extend the trail to connect the interior sidewalks on the Washington High School property and further extend the trail out Huyett Road to connect to other trails serving residential areas. On the northern end, they would like to extend the trail to the Civic Center, possibly along existing streets and sidewalks, possibly through the city park.

To assist the City in their decision making process, Alpha has prepared this brief report outlining the potential paths that Phase 3 of the Augustine Avenue Trail may take and the potential construction cost of each option.

Project Description

This report will look at three (3) primary sections of trail:

> Section 1: Which will extend the southern end of Augustine Avenue Trail onto Washington High School property and connect to existing school circulation routes.
>
> Section 2: Which will join existing Washington High School circulation routes to Huyett road and connect to existing trails along Huyett Road.
>
> Section 3: Which will begin at the northern end of Augustine Avenue Trail and extend to the civic center. Section 3 contains alternate 3A, 3B, and 3C. 3A maintains a path along existing streets and sidewalks to the civic center. 3B takes a detour through the City Park and crosses Evitt's Run before connecting to the civic center. 3C crosses through the Evitt's Run Conservancy before tying into Washington Street.

A full description, a breakdown of construction costs, and a map outlining each option is presented.

Overall Map
Of
Sections 1, 2, 3A, 3B, 3C



0 1000 2000 FEET

AUGUSTINE AVE. - PH 189
SECTION 1, 2 & 3-A, 3-B & 3-C

Section 1

Augustine Avenue Phase 3 - SECTION 1
Charles Town, Jefferson County

Washington Patriots Drive from Augustine Avenue to Braddock Street

Project Description

This section of Phase 3 connects with the southern end of the Augustine Avenue Trail at the intersection of Washington Patriots Drive and Augustine Avenue. The trail would follow Washington Patriots Drive until its intersection with Braddock Street, where it would join an existing sidewalk.

Project Narrative

A sketch of the approximate alignment for this section of trail is included in this report, as well as a Preliminary Construction Cost Estimate.

This section of the trail would be a continuation of the 10' wide asphalt paved trail currently proposed along Augustine Avenue. Section 1 would be approximately 890' long. Grades in this area are flat to gently sloping and should not require significant earthwork.

The eastern end of this section, where it adjoins Augustine Avenue, crosses an existing riprap lined drainage swale. This area will require some grading and drainage work to extend the existing culvert.

Preliminary Construction Cost Estimate for this section is $143,500.00.

Engineering costs for this section are expected to be an additional $17,200.00



0 100 200 Feet

AUGUSTINE AVE. - PHASE 3
SECTION # 1

Augustine Avenue Phase 3 - SECTION 1
Charles Town, Jefferson County
Washington Patriots Drive from Augustine Avenue to Braddock Street
Preliminary Project Construction Cost Estimate

ITEM NO	*ITEM DESCRIPTION*	*QUANTITY*	*UNIT*	*PRICE*	*TOTAL COST*
201001-000	CLEARING AND GRUBBING	1	LS	$5,000.00	$5,000.00
204001-000	MOBILIZATION	1	LS	$10,000.00	$10,000.00
207001-001	UNCLASSIFIED EXCAVATION	329	CY	$44.75	$14,722.75
207034-000	FABRIC FOR SEPARATION	989	SY	$3.05	$3,016.45
307001-000	AGGREGATE BASE COURSE, CLASS 1	165	CY	$70.00	$11,550.00
401001-023	MARSHALL ASPHALT BASE CRSE, SG, TYPE II	164	TN	$150.00	$24,600.00
401002-020	MARSHALL ASPHALT WEAR CRSE, SG, TYPE I	82	TN	$160.00	$13,120.00
601002-001	CLASS B CONCRETE	1	CY	$1,315.83	$1,315.83
604076-020	24 INCH ALUMINUM CORRUGATED STEEL PIPE	20	LF	$262.50	$5,250.00
604090-020	24 INCH CORRUGATED STEEL PIPE END SECTION	1	EA	$2,025.00	$2,025.00
609005-001	CURB RAMP	1	EA	$5,000.00	$5,000.00
609006-001	DETECTABLE WARNING SURFACE	2	EA	$718.12	$1,436.24
636001-001	TRAFFIC CONTROL	1	LS	$5,000.00	$5,000.00
636011-001	TRAFFIC CONTROL DEVICE	3,500	UN	$1.66	$5,810.00
636025-002	WARNING LIGHTS, TYPE B	360	DA	$3.15	$1,134.00
639001-001	CONSTRUCTION LAYOUT STAKE	1	LS	$2,000.00	$2,000.00
640005-001	MINIMAL FIELD OFFICE	3	MO	$1,268.73	$3,806.19
640003-001	BUILDING EQUIPMENT	1	LS	$2,400.00	$2,400.00
642012-001	SILT FENCE	890	LF	$4.35	$3,871.50
652001-001	AGRICULTURAL LIMESTONE	1	TN	$38.37	$38.37
652002-001	FERTILIZER, 10-20-10	0.3	TN	$726.92	$218.08
652003-001	SEED MIXTURES, B, C-1, OR C-2	100	LB	$28.60	$2,860.00
652003-002	SEED MIXTURE, D	60	LB	$37.15	$2,229.00
652004-001	STRAW OR HAY MULCH	2	TN	$305.43	$610.86
		CONSTRUCTION SUB-TOTAL =			$127,014.27
					$16,511.85
		TOTAL =			$143,526.12

Section 2

Augustine Avenue Phase 3 - SECTION 2
Charles Town, Jefferson County

Washington High School to Points NW on Huyett Road

Project Description

This section of Phase 3 attempts to connect Washington High School with residential developments along Huyett Road, northwest of the school. Portions of an existing trail system exist on the south side of Huyett Road. This section of the project would connect that system of trails and complete the connection onto Washington High School property.

Project Narrative

A sketch of the approximate alignment for this section of trail is included in this report, as well as a Preliminary Construction Cost Estimate.

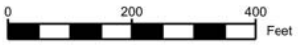
This section of the trail would have two main components. The first component would be an 8' wide path on the on the south side of the school, tying into the existing sidewalk in the parking lot, following along Washington Patriots Drive, crossing Huyett Road, then following Huyett Road until it connects to an existing trail. This component of the trail would be approximately 775' long.

The second component would begin in the northwest corner of Washington High School property, tying into an existing trail, then turning southwest to follow Lord Fairfax Drive to its intersection with Huyett Road. At the intersection of Lord Fairfax and Huyett, the 8' wide path would cross Huyett Road and extend northwest and southeast to connect to the existing trail system. This would consist of approximately 1,075' of trail.
Grades in this area are gentle and will not require a lot of earthwork, but this section will require two at-grade crossings across Huyett Road.

Preliminary Construction Cost Estimate for this section is $303,150.00.

Engineering costs for this section are expected to be an additional $36,400.00





AUGUSTINE AVE. - PHASE 3
SECTION # 2

Augustine Avenue Phase 3 - SECTION 2
Charles Town, Jefferson County
Washington High School to Points NW on Huyett Road
Preliminary Project Construction Cost Estimate

ITEM NO	*ITEM DESCRIPTION*	*QUANTITY*	*UNIT*	*PRICE*	*TOTAL COST*
201001-000	CLEARING AND GRUBBING	1	LS	$9,000.00	$9,000.00
204001-000	MOBILIZATION	1	LS	$12,000.00	$12,000.00
207001-001	UNCLASSIFIED EXCAVATION	548	CY	$44.75	$24,523.00
207034-000	FABRIC FOR SEPARATION	1,644	SY	$3.05	$5,014.20
307001-000	AGGREGATE BASE COURSE, CLASS 1	274	CY	$70.00	$19,180.00
401001-023	MARSHALL ASPHALT BASE CRSE, SG, TYPE II	272	TN	$150.00	$40,800.00
401002-020	MARSHALL ASPHALT WEAR CRSE, SG, TYPE I	136	TN	$160.00	$21,760.00
601002-001	CLASS B CONCRETE	2	CY	$1,315.83	$2,631.66
604050-120	24 INCH HIGH DENSITY POLYETHYLENE PIPE	120	LF	$186.50	$22,380.00
609006-001	DETECTABLE WARNING SURFACE	6	EA	$718.12	$4,308.72
636001-001	TRAFFIC CONTROL	1	LS	$10,000.00	$10,000.00
636011-001	TRAFFIC CONTROL DEVICE	7,000	UN	$1.66	$11,620.00
636025-002	WARNING LIGHTS, TYPE B	720	DA	$3.15	$2,268.00
639001-001	CONSTRUCTION LAYOUT STAKE	1	LS	$4,000.00	$4,000.00
640005-001	MINIMAL FIELD OFFICE	3	MO	$1,268.73	$3,806.19
640003-001	BUILDING EQUIPMENT	1	LS	$2,400.00	$2,400.00
642012-001	SILT FENCE	1,850	LF	$4.35	$8,047.50
652001-001	AGRICULTURAL LIMESTONE	1	TN	$38.37	$38.37
652002-001	FERTILIZER, 10-20-10	0.3	TN	$726.92	$218.08
652003-001	SEED MIXTURES, B, C-1, OR C-2	100	LB	$28.60	$2,860.00
652003-002	SEED MIXTURE, D	60	LB	$37.15	$2,229.00
652004-001	STRAW OR HAY MULCH	2	TN	$305.43	$610.86
657008-001	2.00 LB CHANNEL POST	60	LF	$16.19	$971.40
660007-002	RECTANGULAR RAPID FLASHING BEACON ASSEMBLY	2	EA	$21,803.00	$43,606.00
661001-001	0.080 IN FLAT SHEET SIGN	384	SF	$34.22	$13,140.48
663006-010	CROSSWALK LINE, TYPE V - 12 IN X 6 FT	42	LF	$20.43	$858.06
		CONSTRUCTION SUB-TOTAL =			$268,271.52
					$34,875.30
		TOTAL =			$303,146.81

Section 3A

Augustine Avenue Phase 3 - SECTION 3A
Charles Town, Jefferson County

North End of Augustine Avenue to West Street to Civic Center

Project Description

This section of Phase 3 will connect the northern end of the Augustine Avenue Trail to the Civic Center. The path along Section 3A will follow the sidewalk along Augustine Avenue, turn north onto West Street, and follow West Street to North Street where is will connect to property owned by the City of Charles Town, merge onto property owned by the Boys and Girls Club of the Eastern Panhandle, then connect to Lawrence Street before crossing the railroad tracks and connecting to the existing sidewalk system outside of the Civic Center. This path is approximately 3,300'.

Project Narrative

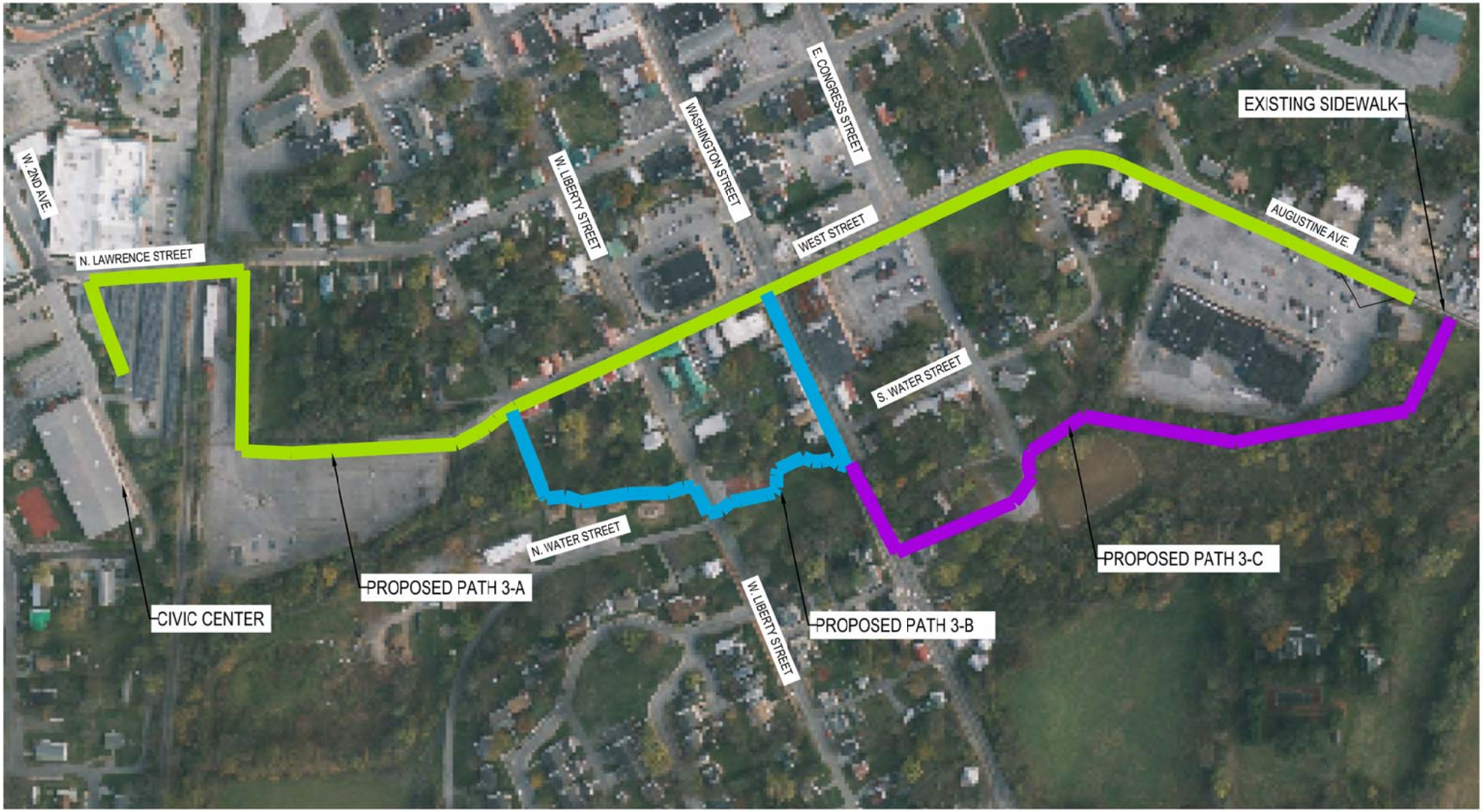
A sketch of the approximate alignment for this section of trail is included in this report, as well as a Preliminary Construction Cost Estimate.

The majority of this trail would be 5' wide concrete sidewalk with curb and gutter. Much of the path includes old, broken sidewalk that would need to be removed and replaced as part of this project. The section across land owned by the City of Charles Town and the Boys and Girls Club could be an 8' wide asphalt path.

Much of this path would be reconstruction of existing sidewalks and would require substantial drainage improvements. These costs are reflected in the Preliminary Cost Estimate.

Preliminary Construction Cost Estimate for this section is $1,763,800.00.

Engineering costs for this section are expected to be an additional $211,600.00



0 200 400 Feet

AUGUSTINE AVE. - PHASE 3
SECTION # 3-A, 3-B & 3-C

Augustine Avenue Phase 3 - SECTION 3A
Charles Town, Jefferson County
North End of Augustine Ave to West St. to Civic Center
Preliminary Project Construction Cost Estimate

ITEM NO	*ITEM DESCRIPTION*	*QUANTITY*	*UNIT*	*PRICE*	*TOTAL COST*
201001-000	CLEARING AND GRUBBING	1	LS	$80,000.00	$80,000.00
204001-000	MOBILIZATION	1	LS	$15,000.00	$15,000.00
207001-001	UNCLASSIFIED EXCAVATION	794	CY	$44.75	$35,531.50
207034-000	FABRIC FOR SEPARATION	2,177	SY	$3.05	$6,639.85
307001-000	AGGREGATE BASE COURSE, CLASS 1	153	CY	$70.00	$10,710.00
401001-023	MARSHALL ASPHALT BASE CRSE, SG, TYPE II	152	TN	$150.00	$22,800.00
401002-020	MARSHALL ASPHALT WEAR CRSE, SG, TYPE I	76	TN	$160.00	$12,160.00
604050-112	15 INCH HIGH DENSITY POLYETHYLENE PIPE	2270	LF	$193.79	$439,903.30
605004-001	TYPE B INLET	22	EA	$6,110.17	$134,423.74
609001-001	CONCRETE SIDEWALK	1261	SY	$219.04	$276,209.44
609002-001	BED COURSE MATERIAL	140	CY	$295.41	$41,357.40
609005-001	CURB RAMP	12	EA	$5,000.00	$60,000.00
609006-001	DETECTABLE WARNING SURFACE	12	EA	$718.12	$8,617.44
610003-001	COMBINATION CURB AND GUTTER, TYPE 1	2270	LF	$132.15	$299,980.50
636001-001	TRAFFIC CONTROL	1	LS	$10,000.00	$10,000.00
636011-001	TRAFFIC CONTROL DEVICE	20,000	UN	$1.66	$33,200.00
636025-002	WARNING LIGHTS, TYPE B	1,440	DA	$3.15	$4,536.00
639001-001	CONSTRUCTION LAYOUT STAKE	1	LS	$10,000.00	$10,000.00
640005-001	MINIMAL FIELD OFFICE	6	MO	$1,268.73	$7,612.38
640003-001	BUILDING EQUIPMENT	1	LS	$2,400.00	$2,400.00
642012-001	SILT FENCE	3,300	LF	$4.35	$14,355.00
652001-001	AGRICULTURAL LIMESTONE	2	TN	$38.37	$76.74
652002-001	FERTILIZER, 10-20-10	0.6	TN	$726.92	$436.15
652003-001	SEED MIXTURES, B, C-1, OR C-2	200	LB	$28.60	$5,720.00
652003-002	SEED MIXTURE, D	120	LB	$37.15	$4,458.00
652004-001	STRAW OR HAY MULCH	4	TN	$305.43	$1,221.72
657008-001	2.00 LB CHANNEL POST	80	LF	$16.19	$1,295.20
661001-001	0.080 IN FLAT SHEET SIGN	564	SF	$34.22	$19,300.08
663006-010	CROSSWALK LINE, TYPE V - 12 IN X 6 FT	144	LF	$20.43	$2,941.92
		CONSTRUCTION SUB-TOTAL =			$1,560,886.36
					$202,915.23
		TOTAL =			$1,763,801.59

Section 3B

Augustine Avenue Phase 3 - SECTION 3B
Charles Town, Jefferson County

From West Street, West onto Washington Street, thru City Park and Reconnecting into West Street

Project Description

This section of Phase 3 is an alternate to Section 3A. In lieu of continuing down West Street, the path will turn west onto Wahington Street, then meander through Charles Town city park cross over Evitt's Run and reconnect on West Street. This detour from Section 3A is approximately 785' long and includes the existing concrete sidewalk along Washington Street and a new 8' wide asphalt path through the city park that will include a bridge crossing.

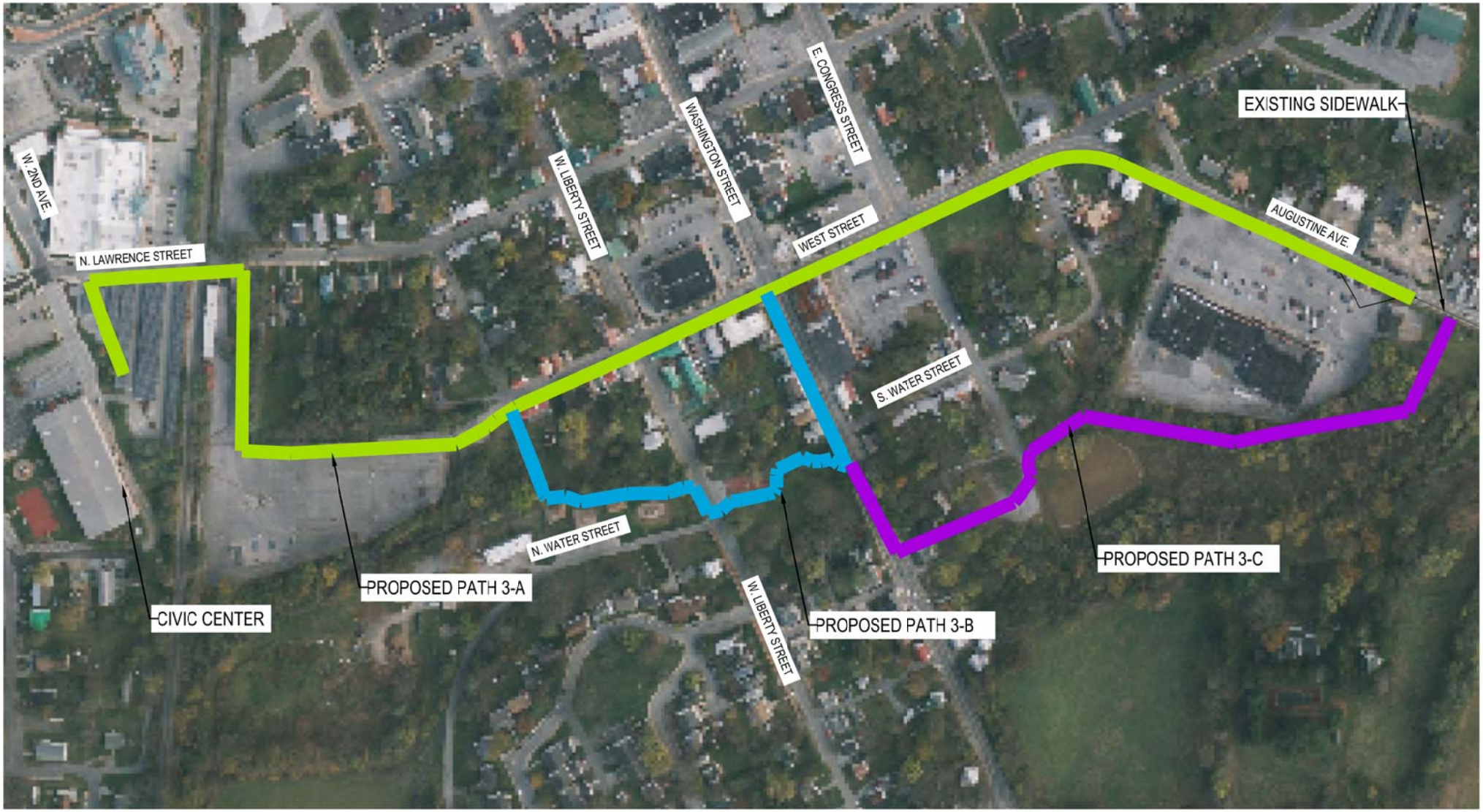
Project Narrative

A sketch of the approximate alignment for this section of trail is included in this report, as well as a Preliminary Construction Cost Estimate.

The majority of this trail would be a meandering 8' wide asphalt path through the city park. This path would include a bridge span of approximately 60'. The concrete sidewalk along Washington Street would be maintained to control costs.

Preliminary Construction Cost Estimate for this section is $108,400.00. This does not include the bridge structure crossing Evitt's Run. Construction cost for this structure is estimated at $350,000.00.

Engineering costs for this section are expected to be an additional $13,000.00
Engineering costs for the bridge are expected to be an additional $42,000.00



0 200 400 Feet

AUGUSTINE AVE. - PHASE 3
SECTION # 3-A, 3-B & 3-C

Augustine Avenue Phase 3 - SECTION 3B
Charles Town, Jefferson County
Alternate to 3A Thru City Park Across Evitt's Run
Preliminary Project Construction Cost Estimate

ITEM NO	*ITEM DESCRIPTION*	*QUANTITY*	*UNIT*	*PRICE*	*TOTAL COST*
201001-000	CLEARING AND GRUBBING	1	LS	$5,000.00	$5,000.00
204001-000	MOBILIZATION	1	LS	$5,000.00	$5,000.00
207001-001	UNCLASSIFIED EXCAVATION	232	CY	$44.75	$10,382.00
207034-000	FABRIC FOR SEPARATION	698	SY	$3.05	$2,128.90
307001-000	AGGREGATE BASE COURSE, CLASS 1	116	CY	$70.00	$8,120.00
401001-023	MARSHALL ASPHALT BASE CRSE, SG, TYPE II	116	TN	$150.00	$17,400.00
401002-020	MARSHALL ASPHALT WEAR CRSE, SG, TYPE I	58	TN	$160.00	$9,280.00
609005-001	CURB RAMP	2	EA	$5,000.00	$10,000.00
609006-001	DETECTABLE WARNING SURFACE	2	EA	$718.12	$1,436.24
636001-001	TRAFFIC CONTROL	1	LS	$3,000.00	$3,000.00
636011-001	TRAFFIC CONTROL DEVICE	3,150	UN	$1.66	$5,229.00
636025-002	WARNING LIGHTS, TYPE B	320	DA	$3.15	$1,008.00
639001-001	CONSTRUCTION LAYOUT STAKE	1	LS	$2,000.00	$2,000.00
640005-001	MINIMAL FIELD OFFICE	3	MO	$1,268.73	$3,806.19
640003-001	BUILDING EQUIPMENT	1	LS	$1,200.00	$1,200.00
642012-001	SILT FENCE	785	LF	$4.35	$3,414.75
652001-001	AGRICULTURAL LIMESTONE	1	TN	$38.37	$38.37
652002-001	FERTILIZER, 10-20-10	0.3	TN	$726.92	$218.08
652003-001	SEED MIXTURES, B, C-1, OR C-2	100	LB	$28.60	$2,860.00
652003-002	SEED MIXTURE, D	60	LB	$37.15	$2,229.00
652004-001	STRAW OR HAY MULCH	2	TN	$305.43	$610.86
663006-010	CROSSWALK LINE, TYPE V - 12 IN X 6 FT	76	LF	$20.43	$1,552.68
		CONSTRUCTION SUB-TOTAL =			$95,914.07
					$12,468.83
		TOTAL =			$108,382.89

Above total does not include estimated cost of bridge structure over Evitt's Run. Estimated structure cost: $350,000.00

Section 3C

Augustine Avenue Phase 3 - SECTION 3C
Charles Town, Jefferson County

North End of Augustine Avenue Through Evitts's Run Conservancy to Washington Street

Project Description

This section of Phase 3 is an alternate to Section 3A. In lieu of extending northward on Augustine Avenue, then turn west on West Street, Section 3C would immediately turn left into the Evitt's Run Conservancy, meander approximately 1,720' through the conservancy and join Washington Street, before tying back into West Street and continuing along the same path as Section 3A to the Civic Center. The meandering path through the conservancy would be an 8' asphalt path before joining the concrete sidewalk on Washington Street.

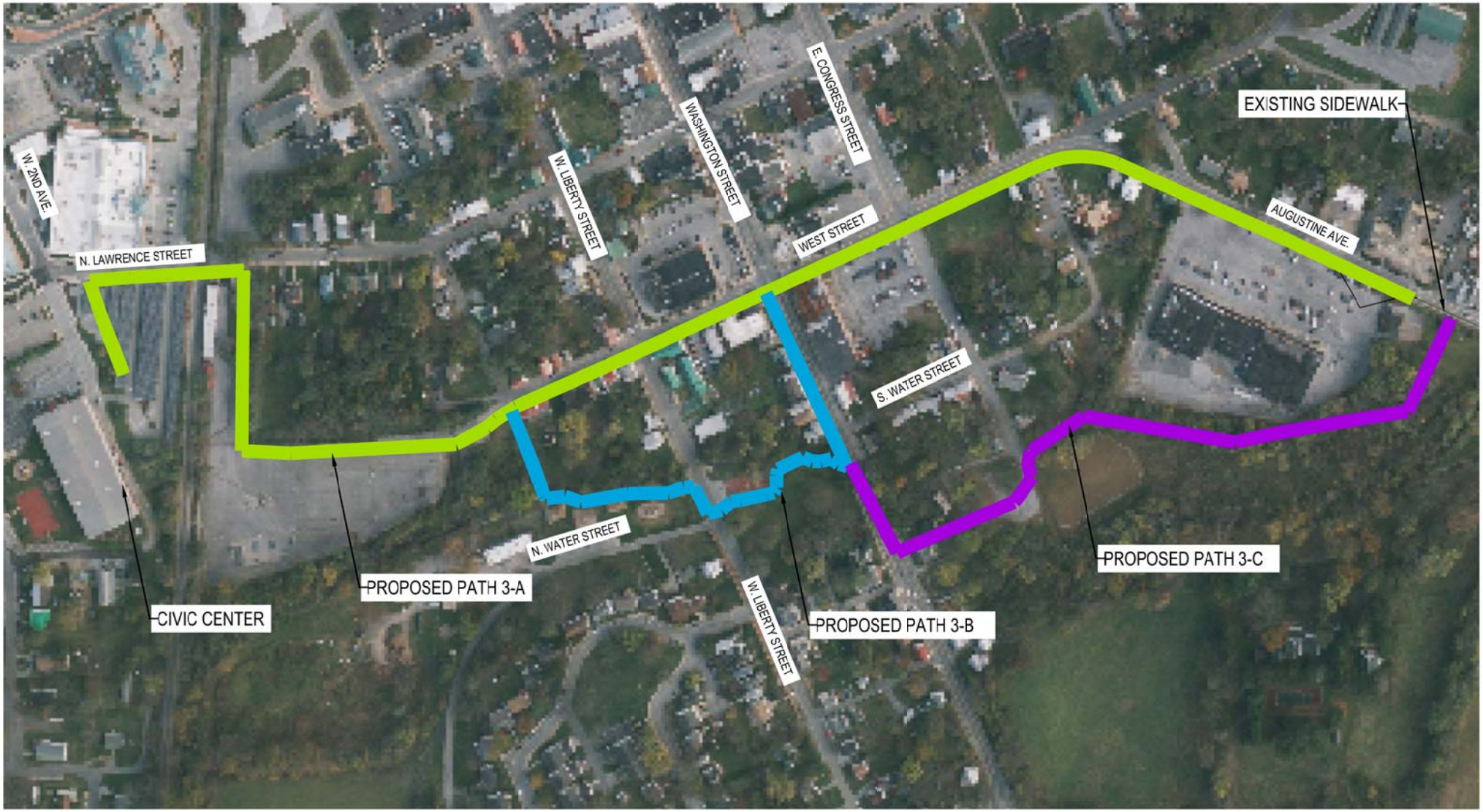
Project Narrative

A sketch of the approximate alignment for this section of trail is included in this report, as well as a Preliminary Construction Cost Estimate for this section of trail.

The majority of this trail would be a meandering 8' wide asphalt path through the conservancy. The concrete sidewalk along Washington Street would be maintained to control costs.

Preliminary Construction Cost Estimate for this section is $150,100.00.

Engineering costs for this section are expected to be an additional $18,000.00



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AUGUSTINE AVE. - PHASE 3
SECTION # 3-A, 3-B & 3-C

Augustine Avenue Phase 3 - SECTION 3C
Charles Town, Jefferson County
Alternate to 3A Thru Evitt's Run Conservancy
Preliminary Project Construction Cost Estimate

ITEM NO	*ITEM DESCRIPTION*	*QUANTITY*	*UNIT*	*PRICE*	*TOTAL COST*
201001-000	CLEARING AND GRUBBING	1	LS	$5,000.00	$5,000.00
204001-000	MOBILIZATION	1	LS	$5,000.00	$5,000.00
207001-001	UNCLASSIFIED EXCAVATION	400	CY	$44.75	$17,900.00
207034-000	FABRIC FOR SEPARATION	1,528	SY	$3.05	$4,660.40
307001-000	AGGREGATE BASE COURSE, CLASS 1	255	CY	$70.00	$17,850.00
401001-023	MARSHALL ASPHALT BASE CRSE, SG, TYPE II	168	TN	$150.00	$25,200.00
401002-020	MARSHALL ASPHALT WEAR CRSE, SG, TYPE I	84	TN	$160.00	$13,440.00
609005-001	CURB RAMP	2	EA	$5,000.00	$10,000.00
609006-001	DETECTABLE WARNING SURFACE	2	EA	$718.12	$1,436.24
636001-001	TRAFFIC CONTROL	1	LS	$3,000.00	$3,000.00
636011-001	TRAFFIC CONTROL DEVICE	3,150	UN	$1.66	$5,229.00
636025-002	WARNING LIGHTS, TYPE B	320	DA	$3.15	$1,008.00
639001-001	CONSTRUCTION LAYOUT STAKE	1	LS	$2,000.00	$2,000.00
640005-001	MINIMAL FIELD OFFICE	3	MO	$1,268.73	$3,806.19
640003-001	BUILDING EQUIPMENT	1	LS	$1,200.00	$1,200.00
642012-001	SILT FENCE	1,720	LF	$4.35	$7,482.00
652001-001	AGRICULTURAL LIMESTONE	1	TN	$38.37	$38.37
652002-001	FERTILIZER, 10-20-10	0.5	TN	$726.92	$363.46
652003-001	SEED MIXTURES, B, C-1, OR C-2	150	LB	$28.60	$4,290.00
652003-002	SEED MIXTURE, D	80	LB	$37.15	$2,972.00
652004-001	STRAW OR HAY MULCH	3	TN	$305.43	$916.29
		CONSTRUCTION SUB-TOTAL =			$132,791.95
					$17,262.95
		TOTAL =			$150,054.90

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

AGENDA ITEM (ID #)

2024-1053: Executive Session - Zoning Enforcement

ATTACHMENTS:

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Ordinance
Initiator:

2024-1062: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulations and Taxation Code, Chapter 3 Taxes and Service Charges, Article 741 Municipal License Tax, Section 741.99 Penalty

ATTACHMENTS:

- Section 741.99.pdf

741.99 PENALTY.

(a) Whoever engages in any activity contrary to the provisions of this article, whether without obtaining a license required therefor before commencing the same or by continuing the same after the termination of the effective period of any such license, shall, in addition to paying the license tax, be subject to a penalty of fifty dollars ($50.00) for each month or fraction thereof during which he has been in default of the license tax. It shall be the duty of the City Treasurer to collect the full amount of the license tax and penalty imposed. Any waiver of the penalty herein provided for shall have the approval of ~~City Council~~ the Finance Committee.

(b) In addition to the foregoing and except as may herein be otherwise expressly provided, whoever violates any provision under this article during any one twelve month period shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), and whoever shall commit multiple violations of this article during more than one twelve month period, whether or not said periods shall be consecutive 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 thirty days or both. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

(c) 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 application 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.

(Ord. 97-003. Passed 4-21-97.

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1063: FY2025 Capital Budget - Revision #1

ATTACHMENTS:
- Capital Budget 1st Revision.pdf

the city of Charles Town, WV

FY 2025 Capital Reserve Budget Revision #1

Approved : 08-05-2024

CAPITAL BUDGET REVENUES

REVENUES	*ENCUMBERED*	*COUNCIL APPROVED*	*REV 1 PROPOSAL*	*FY 2025 CURRENT BUDGET*	*JULY 2024*	*AUGUST 2024*	*FY 2025 YTD ACTUAL*	*FY 2025 BUDGET BALANCE*	*% OVER/UNDER BUDGET*	*NOTES*
Capital Reserve Carryover		$ 4,881,215		$ 4,881,215	$ 4,881,215		$ 4,881,215	$ -	100%	Carryover balance from FY2024 Capital Reserve - Improvement Budget.
36800 Contributions from GF ($659,452 Revenue/Loss & $3,055,000 Pool)		$ 3,714,452		$ 3,714,452			$ -	$ 3,714,452	0%	Contributions from GF - $659,452 from Revenue/Loss and $3,055.000 from FY24 Carryover disignated for JMP Pool.
33000 Developer Fees		$ 100,000		$ 100,000	$ 4,740	$ 948	$ 5,688	$ 94,312	6%	Estimated based on FY2024 receipts
36800 Contributios from GF - Lottery / Gaming Revenue		$ 850,000		$ 850,000	$ 17,459		$ 17,459	$ 832,541	2%	All lottery/gaming revenue remitted to Charles Town gets XFRD to Capital Reserve from GenFund.
38000 Interest on Bank Accounts & Other Sources		$ 60,000		$ 60,000	$ 9,074		$ 9,074	$ 50,926	15%	Reveue from 3 diferent interest bearing checking accounts.
TOTAL REVENUES	**$ -**	**$ 9,605,667**	**$ -**	**$ 9,605,667**	**$ 4,912,488**	**$ 948**	**$ 4,913,436**	**$ 4,692,231**	**51%**	

CAPITAL BUDGET EXPENSES

EXPENDITURES	*ENCUMBERED*	*COUNCIL APPROVED*	*REV 1 PROPOSAL*	*FY 2025 CURRENT BUDGET*	*JULY 2024*	*AUGUST 2024*	*FY 2025 YTD ACTUAL*	*FY 2025 BUDGET BALANCE*	*% OVER/UNDER BUDGET*	*NOTES*
975 GENERAL GOVERNMENT										
975-23 General Government Professional Services - Capital Improvement Plan		$ 125,000		$ 125,000			$ -	$ 125,000	0%	Outsourcing costs to create a rigorous 5 year revolving capital improvement plan for all areas of the City.
975-23 General Government Professional Services - Zoning & Subdivision Ordinance Overhaul	$ 100,000	$ 150,000		$ 150,000			$ -	$ 150,000	0%	Outsourcing costs to update this ordinance. It has not been updated since 2012 - This is a 2 year plan for a total of $250,000.
975-58 General Government Capital Outlay - Chairs for Staff		$ 10,000		$ 10,000			$ -	$ 10,000	0%	20 chairs for staff.
975-58 General Government Capital Outlay - Rouss Hall Landlord buy back		$ 140,000		$ 140,000			$ -	$ 140,000	0%	
975-59 General Government Capital Outlay Technology - Computer Replacement		$ 25,000		$ 25,000			$ -	$ 25,000	0%	Computer replacement program for all General Government departments.
975-59 GG Capital Outlay Technology - GovTech Software		$ 100,000		$ 100,000			$ -	$ 100,000	0%	Centralized Finance/Permitting/Zoning/Grants/Bond Tracking Software. This software will replace GoGov, MyGov, PSI, and Incode (except for the court module). Having a centralized software will improve efficiency and reduce duplication of work. This software takes a year to implement.
975-59 General Government Capital Outlay Technology - Data Center Centralization		$ 120,000		$ 120,000			$ -	$ 120,000	0%	
975-59 General Governement Capital Outlay Technology - Payroll & Human Resource Onboarding Services Implementation Cost				$ -			$ -	$ -		
975-59 General Government Capital Outlay Technology - Zoom Room Equipment Upgrade		$ 5,790		$ 5,790			$ -	$ 5,790	0%	
TOTAL GENERAL GOVERNMENT	**$ 100,000**	**$ 675,790**	**$ -**	**$ 675,790**	**$ -**	**$ -**	**$ -**	**$ 675,790**	**0%**	

EXPENDITURES	*ENCUMBERED*	*COUNCIL APPROVED*	*REV 1 PROPOSAL*	*FY 2025 CURRENT BUDGET*	*JULY 2024*	*AUGUST 2024*	*FY 2025 YTD ACTUAL*	*FY 2025 BUDGET BALANCE*	*% OVER/UNDER BUDGET*	*NOTES*
976 PUBLIC SAFETY										
975-60 General Government Capital Outlay Technology Police Department - Computer Replacement		$ 58,000		$ 58,000		$ 57,549	$ 57,549	$ 451	99%	20 computers with greater than 8gb of memory are needed to view body camera footage.
976-59 Public Safety Capital Outlay Vehicles - Police Cars		$ 113,300		$ 113,300		$ 110,788	$ 110,788	$ 2,512	98%	PD requests 2 vehicles per rotation schedule based on vehicle lifespan of 7 years.
976-60 Public Safety Capital Outlay Equipment - Officer Equipment		$ 57,000	$ -	$ 57,000			$ -	$ 57,000	0%	Funding requested: $3723 for 18 Monadnock batons and pouches and $53,107 for 18 tasers.
976-60 Public Safety Capital Outlay Equipment - Traffic Safety Equipment		$ 44,700		$ 44,700			$ -	$ 44,700	0%	Funding requested: $37,610 for 2 trailerable traffic signs; $1200 for 20 portable barricades; $2660 for 10 temporary signs and holders; $3230 for 100 traffic cones with lettering. This equipment will be jointly used with the maintancence department.
976-62 Public Safety - Parking Meters		$ 5,100	$ 5,600	$ 10,700			$ -	$ 10,700	0%	Routine replacement of a portion of the parking meters (24) in the downtown parking district.
TOTAL PUBLIC SAFETY	**$ -**	**$ 278,100**	**$ 5,600**	**$ 283,700**	**$ -**	**$ 168,337**	**$ 168,337**	**$ 115,363**	**59%**	

EXPENDITURES	ENCUMBERED	COUNCIL APPROVED	REV 1 PROPOSAL	FY 2025 CURRENT BUDGET	JULY 2024	AUGUST 2024	FY 2025 YTD ACTUAL	FY 2025 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES
977 STREETS & TRANSPORTATION										
977-57- Streets & Transportation Capital Outlay Buildings - Charles Washington Hall masonary tuck point repair		$ 12,000		$ 12,000			$ -	$ 12,000	0%	Brick wall on George Street side is deteriorating.
977-57 Streets & Transportation Capital Outlay Buildings - Replace City Hall rooftop AC units		$ 25,000		$ 25,000			$ -	$ 25,000	0%	
977-57 Streets & Transportation Capital Outlay Buildings - City Hall interior repair/maintenance		$ 60,500		$ 60,500			$ -	$ 60,500	0%	Funds requested to paint interior of City Hall, replace flooring, and replace appliances in first floor kitchen. Includes a 10% contingency.
977-57 Streets & Transportation Capital Outlay Buildings - City Hall roof replacement		$ 128,000		$ 128,000			$ -	$ 128,000	0%	City Hall roof is over 20 years old and is failing.
977-57 Streets & Transportation Capital Outlay Buildings - City Hall masonary tuck point repair		$ 35,000		$ 35,000			$ -	$ 35,000	0%	Flues and chimneys on City Hall roof have not been addressed for many years.
977-57 Streets & Transportation Capital Outlay Buildings - Maintenance office air conditioner		$ 7,000		$ 7,000			$ -	$ 7,000	0%	The current window unit does not keep up with the heat.
977-57 Streets & Transportation Capital Outlay Buildings - New maintenance equipment building		$ 150,000		$ 150,000			$ -	$ 150,000	0%	Current building is maxed out on space.
977-57 Streets & Transportation Capital Outlay Buildings - New/repair maintenance yard		$ 80,000		$ 80,000			$ -	$ 80,000	0%	Maintenance yard study. Current maintence yard is in poor condition and needs replaced or renovated. This is a placeholder to get this project going.
977-57 Streets & Transportation Capital Outlay Buildings - Rouss Hall roof repair				$ -			$ -	$ -		Rouss Hall roof is rusted. A low odor roof coating will protect the roof for another 10 years.
977-58 Streets & Transportation Capital Outlay Other Improvements - Paving Path from bridge to road by the skate park		$ 5,000		$ 5,000			$ -	$ 5,000	0%	Connect the existing path on one side of the bridge to the other side.
977-58 Streets & Transportation Capital Outlay Other Improvements - Happy Retreat & Stake Park Bridge		$ 100,000		$ 100,000			$ -	$ 100,000	0%	
977-58 Streets & Transportation Capital Outlay Other Improvements - ADA sidewalks & stormwater drain for Lawrence/Congress		$ 60,000		$ 60,000			$ -	$ 60,000	0%	Stormwater repair and ADA sidewalks for the Lawrence & Congress intersection. Expected grant funding from State Carbon Reduction Funding.
977-58 Streets & Transportation Capital Outlay Other Improvements -West End connector				$ -			$ -	$ -		Design and fund construction documents of Mordington Ave sidewalk from S George St to S West St. - pending grant.
977-58 Streets & Transportation Capital Outlay Other Improvements - Flower planters	$ 5,000	$ 5,000		$ 5,000			$ -	$ 5,000	0%	2 year plan to install flower planters on Washington Street.
977-58 Streets & Transportation Capital Outlay Other Improvements - Potter's Field		$ 115,000		$ 115,000		$ 12,928	$ 12,928	$ 102,072	11%	Installation of Interpretative signs, fencing, monument and landscaping.
977-59 Streets & Transportation Capital Outlay Equipment - Bucket Truck	$ 153,000	$ 37,000		$ 37,000			$ -	$ 37,000	0%	Current bucket truck cannot safely reach the required heights for maintenance tasks. The cost of a new truck is approximately $170,000. The truck will be ordered in FY25 and received in FY26. This also includes a $20,000 allowance for purchase of Ranson's used truck to use in the interim. Epected expenditures in FY25 will be $20,000 used truck and $17,000 deposit for new truck. Leaving a FY26 encumberance of $153,000.
977-59 Streets & Transportation Capital Outlay Equipment - Street line striper		$ 5,000		$ 5,000			$ -	$ 5,000	0%	Current striper constantly needs repaired.
977-59 Streets & Transportation Capital Outlay Equipment - Utility Vehicle		$ 25,000		$ 25,000		$ 20,776	$ 20,776	$ 4,224	83%	Beneficial for events and watering flowers.
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Basic Stormwater Improvements			$ -	$ -			$ -	$ -		ACKNOWLEDGED IMPROVEMENT LOCATIONS - Install new sidewalk drain in 200 block of W. Washington (design completed - SW project); design improvements for 100 block of Shutter St; 400 block of S. Samuel, and culvert at 4th and Hunter
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Charles Street Flooding			$ -	$ -			$ -	$ -		Engineering costs to determine Charles Street flooding mitigation.
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Green Infrastructure Master Plan		$ 204,000		$ 204,000			$ -	$ 204,000	0%	This funding is a 2 year plan to cover 6 study areas and 3 area reviews each year.
TOTAL STREETS & TRANSPORTATION	**$ 158,000**	**$ 1,053,500**	**$ -**	**$ 1,053,500**	**$ -**	**$ 33,704**	**$ 33,704**	**$ 1,019,796**	**3%**	

EXPENDITURES	*ENCUMBERED*	*COUNCIL APPROVED*	*REV 1 PROPOSAL*	*FY 2025 CURRENT BUDGET*	*JULY 2024*	*AUGUST 2024*	*FY 2025 YTD ACTUAL*	*FY 2025 BUDGET BALANCE*	*% OVER/UNDER BUDGET*	*NOTES*
979 CULTURE & RECREATION										
979-56 Culture & Recreation Land - Depot Park Land Acquisition		$ 500,000	$ -	$ 500,000			$ -	$ 500,000	0%	Place holder for possible land acquisition from APUS for the Depot Park initiative.
979-58 Culture & Recreation Other Improvements - Evitts Run Park Security Boundary		$ 13,500	$ -	$ 13,500			$ -	$ 13,500	0%	Install perimeter fence along Evitts Run to improve lack of security of City asset and protect park users.
979-58 Culture & Recreation Other Improvements - Happy Retreat Ash Tree removal				$ -			$ -	$ -		These trees are a safety hazzard.
979-58 Culture & Recreation Other Improvements - JMP Basketball Courts & Evits Run Resurfacing, Evits Run basketball court fence replacement, & 4 basketball hoops		$ 60,000		$ 60,000			$ -	$ 60,000	0%	
979-58 Culture & Recreation Other Improvements - Safety Lighting		$ 10,000		$ 10,000			$ -	$ 10,000	0%	
979-58 Culture & Recreation Other Improvements - JMP Tennis Court ground penetrating radar		$ 20,000		$ 20,000			$ -	$ 20,000	0%	
979-58 Culture & Recreation Other Improvements - Skate Park			$ -	$ -			$ -	$ -		Purchase and installation of mobile pump track. Finance Committee recommends including in CIP plan.
979-58 Culture & Recreation Other Improvements - Skate Park Mural and benches		$ 40,000		$ 40,000			$ -	$ 40,000	0%	
979-58 Culture & Recreation Other Improvements - Arts & Culture - Historical Signs		$ 20,000		$ 20,000			$ -	$ 20,000	0%	Finance Committee recommends including in CIP plan.
979-58 Culture & Recreation Other Improvements - Wayfinding signage - 3-year program	$ 100,000	$ 97,400	$ -	$ 97,400			$ -	$ 97,400	0%	CDD REQUEST $100K for wayfinding signage implementation phase 1 cost (3 years of phases) (request related to 2023 CTNOW ARPA Request)
979-59 Culture & Recreation Equipment - JMP Slide		$ 14,200		$ 14,200			$ -	$ 14,200	0%	
TOTAL CULTURE AND RECREATION	**$ 100,000**	**$ 775,100**	**$ -**	**$ 775,100**	**$ -**	**$ -**	**$ -**	**$ 775,100**	**0%**	
Contingencies		$ 608,608	$ 1,595,400	$ 2,204,008			$ -	$ 2,204,008	0%	
Encumberances for Subsequent Years		$ 4,777,277	$ (1,601,000)	$ 3,176,277			$ -	$ 3,176,277	0%	Grant related projects FY2026 estimated at $4,419,277 less expected grant funding + $358,000 multi-year non grant related capital projects.
Transfer to Grant Projects		$ 1,437,292		$ 1,437,292			$ -	$ 1,437,292	0%	
TOTAL EXPENSES	**$ 358,000**	**$ 9,605,667**	**$ -**	**$ 9,605,667**	**$ -**	**$ 202,041**	**$ 202,041**	**$ 9,403,626**	**2%**	
REVENUES OVER EXPENSES		**$ -**	**$ -**	**$ -**	**$ 4,912,488**	**$ (201,093)**	**$ 4,711,395**	**$ (4,711,395)**		

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1064: Briefing Article 741 Municipal License Tax

ATTACHMENTS:
- Article 741 Municipal License Tax.pdf

ARTICLE 741

Municipal License Tax

741.01 Legislative findings; purpose.
741.02 Definitions.
741.03 Payment and term of license.
741.04 Fees to constitute debts due the City.
741.05 Applicability; non-transferability.
741.06 Effect of imposition of license tax.
741.07 Acts prohibited.
741.08 Effect of license.
741.09 Duties and powers of City Treasurer.
741.10 License fees cumulative.
741.11 Change in name or partners.
741.12 Other taxes.
741.13 Display of certificate.
741.14 Fees for owning and operating coin-operated amusement devices or vending machines.
741.15 Laundries and car washes.
741.16 Circus, carnivals and other public shows.
741.17 Trading stamps.
741.18 Fortunetellers.
741.185 Hawkers and peddlers.
741.19 Junk dealers or their agents.
741.20 Pawnbrokers.
741.21 Theaters and public shows.
741.22 Collection agencies.
741.23 Employment agencies.
741.24 Billiard, pool, bowling alleys and bagatelle tables.
741.25 Stores.
741.26 Fees for certain trades, professions, or occupations.
741.265 Contractors.
741.27 Hearing aid fitters.
741.28 Dental corporations.
741.29 Funeral establishments.
741.30 Medical corporations.
741.31 Nursing homes and personal care homes.
741.32 Hospitals.
741.33 Hotels, motels and boarding houses.
741.34 Restaurants.
741.35 Barber and beautician schools.
741.36 Insurers.
741.37 Construction; severability.
741.38 False statements prohibited.
741.39 Prosecution; injunctions.
741.40 Effective date.
741.41 Registration of non-licensed businesses.
741.99 Penalty.

CROSS REFERENCES

Taxation powers - see W. Va. Code 8-13-1 et seq.
License taxes generally - see W. Va. Code 8-13-4; 11-12-4

741.01 LEGISLATIVE FINDINGS; PURPOSE.

Council hereby finds that in order to provide essential Municipal services, City revenue needs require the imposition of the following license taxes upon the businesses and commercial ventures listed in this article.

741.02 DEFINITIONS.

(a) Except where otherwise defined in this article, businesses, occupations, trades, commercial ventures and terms of art used in Sections 741.14 through 741.27 have those meanings given them in the West Virginia Code, as amended and in force on January 1, 1970.

(b) Except as otherwise defined in this article, terms, phrases, occupations, trades, commercial ventures and terms of art used in sections of this article other than those referred to in subsection (a) hereof shall have the meaning given to them in the West Virginia Code, as amended and currently in force and, when there is more than one such meaning, they shall have the meaning given in the sections of the West Virginia Code imposing any State license tax correlative to the City's license tax.

(c) "Fee" and "tax" may be used interchangeably to refer to the charges imposed under this article.

(d) "Person" includes, wherever the context will permit, not only natural persons, but all other legal entities such as partnerships, corporations, business trusts and the like.

741.03 PAYMENT AND TERM OF LICENSE.

Except as otherwise specified in this article, the entirety of any license fee designated as an annual fee shall be billed on or about June 1 in each year, and shall be paid within thirty days of the bill being sent. All annual licenses provided for by this article shall be issued for a term of one year beginning on July 1 and ending on the next succeeding June 30. Biennial licenses shall be issued for a term of two years, commencing on July 1 and ending on June 30 two years after the initial license date. Where licenses of other periods are authorized by this article, they shall be of such duration, and shall begin and end on such dates, as the City Treasurer may provide; but the City Treasurer shall select such dates as State law requires, if any, for any correlative State licenses, certificates or permits.

741.04 FEES TO CONSTITUTE DEBTS DUE THE CITY.

The fees provided for in this article shall constitute debts due to the City and may be collected by the City Treasurer by an appropriate action in either the circuit courts or magistrate courts of West Virginia.

741.05 APPLICABILITY; NONTRANSFERABILITY.

Except where otherwise expressly provided herein, the fees provided for herein apply to any person undertaking the herein described activities, trades or professions for any part, no matter how small, of a given time period in which the fee is imposed. Except where otherwise expressly provided herein, the licenses provided for in this article are not transferable; that is, the payment by one person of a license fee provided for in this article shall not exempt or excuse a purchaser from, a successor to, or assignee of, any such person from the payment of the prescribed fee for the maintenance or possession of a particular license for the conduct of a particular activity. The licenses provided for herein are nontransferable personal privileges. The fees provided for in this article apply only to persons engaging in the specified acts, having the specified ownership, or carrying on the specified operation or conduct of a trade or business where the foregoing are located within the geographic limits of the City.

741.06 EFFECT OF IMPOSITION OF LICENSE TAX.

In every case where this article imposes a license tax or fee, it shall be deemed that a license is required to perform the activity at each location within the City and that a license can and must be issued by the City Treasurer with respect to that activity at each location within the City, but only upon payment of the requisite fee and completion of the requisite application. The imposition of a license tax by this article shall mean that the payment of the tax is a prerequisite to the lawful conduct of the activity upon which the tax is imposed, at each location within the City.

741.07 ACTS PROHIBITED.

Whenever a license tax is imposed by this article, no person shall engage in the activity or occupation upon which the fee is levied, nor own or operate any device upon which the fee is levied, without first paying the tax and acquiring the license provided for under this article.

741.08 EFFECT OF LICENSE.

In any case in which a license is required by this article, the issuance of the license shall be deemed a prerequisite to the lawful conduct of the activity for which the license is required. Issuance of any license under this article shall not, however, make valid or legal any act not otherwise valid or legal or not otherwise authorized by other provisions of law. Nothing in this article shall authorize any act, activity or ownership not otherwise lawful.

741.09 DUTIES AND POWERS OF CITY TREASURER.

The City Treasurer shall have the power to prepare application forms for any licenses required under this article. The application may contain questions on or blanks for any information reasonably deemed necessary by the City Treasurer. The City Treasurer is expressly authorized to require applicants to have, and to provide evidence of, a valid and existing West Virginia Business Franchise Registration Certificate. Proper completion of an application is a condition precedent to the City Treasurer having any duty to issue a license. Upon proper completion of a license application and payment of the requisite fee, the City Treasurer shall issue the requested license to the applicant. The form of the license and information thereon shall be such as the City Treasurer may reasonably prescribe. The City Treasurer, or his designated agent, shall have the power to examine activities and locations of each business to determine compliance with this article.

741.10 LICENSE FEES CUMULATIVE.

The license fees imposed in this article are cumulative and the imposition of any one fee does not preclude the imposition of other fees upon any one individual or entity. The fees imposed by this article are imposed for engaging in certain trades or activities, or for the use or possession of certain devices. The pursuit of a particular trade or activity, or the ownership or use of a particular device, shall not excuse a person or entity from the requirement for a license and payment of a license fee for each such activity or device for which, if engaged in or possessed singly, a license requirement and license fee would be imposed.

741.11 CHANGE IN NAME OR PARTNERS.

A change in the name under which a person does business shall not require the person to seek, any new license for any activity licensed under a prior name; nor shall the withdrawal or addition of partners to a partnership require the partnership to obtain a new license, provided that the partnership always retains at least one partner who was a member of the firm at the time the license was granted.

741.12 OTHER TAXES.

The City Treasurer may refuse to issue any license required by this article to any person, firm or corporation delinquent in the payment of any tax or fee due the City under any ordinance or tariff until such delinquent tax or fee is paid.

741.13 DISPLAY OF CERTIFICATE.

The licenses provided for in this article shall be evidenced by license certificates. The holder of a license shall display the license certificate in a prominent place at or near the location of the licensed activity or device, and shall make the license certificate available for inspection by City police, the City Treasurer or his designated agent.

741.14 FEES FOR OWNING AND OPERATING COIN-OPERATED AMUSEMENT DEVICES OR VENDING MACHINES.

(a) Persons owning and operating coin-operated merchandise, service, amusement or music devices or vending machines shall obtain annual licenses and pay the fees prescribed in this section.

(b) The liability for the license to operate any type of coin-operated merchandise, service, amusement or music devices or vending machines shall be upon the owner of the machine. The ownership shall be established by either a bill of sale, paid invoice or a

conditional sales contract which has been recorded in the applicable county clerk's office. The leasing of such a machine shall not be considered as a transfer of ownership of the machine and where a lessor-lessee relationship exists, the lessor shall be liable for the applicable license and fees.

(c) The annual license fee to own and operate a coin-operated baggage or parcel checking machine or device which is used for the storage of baggage or parcels of any character shall be fifty cents ($0.50) for each section of any such device which is operated on the coin-in-the-slot principle.

(d) The annual license fee to own and operate any coin-operated toilet locker or device, sanitary napkin device or bed vibrator device shall be fifty cents ($0.50) for every such locker or device.

(e) The annual license fee to own and operate any coin-operated amusement or music devices, shall be a follows:

(1) Where a person owns fewer than twenty such devices, the fee for each device is:

For one-cent devices	$ 2.00
For five-cent devices	5.00
For ten-cent devices	10.00
For devices requiring more than ten cents	12.50

(2) Where a person owns and operates twenty or more such devices, the aggregate fee to the owner is:

For one-cent devices	$ 50.00
For five-cent devices	100.00
For ten-cent devices	150.00
For devices requiring more than ten cents	250.00

The operator of more than one type of device shall pay the highest fee prescribed.

(3) Any device taking more than one denomination of coin shall be licensed on the basis of the largest denomination of coin taken or the total of coins necessary to make the device function.

(f) The annual license fee to own and operate coin-operated merchandise or service devices shall be as follows:

(1) Where a person owns and operates fewer than twenty such devices, the fee for each device is:

For one-cent devices	$2.00
For five-cent devices	5.00
For ten-cent devices	10.00
For devices requiring more than ten cents	12.50

(2) Where a person owns and operates twenty or more such devices, the aggregate annual fee to the owner is:

For one-cent devices	$50.00
For five-cent devices	100.00
For ten-cent devices	150.00
For devices requiring more than ten cents	250.00

The operator of more than one type of device shall pay the highest fee prescribed.

(3) Any device taking more than one denomination of coin shall be licensed on the basis of the largest denomination of coin taken or the total of coins necessary to make the device function.

(g) No license fee shall be required of stores or businesses owning and operating machines or devices described in this section and owned by them in their own licensed stores. Provided however, that where the principal business is the operation of the machines or devices, then the licenses shall be obtained as outlined above.

(h) The provisions of this section shall not be applicable to any pay telephone, postage stamp vending machines or currency changing machines operated on the coin-in-the-slot principle.

741.15 LAUNDRIES AND CAR WASHES.

Laundries and car washes shall be required to pay an annual license fee as follows:

1-5 devices	$15.00
6-9 devices	3.00 each
10 or more devices	30.00

741.16 CIRCUS, CARNIVALS AND OTHER PUBLIC SHOWS.

(a) The license to exhibit a circus or menagerie, a circus and menagerie combined, wild west show, or other itinerant show not exhibited in a theater, opera house or other permanent place for public shows, shall be based upon the number of railroad cars or motor trucks used to transport the property or equipment of such shows, but not including railroad cars or motor trucks used to transport the personnel thereof.

(b) If railroad cars are used the fee shall be four dollars ($4.00) for each car for each day on which any performance is given; if motor trucks are used the fee shall be three dollars ($3.00) for each truck for each day on which any performance is given.

(c) The license fee to exhibit a street or other carnival shall be five dollars ($5.00) a week for each entertainment, performance or exhibition given at or in the vicinity of any such carnival. Each such entertainment, performance or exhibition shall require a separate license, whether or not shown under the same canvas and whether or not exhibited for additional compensation; and upon any such entertainment, performance or exhibition being concluded, so that an additional fee for admission is charged, an additional license fee shall be required for any further or additional entertainment, performance or exhibition. To operate any riding device of any kind at or in the vicinity of any street or carnival show, the fee shall be ten dollars ($10.00) per week for each such device.

(d) To keep or maintain any concession stand selling service, goods, wares or merchandise, such as food, soft drinks, ice cream, candy floss and the like, at or in the vicinity of such street or carnival show, the fee shall be one dollar ($1.00) a week for each such concession. To maintain any concession stand such as ball games, bingo, cane rack, penny pitch-till-you-win, striking machine, weighing machine, shooting gallery, artful dodger, bumper, fish pond, dart game or other legitimate games of skill, none of which shall be controlled by the operator, at or in the vicinity of any street or carnival show, the license fee shall be five dollars ($5.00) a week for each such concession. To operate or maintain a candy wheel or any legitimate merchandise wheels, when operated without control of the operator, the license fee shall be twenty-five dollars ($25.00) a day.

(e) The provisions of this section shall not apply to any educational, literary, dramatic, musical or benevolent society, or volunteer fire companies, not conducted for private profit, where such exhibitions are confined to one county, unless professional or paid talent, other than director, is employed in such exhibitions.

741.17 TRADING STAMPS.

The annual license fee to sell or offer for sale merchants' trading stamps, premium stamps or certificates of like nature, or to undertake to redeem such stamps or certificates in money or goods, shall be fifty dollars ($50.00). Provided, however, that this section shall not apply to any coupon or similar device issued and redeemed by a manufacturer or packer.

741.18 FORTUNETELLERS.

The annual license fee to act as a fortuneteller, palmist, phrenologist, spiritualist, medium, clairvoyant, mindreader or any other person who performs the art or profession of telling the past or forecasting the future shall be two hundred dollars ($200.00).

741.185 HAWKERS AND PEDDLERS.

For every license to act as a hawker or peddler, if the party travels on foot without a vehicle, the annual fee shall be fifteen dollars ($15.00), and if with one or more vehicles of any kind, the annual fee shall be fifty dollars ($50.00).
(1955 Code Sec. 15-63.)

741.19 JUNK DEALERS OR THEIR AGENTS.

(a) Definitions.

(1) "Junk" as used in this section, means old or scrap gold, copper, brass, rope, rags, batteries, paper, rubber, automobile parts, iron, steel and other old scrap ferrous or nonferrous metals.

(2) "Junk dealers" includes all persons engaged in the business of buying or selling junk as defined in subsection (a)(1) hereof.

(3) "Junk dealer's agents" includes all persons who buy or sell junk as defined in subsection (a)(1) hereof for or on behalf of a junk dealer, as defined in subsection (a)(2) hereof, but the term "junk dealer's agent" shall not be construed to include any person regularly employed upon a salary by a regularly licensed junk dealer engaged in such business within the State.

(4) "Itinerant junk collector" includes only such persons who gather junk from place to place with the aid of a cart or vehicle hand drawn or propelled, who have no fixed place of business.

(5) "Nonresident junk dealer" or "nonresident junk dealer's agent" includes all persons who act as junk dealers or junk dealer's agents who are nonresidents of the State and all firms so engaged whose members are nonresidents of the State and all corporations which have not been admitted to hold property and transact business in the State.

(b) Fees. The annual license fee to act as a resident junk dealer shall be twenty-five dollars ($25.00); to act as a junk dealer's agent, ten dollars ($10.00); to act as a nonresident junk dealer or his agent who buys or solicits for the purchase of junk within the State, one hundred fifty dollars ($150.00); to act as an itinerant junk collector, ten dollars ($10.00).
(A.O., Passed 6-20-94)

741.20 PAWNBROKERS.

The annual license fee to engage in the business of pawnbroker shall be one hundred dollars ($100.00). "Pawnbroker" includes any person, firm, partnership, association or corporation engaged in the business of lending money on deposit or pledge of personal property or other valuable thing, other than securities or printed evidence of indebtedness, or in the business of purchasing personal property, such as articles made of or containing gold, silver, platinum or other precious metals or jewels of any description for the purpose of reducing or smelting them into any form different from their condition or construction when purchased and reselling or marketing the product.

741.21 THEATERS AND PUBLIC SHOWS.

The license fee for the operation of a theater, opera house or other permanent place for public shows shall be forty dollars ($40.00).

741.22 COLLECTION AGENCIES.

The annual license fee to engage in the business of a collection agency shall be twenty-five dollars ($25.00). For the purposes of this section, solicitation by or through an agent shall be considered to be engaging the business of a collection agency.

741.23 EMPLOYMENT AGENCIES.

The annual license fee to conduct the business of an employment agent, to receive applications for employment, to hire or contract with persons for employment shall be twenty-five dollars ($25.00).

741.24 BILLIARD, POOL, BOWLING ALLEYS AND BAGATELLE TABLES.

The annual license fee to keep or maintain a bowling alley, a billiard, pool or bagatelle table, or table of like kind, for public use, where any charge is made for the use of the same, shall be twenty-five dollars ($25.00); but if more than one of such alleys or tables be kept or maintained in the same building by the same person, the fee shall be fifteen dollars ($15.00) for each additional one.

741.25 STORES.

(a) As used in this section:

(1) "General store" means any store or stores or any mercantile establishment in which goods, wares or merchandise of any kind are purchased, ordered, sold or offered for sale either at retail or wholesale;

(2) "Person" includes any group or combination acting as a unit, individual, committee, guardian, trustee, executor, administrator, partnership, co-partnership, joint adventure, association, trust, firm or corporation, either domestic or foreign, which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management; and

(3) "Special store" means any store or stores or any mercantile establishment or establishments, in which goods, wares or merchandise of any kind except cigarettes, tobacco products and soft drinks are purchased, ordered, sold or offered for sale, either at retail or wholesale, and which contains no coin-operated device or devices, owned and operated by the store proprietor. (Passed 6-20-94.)

(b) General Stores. Every person establishing, operating or maintaining one or more general stores within the City shall pay annual license taxes as follows:

1 to 5 stores	$15.00 each
6 to 10 stores	40.00 each additional store
11 to 15 stores	80.00 each additional store

(c) Special Stores. Every person establishing, operating or maintaining one or more special stores within the City shall pay annual license taxes as follows:

1 to 5 stores	$5.00 each
6 to 10 stores	20.00 each additional store
11 to 15 stores	40.00 each additional store

(Ord. 97-003. Passed 4-21-97.)

741.26 FEES FOR CERTAIN TRADES, PROFESSIONS OR OCCUPATIONS.

(a) Unless otherwise indicated below, there shall be a license tax imposed, on an annual basis, upon each person practicing in the following trades, professions or occupations within the City. The fees shall be in the amounts listed below, and shall enable the payor to purchase a license to engage in the trade, profession or occupation for one year unless some other fee period is indicated, in which case the fee will purchase a license for that period.

(1) For architects, a fee of twenty-five dollars ($25.00);
(2) For attorneys, a fee of five dollars ($5.00);
(3) For auctioneers, a fee of fifteen dollars ($15.00);
(4) For barbers, beauticians and manicurists, a fee of fifteen dollars ($15.00);
(5) For chiropractors, a fee of twenty-five dollars ($25.00);
(6) For dentists, a fee of twenty dollars ($20.00);
(7) For embalmers, a fee of fifteen dollars ($15.00);
(8) For engineers, a fee of twenty-five dollars ($25.00);
(9) For foresters, a fee of five dollars ($5.00);
(10) For funeral directors, a fee of one dollar ($1.00);
(11) For landscape architects, a fee of twenty-five dollars ($25.00)
(12) For land surveyors, a fee of twenty dollars ($20.00);
(13) For insurance brokers, a fee of ten dollars ($10.00);
(14) For midwives, a fee of ten dollars ($10.00);
(15) For nursing home administrators, a fee of twenty-five dollars ($25.00);
(16) For occupational therapists, a fee of five dollars ($5.00);
(17) For osteopathic physicians and surgeons, a fee of ten dollars ($10.00);
(18) For physical therapists, a fee of twenty-five dollars ($25.00);
(19) For physicians, surgeons and podiatrists, a biennial fee of fifty dollars ($50.00);
(20) For practical nurses, a fee of five dollars ($5.00);
(21) For private detectives and investigators, a fee of twenty-five dollars ($25.00);
(22) For psychologists, a biennial fee of thirty dollars ($30.00);
(23) For radiologic technologists, a fee of twenty dollars ($20.00);
(24) For real estate brokers, a fee of twenty-five dollars ($25.00);
(25) For real estate salesmen, a fee of ten dollars ($10.00);
(26) For registered professional nurses, a fee of five dollars ($5.00);
(27) For social workers, a fee of five dollars ($5.00);
(28) For veterinarians, an annual fee of five dollars ($5.00).

(A.O., Passed 6-20-94)

741.265 CONTRACTORS.

Any person engaged in the following contracting activity shall be required to pay an annual license fee of fifteen dollars ($15.00):

(a) Building and general contracting and similar construction building,
(b) Plumbing, heating and air conditioning,
(c) Heating and air conditioning,
(d) Electrical contracting,
(e) Brick, concrete or stone construction (or in all of such contracting work),
(f) Painting or papering or both,

(g) Carpentry contracting alone,
(h) Work of insulating,
(i) Plastering,
(j) Excavating and heavy hauling in connection therewith (or in either thereof),
(k) Road and street building, or surfacing of roads and streets.
(Ord. 97-003. Passed 4-21-97.)

741.27 HEARING AID FITTERS.
Any person (natural or artificial) engaged in the practice of dealing in or fitting hearing aids shall be required to pay an annual license fee of twenty-five dollars ($25.00).

741.28 DENTAL CORPORATIONS.
An annual license fee of fifty dollars ($50.00) is imposed on each dental corporation for the privilege of doing business.

741.29 FUNERAL ESTABLISHMENTS.
An annual license fee of fifty dollars ($50.00) is hereby imposed upon each funeral establishment doing business within the City.

741.30 MEDICAL CORPORATIONS.
An annual license fee of fifty dollars ($50.00) is hereby imposed upon each medical corporation doing business within the City.

741.31 NURSING HOMES AND PERSONAL CARE HOMES.
Upon nursing homes, there is imposed a license fee equal to four dollars ($4.00) for each patient bed; upon personal care homes, there is imposed a license fee equal to two dollars ($2.00) per bed.

741.32 HOSPITALS.
Upon each hospital there is imposed an annual license fee in an amount varying in accord with the following table:
(a) For hospitals with 4-49 beds, a fee of twenty dollars ($20.00);
(b) For hospitals with 50-99 beds, a fee of thirty dollars ($30.00);
(c) For hospitals with 100-199 beds, a fee of forty dollars ($40.00);
(d) For hospitals with 200 or more beds, a fee of fifty dollars ($50.00).

741.33 HOTELS, MOTELS AND BOARDING HOUSES.
Upon every hotel, motel and boarding house, there is imposed an annual license fee of two dollars ($2.00) and for each bedroom in excess of seven, twenty-five cents ($.25) each up to ten dollars ($10.00).

741.34 RESTAURANTS.
Upon every restaurant doing business within the City there is imposed an annual license fee of two dollars ($2.00) and for each five chairs or five spaces where people are fed in excess of ten, twenty-five cents ($.25) up to ten dollars ($10.00).

741.35 BARBER AND BEAUTICIAN SCHOOLS.
Upon every barber and beautician school there is imposed an annual fee of two hundred fifty dollars ($250.00).

741.36 INSURERS.
Upon every corporation or entity acting as an insurer, there is imposed an annual license fee of fifty dollars ($50.00).

741.37 CONSTRUCTION; SEVERABILITY.
The provisions of this article shall be construed so as to make them consistent with State law and consistent with the correlative statutes providing for State licensing fees. If any section or sections of this article shall, even when so construed, be found to be in violation of the laws or constitutions of the State or the United States, or shall be found to be an attempted exercise of power not granted to the City, the resulting invalidity of that section or those sections shall not mean the remaining sections of this article shall not be enforced. It is the intent of Council that each license tax imposed herein should be imposed, even if other license taxes provided for herein could not have been imposed.

741.38 FALSE STATEMENTS PROHIBITED.
No person shall knowingly make any false statement in any application for a City license provided for in this article, or in any report or other statement relating to any activity licensed by the City and which is required to be made to any City officer or agency.

741.39 PROSECUTION; INJUNCTIONS.
If any person engages in or prosecutes any business, activity, trade or employment contrary to any of the provisions of this Code, whether without first obtaining a license therefor or by continuing the same after the termination of the effective period of such license, or by any violation of the terms and conditions of such license, he shall be subject to immediate prosecution in the Municipal Court and, in addition, the City Attorney may, in the name of the City, seek such injunctive relief as may be appropriate in any court of competent jurisdiction.

741.40 EFFECTIVE DATE.
This article shall take effect upon passage of the Codified Ordinances.

741.41 REGISTRATION OF NONLICENSED BUSINESSES.
Any person undertaking any other business activity not licensed under this article shall be required annually to make application to and to register with, the City Treasurer on such forms as he shall prescribe, in order to establish compliance with Article 745.
(Ord. 97-003. Passed 4-21-97.)

741.99 PENALTY.
(a) Whoever engages in any activity contrary to the provisions of this article, whether without obtaining a license required therefor before commencing the same or by continuing the same after the termination of the effective period of any such license, shall, in addition to paying the license tax, be subject to a penalty of fifty dollars ($50.00) for each month or fraction thereof during which he has been in default of the license tax. It shall be the duty of the City Treasurer to collect the full amount of the license tax and penalty imposed. Any

waiver of the penalty herein provided for shall have the approval of City Council.

(b) In addition to the foregoing and except as may herein be otherwise expressly provided, whoever violates any provision under this article during any one twelve month period shall be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), and whoever shall commit multiple violations of this article during more than one twelve month period, whether or not said periods shall be consecutive 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 thirty days or both. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

(c) 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 application 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.

(Ord. 97-003. Passed 4-21-97.)

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

AGENDA ITEM (ID #)

2024-1065: Pay Out of Sick Leave and Sick Leave Donation Policy

ATTACHMENTS:

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

Meeting: 10/21/24
Department: City Council - REVISED
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1075: Payment of Bills - October 21, 2024

ATTACHMENTS:

- BUILDING COMM COUNCIL REPORT 2024 10 18.pdf
- CAPITAL RESERVE COUNCIL REPORT 2024 10 18.pdf
- Council report 2024 10 18.pdf
- GENERAL FUND COUNCIL REPORT 2024 10 18.pdf
- PARKS N REC COUNCIL REPORT 2024 10 18.pdf
- PCARD COUNCIL REPORT 2024 10 18.pdf
- SALES TAX COUNCIL REPORT 2024 10 18.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
FRONTIER , INC	10/18/24	9/25-10/24 ROUSS ELEVATOR	BUILDING COMMISSIO	ROUSS HALL	110.88
				TOTAL:	110.88

========== FUND TOTALS ==========

400	BUILDING COMMISSION	110.88
	GRAND TOTAL:	110.88

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

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: 10/18/2024 THRU 10/18/2024

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
SHERWIN - WILLIAMS	10/18/24	PAINT FOR SKATE PARK MURAL	CAPITAL RESERVE	CULTURE & RECREATION	90.86
				TOTAL:	90.86
TOP GUN SEALCOATING	10/18/24	EVITTS&JMP BB FENCE & SEAL	CAPITAL RESERVE	CULTURE & RECREATION	48,740.00
				TOTAL:	48,740.00

========== FUND TOTALS ==========

200	CAPITAL RESERVE	48,830.86
	GRAND TOTAL:	48,830.86

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: 10/18/2024 THRU 10/18/2024

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
CITY OF CT CAPITAL RESERVE	10/18/24	XFR OF ARPA INTEREST	AMERICAN RESCUE PL TRANSFERS		8,956.34
				TOTAL:	8,956.34

========== FUND TOTALS ==========

073	AMERICAN RESCUE PLAN ACT	8,956.34
	GRAND TOTAL:	8,956.34

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: ARPA
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: 10/18/2024 THRU 10/18/2024

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
CINTAS	10/18/24	3/1/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	205.63
	10/18/24	8/2/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
	10/18/24	8/9/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
	10/18/24	8/16/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
	10/18/24	8/23/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
	10/18/24	8/30/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
	10/18/24	9/06/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
	10/18/24	9/13/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
	10/18/24	9/20/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
	10/18/24	9/27/24 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	250.29
				TOTAL:	2,458.24
CITY OF CHARLES TOWN BOARD OF PARKS AN	10/18/24	XFR PER FY25GEN FUND BDGT	GENERAL FUND	TRANSFERS	20,000.00
				TOTAL:	20,000.00
CITY OF CHARLES TOWN -- CAPITAL RESERV	10/18/24	MAY2024 REPAVING	GENERAL FUND	TRANSFERS	13,334.58
	10/18/24	JUNE2024 REPAVING	GENERAL FUND	TRANSFERS	12,687.30
	10/18/24	JULY2024 REPAVING	GENERAL FUND	TRANSFERS	14,123.69
	10/18/24	AUG2024 REPAVING	GENERAL FUND	TRANSFERS	13,726.27
				TOTAL:	53,871.84
CITY OF CHARLES TOWN GENERAL FUND	10/18/24	XFR FY25 1ST QTR SALE TAX	SALES TAX	INVALID DEPARTMENT	250,000.00
				TOTAL:	250,000.00
CITY OF CT CAPITAL RESERVE	10/18/24	SEPT24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	65,724.93
	10/18/24	AUG24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	21,522.94
	10/18/24	AUG24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	20.96
	10/18/24	AUG24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	1,239.56
	10/18/24	JULY24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	17,010.55
	10/18/24	JULY24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	25.47
	10/18/24	JULY24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	1,282.00
	10/18/24	JUNE24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	19,725.77
	10/18/24	JUNE24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	15.56
	10/18/24	JUNE24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	20,838.72
	10/18/24	JUNE24 GAMING/LOTTERY XFR	GENERAL FUND	TRANSFERS	1,237.80
	10/18/24	XFR OF ARPA INTEREST	AMERICAN RESCUE PL	TRANSFERS	8,956.34
				TOTAL:	157,600.60
COMCAST CORPORATION	10/18/24	10/9-11/8 CH INTERNET SER	GENERAL FUND	CITY HALL	297.86
	10/18/24	10/3-11/2 PD INTERNET SER	GENERAL FUND	POLICE DEPARTMENT	305.35
				TOTAL:	603.21
CREAMERS AUTO SERVICE CENTER, LLC	10/18/24	CAR#26 MAINTNANCE	GENERAL FUND	POLICE DEPARTMENT	19.95
	10/18/24	CAR#26 MAINTNANCE	GENERAL FUND	POLICE DEPARTMENT	69.00
	10/18/24	CAR#26 MAINTNANCE	GENERAL FUND	POLICE DEPARTMENT	23.82

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GRIFFITH ENERGY SERVICES, INC	10/18/24	10/1/24 CH OIL DELIVERY	GENERAL FUND	CITY HALL	645.65
				TOTAL:	645.65
KONE INC.	10/18/24	CH ELEVATOR SER10/24-9/25	GENERAL FUND	STREETS & HIGHWAYS	1,155.60
				TOTAL:	1,155.60
KONICA MINOLTA BUSINESS SOLUTIONS	10/18/24	WEBEX SERV 10/1-10/31/24	GENERAL FUND	CITY HALL	392.59
	10/18/24	WEBEX SERV 10/1-10/31/24	GENERAL FUND	POLICE DEPARTMENT	478.18
				TOTAL:	870.77
MILLENIUM INSURANCE GROUP INC	10/18/24	NOV24INSURANCE BROKER FEE	GENERAL FUND	CITY HALL	1,800.00
				TOTAL:	1,800.00
PEIA	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	NON-DEPARTMENTAL	4,374.10
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	NON-DEPARTMENTAL	115.70
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	NON-DEPARTMENTAL	127.50
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	ECONOMIC DEVELOPMENT	580.83
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	ECONOMIC DEVELOPMENT	28.90
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	CITY MANAGER'S OFFICE	3.96
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	TREASURER'S OFFICE	2,435.52
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	TREASURER'S OFFICE	86.70
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	CITY CLERK'S OFFICE	1,271.88
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	CITY CLERK'S OFFICE	28.90
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	CITY ATTORNEY	51.98
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	ENFORCEMENT AGENCY	580.83
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	ENFORCEMENT AGENCY	28.90
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	BUILDING INSPECTION	1.98
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	PLANNING & ZONING	1,275.84
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	PLANNING & ZONING	28.90
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	CITY HALL	1,271.88
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	CITY HALL	28.90
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	PARKING	51.98
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	POLICE DEPARTMENT	13,749.54
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	POLICE DEPARTMENT	433.50
	10/18/24	8/24 PEIA INSURANCE PREM	GENERAL FUND	STREETS & HIGHWAYS	1,813.32
	10/18/24	8/24 PEIA RHBT INS PREM	GENERAL FUND	STREETS & HIGHWAYS	57.80
				TOTAL:	28,429.34
POTOMAC EDISON COMPANY, INC.	10/18/24	SEPT24 CTOWN ELECT SERV	GENERAL FUND	CITY HALL	263.16
	10/18/24	SEPT24 CTOWN ELECT SERV	GENERAL FUND	CITY HALL	376.41
	10/18/24	SEPT24 CTOWN ELECT SERV	GENERAL FUND	CITY HALL	172.89
	10/18/24	SEPT24 CTOWN ELECT SERV	GENERAL FUND	CITY HALL	238.46
	10/18/24	SEPT24 CTOWN ELECT SERV	GENERAL FUND	CITY HALL	71.44
	10/18/24	SEPT24 CTOWN ELECT SERV	GENERAL FUND	PARKING	107.60
	10/18/24	PD ELEC SERV 8/31-10/2	GENERAL FUND	POLICE DEPARTMENT	4,845.35

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/18/24	SEPT24 CTOWN ELECT SERV	GENERAL FUND	VISITORS CENTER	267.09
				TOTAL:	16,340.11
SHERWIN - WILLIAMS	10/18/24	A MEEKS OFFICE PAINT	GENERAL FUND	CITY HALL	43.97
	10/18/24	PAINT FOR SKATE PARK MURAL	CAPITAL RESERVE	CULTURE & RECREATION	90.86
	10/18/24	PAINT FOR SKT PRK MURAL	CAPITAL RESERVE	CULTURE & RECREATION	90.86
	10/18/24	PAINR FOR SKATE PARK MURAL	CAPITAL RESERVE	CULTURE & RECREATION	90.86-
				TOTAL:	134.83
JOHN DEERE FINANCIAL	10/18/24	10 BAGS SHREDDED MULCH	GENERAL FUND	STREETS & HIGHWAYS	32.90
				TOTAL:	32.90
STAPLES ADVANTAGE	10/18/24	POST ITS / LABEL MAKER	GENERAL FUND	PLANNING & ZONING	27.45
	10/18/24	POST ITS / LABEL MAKER	GENERAL FUND	CITY HALL	28.74
	10/18/24	BATTERIES& CARD STOCK	GENERAL FUND	CITY HALL	38.20
				TOTAL:	94.39
SUSTAINABLE STRATEGIES DC	10/18/24	9/24 GRANT CONSULTING	GENERAL FUND	CITY HALL	2,400.00
				TOTAL:	2,400.00
THE JOURNAL,MARTINSBURG	10/18/24	CH BI JOB POSTING	GENERAL FUND	BUILDING INSPECTION	1,238.00
				TOTAL:	1,238.00
TOP GUN SEALCOATING	10/18/24	EVITTS&JMP BB FENCE&SEAL	CAPITAL RESERVE	CULTURE & RECREATION	48,740.00
	10/18/24	EVITTS&JMP BB FENCE & SEAL	CAPITAL RESERVE	CULTURE & RECREATION	48,740.00
	10/18/24	EVITTS&JMP BB FENCE&SEALIN	CAPITAL RESERVE	CULTURE & RECREATION	48,740.00-
				TOTAL:	48,740.00
TRAVELERS	10/18/24	COMM AUTO INSUR 8/24-8/24	GENERAL FUND	CITY HALL	964.19
				TOTAL:	964.19

========== FUND TOTALS ==========

001	GENERAL FUND	279,992.88
008	SALES TAX	250,000.00
073	AMERICAN RESCUE PLAN ACT	8,956.34
200	CAPITAL RESERVE	48,830.86
	GRAND TOTAL:	587,780.08

TOTAL PAGES: 3

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT

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: 10/18/2024 THRU 10/18/2024

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
CBP ENTERPRISES	10/18/24	MOWING EVITTS RUN	PARKS & REC	PARKS & REC		720.00
	10/18/24	MOW HAPPY RETREAT	PARKS & REC	PARKS & REC		460.00
	10/18/24	MOW CRAIG HILL TRAIL	PARKS & REC	PARKS & REC		705.00
	10/18/24	MOWING JMP	PARKS & REC	PARKS & REC		1,185.00
	10/18/24	MOW WILLINGHAM KNOLL	PARKS & REC	PARKS & REC		885.00
					TOTAL:	3,955.00
POTOMAC EDISON COMPANY, INC	10/18/24	JMP ELEC SERV SEPT24	PARKS & REC	PARKS & REC		720.03
					TOTAL:	720.03

========== FUND TOTALS ==========

207	PARKS & REC	4,675.03
	GRAND TOTAL:	4,675.03

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

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: 10/18/2024 THRU 10/18/2024

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
7-ELEVEN	10/11/24	CAR#5 FUEL 09/05	GENERAL FUND	POLICE DEPARTMENT	15.58
	10/11/24	CAR#4 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	51.00
	10/11/24	CAR#4 FUEL 09/18	GENERAL FUND	POLICE DEPARTMENT	76.00
	10/11/24	CAR#26 FUEL 08/29	GENERAL FUND	POLICE DEPARTMENT	45.04
	10/11/24	CAR#26 FUEL 09/11	GENERAL FUND	POLICE DEPARTMENT	42.75
	10/11/24	SCAG FUEL	GENERAL FUND	STREETS & HIGHWAYS	25.80
	10/11/24	2016 CHEVY FUEL 09/04	GENERAL FUND	STREETS & HIGHWAYS	115.15
	10/11/24	2016 CHEVY FUEL 09/11	GENERAL FUND	STREETS & HIGHWAYS	85.86
	10/11/24	2016 CHEVY FUEL 09/27	GENERAL FUND	STREETS & HIGHWAYS	108.66
	10/11/24	2016 CHEVY 9/18	GENERAL FUND	STREETS & HIGHWAYS	108.66
				TOTAL:	674.50
AMAZON	10/11/24	RADON DETECTOR	GENERAL FUND	ECONOMIC DEVELOPMENT	158.99
	10/11/24	INK RUBBER STAMPS FINANCE	GENERAL FUND	TREASURER'S OFFICE	23.70
	10/11/24	IRC BOOK FAST TABS	GENERAL FUND	ENFORCEMENT AGENCY	15.95
	10/11/24	CODE ENFO FOLDERS	GENERAL FUND	ENFORCEMENT AGENCY	21.49
	10/11/24	2018 INTL RESID CODE BOOK	GENERAL FUND	ENFORCEMENT AGENCY	155.99
	10/11/24	ROBERTS RULES BOOK J NEWMA	GENERAL FUND	PLANNING & ZONING	13.59
	10/11/24	FILE FOLDERS	GENERAL FUND	CITY HALL	47.25
	10/11/24	PD TAPE TISSUES SUPPLIES	GENERAL FUND	POLICE DEPARTMENT	30.84
	10/11/24	COSTUME HAIR XMAS PARADE	GENERAL FUND	FAIR ASSOC/FESTIVAL	20.11
	10/11/24	BUNNY SUIT XMAS PARADE	GENERAL FUND	FAIR ASSOC/FESTIVAL	63.55
				TOTAL:	551.46
APPLE	10/11/24	SEPT 24 MUSIC SUBSCRIPTION	GENERAL FUND	ECONOMIC DEVELOPMENT	21.35
				TOTAL:	21.35
BATTERY MART	10/11/24	BATTERY CW HALL	GENERAL FUND	STREETS & HIGHWAYS	12.95
				TOTAL:	12.95
BP	10/11/24	CAR#5 FUEL 09/05	GENERAL FUND	POLICE DEPARTMENT	54.22
	10/11/24	CAR#5 FUEL 09/06	GENERAL FUND	POLICE DEPARTMENT	46.43
	10/11/24	CAR#5 FUEL 09/07	GENERAL FUND	POLICE DEPARTMENT	37.40
	10/11/24	CAR#5 FUEL 09/11	GENERAL FUND	POLICE DEPARTMENT	55.23
	10/11/24	CAR#5 FUEL 09/12	GENERAL FUND	POLICE DEPARTMENT	59.06
	10/11/24	CAR#5 FUEL 09/18	GENERAL FUND	POLICE DEPARTMENT	57.97
	10/11/24	CAR#5 FUEL 09/19	GENERAL FUND	POLICE DEPARTMENT	61.30
	10/11/24	CAR#5 FUEL 09/25	GENERAL FUND	POLICE DEPARTMENT	57.53
	10/11/24	CAR#5 FUEL 09/27	GENERAL FUND	POLICE DEPARTMENT	62.28
	10/11/24	CAR#5 FUEL 09/28	GENERAL FUND	POLICE DEPARTMENT	54.56
	10/11/24	CAR#25 FUEL 08/31	GENERAL FUND	POLICE DEPARTMENT	45.40
	10/11/24	CAR#25 FUEL 09/05	GENERAL FUND	POLICE DEPARTMENT	47.53
	10/11/24	CAR#25 FUEL 09/11	GENERAL FUND	POLICE DEPARTMENT	48.15
	10/11/24	CAR#25 FUEL 09/13	GENERAL FUND	POLICE DEPARTMENT	46.81
	10/11/24	CAR#25 FUEL 09/18	GENERAL FUND	POLICE DEPARTMENT	47.76

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/11/24	CAR#6 FUEL 09/11	GENERAL FUND	POLICE DEPARTMENT	68.00
	10/11/24	CAR#6 FUEL 09/16	GENERAL FUND	POLICE DEPARTMENT	59.50
	10/11/24	CAR#6 FUEL 09/18	GENERAL FUND	POLICE DEPARTMENT	65.00
	10/11/24	CAR#6 FUEL 09/23	GENERAL FUND	POLICE DEPARTMENT	69.00
	10/11/24	CAR#6 FUEL 09/27	GENERAL FUND	POLICE DEPARTMENT	70.00
	10/11/24	CAR#3 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	42.75
	10/11/24	CAR#4 FUEL 09/07	GENERAL FUND	POLICE DEPARTMENT	68.52
	10/11/24	CAR#4 FUEL 09/17	GENERAL FUND	POLICE DEPARTMENT	68.97
	10/11/24	CAR#21 FUEL 09/22	GENERAL FUND	POLICE DEPARTMENT	32.45
	10/11/24	CAR#21 FUEL 09/28	GENERAL FUND	POLICE DEPARTMENT	27.91
				TOTAL:	1,891.84
CARDSTOCK WAREHOUSE	10/11/24	CARD STOCK PAPER CODE ENFO	GENERAL FUND	ENFORCEMENT AGENCY	101.38
				TOTAL:	101.38
DREXEL AUTO STYLING LLC	10/11/24	CAR#29 DETAILING	GENERAL FUND	POLICE DEPARTMENT	299.00
	10/11/24	CAR #27 DETAILING	GENERAL FUND	POLICE DEPARTMENT	299.00
				TOTAL:	598.00
EXXON MOBILE	10/11/24	CAR#26 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	7.07
	10/11/24	CAR#21 FUEL 09/13	GENERAL FUND	POLICE DEPARTMENT	44.12
	10/11/24	CAR#21 FUEL 09/27	GENERAL FUND	POLICE DEPARTMENT	47.40
				TOTAL:	98.59
FACEBOOK.COM	10/11/24	FACEBOOK AD CAR SHOW	GENERAL FUND	FAIR ASSOC/FESTIVAL	1.42
				TOTAL:	1.42
GO MART	10/11/24	CAR#21 FUEL 08/30	GENERAL FUND	POLICE DEPARTMENT	37.12
	10/11/24	CAR#21 FUEL 09/05	GENERAL FUND	POLICE DEPARTMENT	38.74
	10/11/24	CAR#21 FUEL 09/13	GENERAL FUND	POLICE DEPARTMENT	26.08
	10/11/24	CAR#21 FUIEL 09/20	GENERAL FUND	POLICE DEPARTMENT	31.26
	10/11/24	CAR#21 FUEL 0927	GENERAL FUND	POLICE DEPARTMENT	23.26
				TOTAL:	156.46
HOBBY LOBBY	10/11/24	HOLIDAY DECORATIONS	GENERAL FUND	CITY HALL	599.98
				TOTAL:	599.98
HOME DEPOT	10/11/24	BATHROOM SUPP CODE ENF E W	GENERAL FUND	ENFORCEMENT AGENCY	172.20
	10/11/24	WATER CH & MAINT	GENERAL FUND	CITY HALL	43.99
	10/11/24	WATER CH& MAINTENANCE	GENERAL FUND	CITY HALL	30.83
	10/11/24	HEAT GUN	GENERAL FUND	STREETS & HIGHWAYS	69.00
	10/11/24	WATER CH & MAINT	GENERAL FUND	STREETS & HIGHWAYS	43.99
	10/11/24	UTILITY VEHICLE ANTIFREEZE	GENERAL FUND	STREETS & HIGHWAYS	23.94
	10/11/24	WATER CH& MAINTENANCE	GENERAL FUND	STREETS & HIGHWAYS	30.83
	10/11/24	DOOR DRYWALL LIHTS MUD GLU	CAPITAL RESERVE	STREETS & TRANSPORTATI	383.89

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
JEFFERSON COUNTY SOLID WASTE AUTHORITY	10/11/24	TRASH ELECTRONICS	GENERAL FUND	POLICE DEPARTMENT	175.95
				TOTAL:	175.95
LIBERTY GET N GO	10/11/24	CAR #5 FUEL 08/31	GENERAL FUND	POLICE DEPARTMENT	49.88
	10/11/24	CAR#4 FUEL 09/20	GENERAL FUND	POLICE DEPARTMENT	57.68
	10/11/24	CAR#2 FUEL 09/24	GENERAL FUND	POLICE DEPARTMENT	48.60
	10/11/24	CAR#12 FUEL 08/31	GENERAL FUND	POLICE DEPARTMENT	70.12
	10/11/24	CAR#12 FUEL 09/02	GENERAL FUND	POLICE DEPARTMENT	57.24
	10/11/24	CAR#12 FUEL 09/09	GENERAL FUND	POLICE DEPARTMENT	60.74
	10/11/24	CAR#12 FUEL 09/11	GENERAL FUND	POLICE DEPARTMENT	62.08
	10/11/24	CAR#12 FUEL 09/17	GENERAL FUND	POLICE DEPARTMENT	57.13
	10/11/24	CAR#12 09/18	GENERAL FUND	POLICE DEPARTMENT	59.66
	10/11/24	CAR#12 FUEL 09/24	GENERAL FUND	POLICE DEPARTMENT	55.55
	10/11/24	CAR#12 FUEL 09/25	GENERAL FUND	POLICE DEPARTMENT	54.31
	10/11/24	CAR#9 FUEL 09/27	GENERAL FUND	POLICE DEPARTMENT	45.14
	10/11/24	CAR#26 FUEL 09/01	GENERAL FUND	POLICE DEPARTMENT	39.47
	10/11/24	CAR#10 FUEL 09/20	GENERAL FUND	POLICE DEPARTMENT	47.53
	10/11/24	CAR#2 FUEL 09/03	GENERAL FUND	POLICE DEPARTMENT	53.59
	10/11/24	CITY JEEP FUEL 08/29	GENERAL FUND	STREETS & HIGHWAYS	43.43
	10/11/24	SCAG FUEL 08/29	GENERAL FUND	STREETS & HIGHWAYS	32.16
	10/11/24	F350 2017 FUEL 08/30	GENERAL FUND	STREETS & HIGHWAYS	92.15
	10/11/24	BACKHOE FUEL 09/19	GENERAL FUND	STREETS & HIGHWAYS	98.31
	10/11/24	CHEVY PICK UP FUEL 09/24	GENERAL FUND	STREETS & HIGHWAYS	100.65
	10/11/24	FUEL 8/30	GENERAL FUND	STREETS & HIGHWAYS	154.14
	10/11/24	GAS CAN 08/30	GENERAL FUND	STREETS & HIGHWAYS	13.25
	10/11/24	2023 CHEVY FUEL 09/09	GENERAL FUND	STREETS & HIGHWAYS	105.43
	10/11/24	GAS CAN 09/05	GENERAL FUND	STREETS & HIGHWAYS	18.25
	10/11/24	TRUCK FUEL 08/31	GENERAL FUND	STREETS & HIGHWAYS	44.20
	10/11/24	SWEEPER FUEL 09/06	GENERAL FUND	STREETS & HIGHWAYS	100.00
	10/11/24	SWEEPER FUEL 09/12	GENERAL FUND	STREETS & HIGHWAYS	107.76
	10/11/24	SWEEPER FUEL 09/19	GENERAL FUND	STREETS & HIGHWAYS	80.38
	10/11/24	SWEEEPER FUEL 9/26	GENERAL FUND	STREETS & HIGHWAYS	120.74
	10/11/24	TRUCK FUEL 9/26	GENERAL FUND	STREETS & HIGHWAYS	32.88
				TOTAL:	1,962.45
MARTINS	10/11/24	CAR#15 FUEL 09/06	GENERAL FUND	POLICE DEPARTMENT	47.40
				TOTAL:	47.40
NAPA	10/11/24	AAA PREMIUM BATTERY DODGE	GENERAL FUND	STREETS & HIGHWAYS	157.26
	10/11/24	BATTERY EXCHANGE	GENERAL FUND	STREETS & HIGHWAYS	2.17-
	10/11/24	SHOP TOWEL, ARMORALL, RAIN	GENERAL FUND	STREETS & HIGHWAYS	61.95
				TOTAL:	217.04
ORTEGA'S TACO SHOP	10/11/24	FOOD FOR CAR SHOW VOLUNTEE	GENERAL FUND	FAIR ASSOC/FESTIVAL	95.30
				TOTAL:	95.30

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/11/24	PAINT SKATE PARK MURAL	CAPITAL RESERVE	CULTURE & RECREATION	1,372.43
				TOTAL:	2,744.86
SHEETZ	10/11/24	CAR#5 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	53.47
	10/11/24	CAR #5 FUEL 09/14	GENERAL FUND	POLICE DEPARTMENT	65.17
	10/11/24	CAR#5 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	22.59
	10/11/24	CAR#4 FUEL 08/29	GENERAL FUND	POLICE DEPARTMENT	80.30
	10/11/24	CAR$4 FUEL 08/30	GENERAL FUND	POLICE DEPARTMENT	80.01
	10/11/24	CAR$4 FUEL 09/05	GENERAL FUND	POLICE DEPARTMENT	75.00
	10/11/24	CAR#4 FUEK 09/04	GENERAL FUND	POLICE DEPARTMENT	42.44
	10/11/24	CAR#4 FUEL 09/12	GENERAL FUND	POLICE DEPARTMENT	77.18
	10/11/24	CAR#4 FUEL 09/26	GENERAL FUND	POLICE DEPARTMENT	78.00
	10/11/24	CAR#28 FUEL 09/02	GENERAL FUND	POLICE DEPARTMENT	43.80
	10/11/24	CAR#28 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	55.00
	10/11/24	CAR#28 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	25.00
	10/11/24	CAR#28 FUEL 09/05	GENERAL FUND	POLICE DEPARTMENT	52.00
	10/11/24	CAR#28 FUEL 09/11	GENERAL FUND	POLICE DEPARTMENT	43.50
	10/11/24	CAR#28 FUEL 09/15	GENERAL FUND	POLICE DEPARTMENT	45.27
	10/11/24	CAR#28 FUEL 09/24	GENERAL FUND	POLICE DEPARTMENT	40.00
	10/11/24	CAR#28 FUEL 09/17	GENERAL FUND	POLICE DEPARTMENT	33.00
	10/11/24	CAR#12 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	45.83
	10/11/24	CAR#12 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	27.96
	10/11/24	CAR#9 FUEL 08/29	GENERAL FUND	POLICE DEPARTMENT	49.02
	10/11/24	CAR#9 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	41.32
	10/11/24	CAR#9 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	22.46
	10/11/24	CAR#9 FUEL 09/06	GENERAL FUND	POLICE DEPARTMENT	47.00
	10/11/24	CAR#9 FUEL 09/12	GENERAL FUND	POLICE DEPARTMENT	54.21
	10/11/24	CAR#9 FUEL 09/18	GENERAL FUND	POLICE DEPARTMENT	43.17
	10/11/24	CAR#9 FUEL 09/24	GENERAL FUND	POLICE DEPARTMENT	39.18
	10/11/24	CAR#19 FUEL 09/02	GENERAL FUND	POLICE DEPARTMENT	47.55
	10/11/24	CAR#19 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	29.43
	10/11/24	CAR#19 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	39.99
	10/11/24	CAR#19FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	26.01
	10/11/24	CAR#15 FUEL 09/02	GENERAL FUND	POLICE DEPARTMENT	30.00
	10/11/24	CAR#15 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	21.00
	10/11/24	CAR#15 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	26.00
	10/11/24	CAR#15 FUEL 09/16	GENERAL FUND	POLICE DEPARTMENT	45.20
	10/11/24	CAR#15 FUEL 09/23	GENERAL FUND	POLICE DEPARTMENT	43.51
	10/11/24	CAR#15 FUEL 09/27	GENERAL FUND	POLICE DEPARTMENT	43.30
	10/11/24	CAR#26 FUEL 09/01	GENERAL FUND	POLICE DEPARTMENT	31.92
	10/11/24	CAR#26 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	42.21
	10/11/24	CAR#26 FUEL 09/06	GENERAL FUND	POLICE DEPARTMENT	26.81
	10/11/24	CAR#26 FUEL 09/13	GENERAL FUND	POLICE DEPARTMENT	39.16
	10/11/24	CAR#26 FYEL 09/18	GENERAL FUND	POLICE DEPARTMENT	41.09
	10/11/24	CAR#26 FUEL 09/20	GENERAL FUND	POLICE DEPARTMENT	39.34

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	10/11/24	CAR#1 FUEL 09/03	GENERAL FUND	POLICE DEPARTMENT	66.66
	10/11/24	CAR#1 FUEL 09/04	GENERAL FUND	POLICE DEPARTMENT	32.48
	10/11/24	CAR#1 FUEL 09/09	GENERAL FUND	POLICE DEPARTMENT	75.22
	10/11/24	CAR#29 FUEL 09/10	GENERAL FUND	POLICE DEPARTMENT	44.14
	10/11/24	CAR#1 FUEL 09/16	GENERAL FUND	POLICE DEPARTMENT	70.59
	10/11/24	CAR# 1 FUEL 09/24	GENERAL FUND	POLICE DEPARTMENT	66.63
	10/11/24	C LEWIS FUEL 08/30 CODE EN	GENERAL FUND	STREETS & HIGHWAYS	29.74
	10/11/24	FUEL 09/12 LIZ CONFERENCE	GENERAL FUND	STREETS & HIGHWAYS	23.87
				TOTAL:	2,639.42
SUNOCO	10/11/24	CAR#8 FUEL 09/27	GENERAL FUND	POLICE DEPARTMENT	63.30
	10/11/24	CAR#21 FUEL 09/05	GENERAL FUND	POLICE DEPARTMENT	45.10
				TOTAL:	108.40
TENNIS EXPRESS	10/11/24	2 TENNIS NETS	PARKS & REC	PARKS & REC	492.16
				TOTAL:	492.16
TIM'S DETAILING	10/11/24	CAR #18 DETAILING	GENERAL FUND	POLICE DEPARTMENT	160.00
				TOTAL:	160.00
TOWN MART CITGO	10/11/24	CAR#4 FUEL 09/28	GENERAL FUND	POLICE DEPARTMENT	85.19
	10/11/24	CAR#19 FUEL 09/17	GENERAL FUND	POLICE DEPARTMENT	44.12
	10/11/24	CAR #21 FUEL 08/31	GENERAL FUND	POLICE DEPARTMENT	39.51
	10/11/24	CAR#21 FUEL 09/03	GENERAL FUND	POLICE DEPARTMENT	18.86
	10/11/24	CAR#21 FUEL 09/08	GENERAL FUND	POLICE DEPARTMENT	33.11
	10/11/24	CAR#21 FUEL 09/15	GENERAL FUND	POLICE DEPARTMENT	25.81
	10/11/24	TRUCK FUEL 09/05	GENERAL FUND	STREETS & HIGHWAYS	82.04
	10/11/24	TRUCK FUEL 09/16	GENERAL FUND	STREETS & HIGHWAYS	77.18
	10/11/24	FUEL 09/10 LIZ CONFERENCE	GENERAL FUND	STREETS & HIGHWAYS	32.52
				TOTAL:	438.34
TRANSUNION	10/11/24	INVESTGTION SOFTWARE SUB 9	GENERAL FUND	POLICE DEPARTMENT	35.48
				TOTAL:	35.48
TRI COUNTY RENTALS, INC	10/11/24	WEED TRIMMER HEADS	GENERAL FUND	STREETS & HIGHWAYS	67.81
				TOTAL:	67.81
TROPHIES R US, INC.	10/11/24	CAR SHOW TROHY	GENERAL FUND	FAIR ASSOC/FESTIVAL	190.00
				TOTAL:	190.00
U.S. POSTAL SERVICE	10/11/24	APU SYST CERT MAIL 9/10	GENERAL FUND	TREASURER'S OFFICE	9.68
	10/11/24	422 W CONGRESS CERTIF MAIL	GENERAL FUND	ENFORCEMENT AGENCY	10.99
	10/11/24	217 S CHURCH CERT MAIL 09/	GENERAL FUND	ENFORCEMENT AGENCY	10.99
	10/11/24	610 W WASH CERT MAIL 9/05	GENERAL FUND	ENFORCEMENT AGENCY	10.99
	10/11/24	FIRE MARSHALL CERT MAIL 9/	GENERAL FUND	ENFORCEMENT AGENCY	9.60

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
WV CODE OFFICIALS ASSOCIATION	10/11/24	POSTING INSPECTOR JOB	GENERAL FUND	BUILDING INSPECTION	40.00
				TOTAL:	40.00
WV MUNICIPAL LEAGUE	10/11/24	COURT TRAINING REZMER	GENERAL FUND	CITY MANAGER'S OFFICE	320.00
	10/11/24	11/24 TRAINING JENI COURT	GENERAL FUND	CITY MANAGER'S OFFICE	320.00
				TOTAL:	640.00
ZEBRA TECHNOLOGIES	10/11/24	PRINTER REPAIR	GENERAL FUND	POLICE DEPARTMENT	231.00
	10/11/24	PRINTER REPAIR	GENERAL FUND	POLICE DEPARTMENT	231.00
	10/11/24	PRINTER REPAIR	GENERAL FUND	POLICE DEPARTMENT	231.00
				TOTAL:	693.00
ZOOM.US	10/11/24	MEETING SOFTWARE 9/24 SUBS	GENERAL FUND	ECONOMIC DEVELOPMENT	52.43
				TOTAL:	52.43
ZORO	10/11/24	TOILET HANDLE ROUSS HALL	GENERAL FUND	STREETS & HIGHWAYS	40.46
				TOTAL:	40.46
ADOBE INC	10/11/24	FY25 SUBSCRPT ADOBE EXPRES	GENERAL FUND	PLANNING & ZONING	105.99
				TOTAL:	105.99

========== FUND TOTALS ==========

001	GENERAL FUND	16,860.84
200	CAPITAL RESERVE	6,794.11
207	PARKS & REC	653.55
	GRAND TOTAL:	24,308.50

TOTAL PAGES: 6

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: PCARD
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: 10/11/2024 THRU 10/11/2024

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
CITY OF CHARLES TOWN GENERAL FUND	10/18/24	XFR FY25 1ST QTR SALE TAX	SALES TAX	INVALID DEPARTMENT	250,000.00
				TOTAL:	250,000.00

========== FUND TOTALS ==========

008	SALES TAX	250,000.00
	GRAND TOTAL:	250,000.00

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: ST1
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: 10/18/2024 THRU 10/18/2024

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 - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

AGENDA ITEM (ID #)

2024-1051: Charles Town Tree Board Meeting Minutes - September meeting

ATTACHMENTS:

- Tree Board Meeting Minutes - Sept. 5.pdf

CITY OF CHARLES TOWN
Tree Board
September 5, 2024

Regular Meeting | **Zoom Meeting** | 7:00 PM

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

Attendee Name	Status
Aaron Amore	Present
Katie Coon	Present
Jane King	Present
Carlo Olivares	Present
Scott Updike	Present
Elizabeth Ricketts	Present
John Nissel	Present

1. APPROVAL OF MINUTES

COMMENTS: none
RESULT: approved
MOVER: Katie Coon
SECONDER: Scott Updike
AYES: all

2. UNFINISHED BUSINESS

2024-914: Tree Canopy/Inventory Update

- Aaron met with Colton Aaron from Bartlett Tree Experts out of Shepherdstown.
  - Shepherdstown spends about $1,800 on tree data maintenance per year.
  - We have more trees that we want inventoried.
- Bartlett got our tree data and they have an IT department that will give an analysis of cost for tree inventory.
- We might want to inventory trees near trails so if they are diseased, they won't fall on people.
- Grant proposal to fund the tree inventory (need to update).

2024-915: Grant Funds Extension Request to End December 2024

- Aaron never heard back from Bob Hannah.
- We need to get the Bradford pears removed downtown.
- Estimate from Bartlett was around $10,000.
- We need an updated estimate from Viking.

- We need to use the money to clear out invasives.

2024-916: Pollinator Garden Funds from Potomac Edison for Planting

- Aaron will reach out about a Fall planting.
- We could get wild pollinator seed and 5 loads of topsoil and see what comes up.
- Plants have to be watered and many haven't made it.
- Carlo added that the wildflower mix needs to be all native and we need to make sure there aren't any exotics mixed in.
- Aaron will reach out to parks and rec.
- We can make it a community event.
- Planting under the utility lines, need to clear it out and rough the ground.
    - Might be able to plant sunflowers or grass for phytoremediation.

2024-917: Tree Planting of Bare Root Seedlings for WV Water-Ways

- N/A

2024-918: Discussion of Potential Future Nursery Location

- Going to go into our grant.
- Will go in the corner of the maintenance yard in the shade area.

2024-919: New Grant Funds Available and Consideration of Tree Related Projects

- Aaron is working on getting the application in.
- He is working on it with Tanner and our liaison.
- Aaron will send it out to the group for feedback.

2024-920: Identification of Open Planting Areas for Tree Installations in the City

- N/A

2024-921: Identification of Invasive Species and Project Discussion of Reclaiming Native Environment for Skate Park and Evitts Run

- N/A

2024-922: Creation of Tree Board Brochure and Public Outreach Ideas

- Riley was going to work on it, Aaron will reach out to him.
- We need to pick a date in Oct. to do outreach.
- Aaron will talk to John about social media which seems to work best.
- Cleaning out vines, etc. might be too much liability for community members to help with.

2024-923: Inventory of Assets, Tools and Equipment used for Tree-Related Activities

- We have matched grant money leftover we need to use by the end of the year.
    - We could use the money to hire a tree trimming company.

2024-924: Department of Forestry Unmatched Grant

2024-925: Cacapon Institute Best Practice Management Tree Sale

- We did 2 rounds on social media.
- 20 people inquired; they need to order by Sept. 6 and only 5 people placed orders. About 20 trees total.
- We pick a date; they get delivered to Inwood and Aaron will pick them up and Cacapon will come and show how to plant.
- End of Sept. or beginning of Oct. plant.

2024-926: Fall Cacapon Planting Request

3. NEW BUSINESS

2024-927: Coordination with Parks and Recreation Commission on its Plan Development and Projects.

2024-808: Cacapon Institute Discount Program for Property Owners

2024-928: Assessment/Meeting with John Nissel on City Time Tracking for Offsetting Match and Reporting to Department of Forestry on Volunteer Hours

2024-929: Meeting with Colton Aaron of Bartlett Tree

- Tree inventory and remove Bradford Pears.
- Tree pruning of hybrid poplars, they grow fast and are starting to hit buildings.
- Aaron asked for an estimate for clearing out the invasives at Evitt's Run.
    - Colton suggested leaving the Tree of Heavens because they're a trap for spotted lanternflies.

2024-930: Meeting with Travis Kable on Plan of Action for Tree Care, Trimming, Maintenance, and Planting

- Travis doesn't have his final certification yet and is lacking specific equipment (need to add to the grant fund).

2024-931: Trout Unlimited Program, Ryan Cooper

2024-932: Community Outreach and Clearing Event

- We need to pick a date in Oct. to do outreach.
- Aaron will talk to John about social media which seems to work best.
- Cleaning out vines, etc. might be too much liability for community members to help with.

2024-933: Skate Park Hillside Below Utility Lines

- We need to get with parks and rec.

2024-934: Status of Meeting with School Board Members for City Tree Plantings/Education Program

- Rikki Twyford is very interested in why it wasn't pursued but Aaron hasn't heard back from her yet.

2024-935: Chestnut Tree Society and Membership

- The VA arboretum experimental tree farm has a WV extension.
- We can get free trees but the membership is $40/year for 5-20 free trees.
- Trees available May 2025.
    - We could put them in our nursery.
- Saplings normally range $10-$20 each.

MOTION: Motion to fund joining The American Chestnut Society.
RESULT: approved
MOVER: Katie Coon
SECONDER: Carlo Oliveras
AYES: all

*Tree City USA application needs to be done; it will be sent to Katie.

4. ADJOURNMENT

MOTION: Motion to adjourn at 7:39PM
MOVER: Katie Coon
SECOND: Jane King
AYES: All

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

AGENDA ITEM (ID #)

2024-1056: Charles Town Utility Board Meeting Minutes - September 11, 2024 and September 25, 2024

ATTACHMENTS:
- 2024.09.11 UB MINUTES .pdf
- 2024.09.25 UB MINUTES .pdf

Charles Town Utility Board
Regular Board Meeting
September 11, 2024

The Charles Town Utility Board held a regular meeting on September 11, 2024 at 4:00 P.M. Members of the Board present were John Nissel, Chairman; Duke Pierson, Vice Chairman; Tommy Stocks, Treasurer; Heidi Parker, Board Member; and John Maxey, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; and Ashley Stottlemyer, Secretary.

CALL TO ORDER

The Chairman called the meeting to order at 4:00 P.M.

APPROVAL OF MINUTES

Approval of August 28, 2024 Regular Meeting Minutes

The Chairman called for changes or corrections to the August 28, 2024 regular meeting minutes.

Action: **Motion made by Mrs. Parker, second by Mr. Maxey, the Board unanimously approved the August 28, 2024 minutes.**

PUBLIC COMMENT

Public comment was received from Jacquelyn Milliron.

OLD BUSINESS

Proposed OSA Grant Agreement G250412

Mrs. Stolipher provided the agreement is for the source water protection grant for Gwin Dobson & Foreman to perform a preliminary assessment of the utilities at the Summit Point Raceway site as previously discussed. The grant is in the amount of $38,000.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved the OSA Grant Agreement G250412 as presented.**

Locust Hill Golf Course Discussion

Action: **Motion made by Mrs. Parker, second by Mr. Pierson, the Board unanimously approved to remove the Locust Hill Golf Course discussion from the table.**

Mrs. Stolipher mentioned the agreement between CTUB and the golf course was drafted and approved when the Tuscawilla Treatment Plant was constructed in 2013 to send treated wastewater effluent into the golf course ponds which results in Chesapeake Bay nutrient credits. The agreement stipulated that CTUB provide 50,000 gallons of flow per day to the ponds which is used for irrigation on the golf course. CTUB is to also maintain two aerators and pump. Mrs. Stolipher stated the Locust Hill HOA brought up issues to the Board back in July so she invited the golf course owner for discussions.

Wayne Clark, owner of Locust Hill Golf Course was present to answer questions and concerns from the Board. He requested CTUB repair an aerator on CTUB pond 7. Mr. Clark mentioned the duckweed and algae issues have been resolved over the last year. Both parties are currently satisfied with the agreement.

Action: **No action required by the Board.**

NEW BUSINESS

Renewal and Replacement Project Resolution No. 23 – Contractor Pay Application No. 23

Mrs. Stolipher included the contractor application for Payment No. 23 in the amount of $563,907.67 for work completed.

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved Resolution No. 23.**

Change Order No. 5 – Storm Sewer

Mrs. Stolipher included Change Order No. 5 which is to replace damaged storm sewer piping that was identified by camera inspections. She mentioned the replacement of the storm sewer was not included in the original scope of work for the project, but will need to be replaced where damaged. Mrs. Stolipher provided the increase of $27,066.00 for the change order will be paid through the contingency line item.

Action: **Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved Change Order No. 5 to replace damaged storm sewer pipes.**

Maintenance Building Design

Mrs. Stolipher provide a task order for Gwin Dobson & Foreman to perform conceptual design and cost estimating for a new maintenance building near the Charles Town Wastewater Plant. This will house the jetter truck, maintenance staff and store various materials.

Action: **Motion made by Mr. Stocks, second by Mr. Maxey, the Board unanimously approved the task order for maintenance building design.**

Red Clover Meadows Alternate Mainline Extension Agreement - Sewer

Mrs. Stolipher included the sewer Alternate Mainline Extension Agreements for the Red Clover Meadows Subdivision located at the intersection of Foal Street and 19th Avenue in Ranson. She will add the number of residential units into the agreement language. Mrs. Stolipher mentioned this development will have a pump station connecting into the force main near the Emergency Services building. The Board provided discussions.

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, the Board approved 3-1 the sewer alternate mainline extension agreement for Red Clover Meadows. Mrs. Parker voted against the motion.**

BASF and Tyco Class Action Settlement Discussion and General PFAS Updates - Possible Executive Session Under: WV State Code Section §6- 9A-4(b)(12) – To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential.

Action: **This item was moved to the end of the meeting.**

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher provided the water and sewer specifications are scheduled to be completed by the end of 2024, the asset management software kickoff is next week, the lead and copper inventory is complete and submitted to the State with no lead service lines or mains located, and the water treatment plant recycle design is in progress. She will also be attending a PFAS webinar next week. She also mentioned the 1st reading of the bond ordinance at the City Council meeting September 16th and the pre-bid construction meeting for the Collection Project is September 18th.

The Chairman suggested adding a notice to the website about the lead and copper inventory findings.

Action: **No action required by the Board.**

Chairman Report

The Chairman had no updates to report.

Action: **No action required by the Board.**

APPROVAL OF BILLS

September 11, 2024

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved the payment of the bills.**

EXECUTIVE SESSION

BASF and Tyco Class Action Settlement Discussion and General PFAS Updates - Possible Executive Session Under: WV State Code Section §6- 9A-4(b)(12) – To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved convening into Executive Session at 4:48 P.M. to discuss the BASF and Tyco Class Action Settlement Discussion and General PFAS Updates.**

Richard Lewis, legal counsel, and Chris Eckenrode, engineer, were invited to attend the executive session.

Executive session was declared over at 5:45 P.M.

Action: **Motion made by Mr. Maxey, second by Mr. Pierson, the Board unanimously approved CTUB opting out of the BASF and Tyco Class Action Settlement suit.**

Mr. Maxey suggested, and the Board agreed, to making no change to the current quarterly testing unless costs decrease then the Board can readdress at that time.

ADJOURNMENT

There being no further business at this time, the Board adjourned the meeting at 5:46 P.M.

INFORMATION ONLY

The next meeting is scheduled for Wednesday, September 25, 2024 at 4:00 P.M. at 661 S. George Street.

John Nissel
Chairman

Ashley Stottlemyer
Secretary

Charles Town Utility Board
Regular Board Meeting
September 25, 2024

The Charles Town Utility Board held a regular meeting on September 25, 2024 at 4:00 P.M. Members of the Board present were John Nissel, Chairman; Duke Pierson, Vice Chairman; Tommy Stocks, Treasurer; Heidi Parker, Board Member; and John Maxey, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemyer, Secretary; and Robert Rodecker, Legal Counsel.

CALL TO ORDER

The Chairman called the meeting to order at 4:00 P.M.

APPROVAL OF MINUTES

Approval of September 11, 2024 Regular Meeting Minutes

The Chairman called for changes or corrections to the September 11, 2024 regular meeting minutes. Mrs. Parker suggested a change to Red Clover agenda item.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved the September 11, 2024 minutes as amended.**

PUBLIC COMMENT

Public comment was received from Jacquelyn Milliron.

NEW BUSINESS

GDF Asset Management Assistance

Mrs. Stolipher provided a proposal from GDF to assist in updating CTUB's Asset Management Plan. Dave Gustkey from GDF will assist CTUB staff to gather and populate data from the entire system for the new asset management system not to exceed $55,000. The Board provided discussions.

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved the GDF asset management assistance proposal.**

October Board Meeting Schedule

Mrs. Stolipher has a conflict with the October 23rd board meeting and proposed a single meeting next month. The Board provided discussions and proposed a single meeting on October 16th.

Action: **Motion made by Mr. Pierson, second by Mrs. Parker, the Board unanimously approved a single meeting in October on October 16th.**

Public Service Commission General Investigation - Possible Executive Session Under: WV State Code Section §6- 9A-4(b)(12) – To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential or to discuss a matter of potential litigation.

Mrs. Stolipher briefed the Board on the continual billing issues with West Virginia American Water (WVAW) since they purchased Jefferson Utilities. She provided complaint cases recently filed by other utilities against WVAW with similar billing issues. The Board provided discussions.

Mr. Rodecker reviewed the PSC cases against WVAW and recommended the Board authorize Mrs. Stolipher to work with him and his firm to prepare a petition with the PSC for the initiation of a general investigation into WVAW.

Action: **Motion made by Mr. Pierson, second by Mr. Maxey, the Board unanimously approved Mrs. Stolipher working with Mr. Rodecker to file a petition with the PSC for the initiation of a general investigation into WVAW.**

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher provided the first bond ordinance reading by City Council was held on September 16th and she reiterated the importance of completing the Collections Project with the favorable financial package. The Board provided discussions.

Mrs. Stolipher also addressed the public comment earlier in the meeting regarding the non-operating revenues on the Revenue and Expense Report which was added back in May per Board discussions.

Action: **No action required by the Board.**

Chairman Report

The Chairman had no updates to report.

Action: **No action required by the Board.**

APPROVAL OF BILLS

September 25, 2024

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved the payment of the bills.**

ADJOURNMENT

There being no further business at this time, the Board adjourned the meeting at 4:41 P.M.

INFORMATION ONLY

The next meeting is scheduled for Wednesday, October 16, 2024 at 4:00 P.M. at 661 S. George Street.

John Nissel
Chairman

Ashley Stottlemyer
Secretary

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1057: Charles Town Police Department September Statistic Report

ATTACHMENTS:
- September CTPD Stats.pdf

Charles Town Police Department
Monthly Stat Report

September 2024

911 Hangup	4	Loose Dog	
Abandoned Vehicle	1	Missing Person	
Abuse/Neglect	2	Motorist Assist	5
Alarm	12	MVA w/ Entrapment	1
Animal Rescue	1	MVA Hit and Run	4
Assault	1	MVA No Injury	22
ATV Complaint	1	MVA w/ Injury	4
BOLO	3	Noise Complaint	1
Breaking and Entering		Nuisance	2
Breaking and Entering Veh	1	Open Door	1
Building Check	42	Out of Car (Investigation/Mtg/Court)	2
Capias Recall by Court	10	Overdose	1
Capias Service	4	Overdose-Death	
Child Locked In Vehicle	1	Parking Complaint	7
Civil Process		Public Assist (In Person Contact)	26
Counterfeit Money		Public Service (Phone Contact)	98
Court/Bailiff Duty	3	Reckless Driver	1
Destruction of Property	2	Road Patrol	10
Directed Patrol	266	Sexual Assault	1
Disabled Vehicle	17	Shoplifting	1
Disturbance	24	Special Event/Detail	13
Domestic Battery	1	Stolen Vehicle	1
Drug Activity	3	Suspicious Activity	5
DUI	4	Suspicious Mail	
EMS Assist	7	Suspicious Person	7
Fingerprinting	7	Suspicious Vehicle	11
Fire Assist		Theft	2
Follow Up	27	Threats	2
Foot Patrol	9	Traffic Hazzard	2
Found Property	4	Transport	
Fraud	1	Trespassing	3
Gunshots Heard	2	Unattended Death	1
Harassment	2	VIN Verification	3
Hardcopy Check	1	Warrant Service	8
Indecent Activity	1	Welfare Check	18
Injured Animal	1	Wildlife Complaint	
Intoxicated Person	2	Wires Down	
Juvenile Complaint	2	**Total calls of service**	**732**

Assists/Back-Ups:	Ranson	**9**	Sheriffs Dept.	**17**	
	Harpers Ferry		State Police	**5**	
	Shepherdstown		Other (not including CTPD)	**10**	
			Total Assists	**41**	

	Male	Female	Caucasian	African American	Hispanic	Asian	Other/ Unknown	Total
Defendants:	16	7	18	3	2	0	0	**23**
Total Charges	26	18	34	6	4	0	0	**44**
Citations:								**252**
- Moving								**135**
- Nonmoving								**102**
- Criminal								**12**
- S Ticket (Parking)								**3**
Stops	125	83	159	22	24	1	2	**208**
Warnings:								**110**
Stops	73	36	67	15	18	1	8	**109**
Total	**214**	126	**244**	**40**	**44**	**2**	**10**	
Incident Report								**61**
Parking								
- Citations								**170**
-Warnings								**22**

Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

September 2024

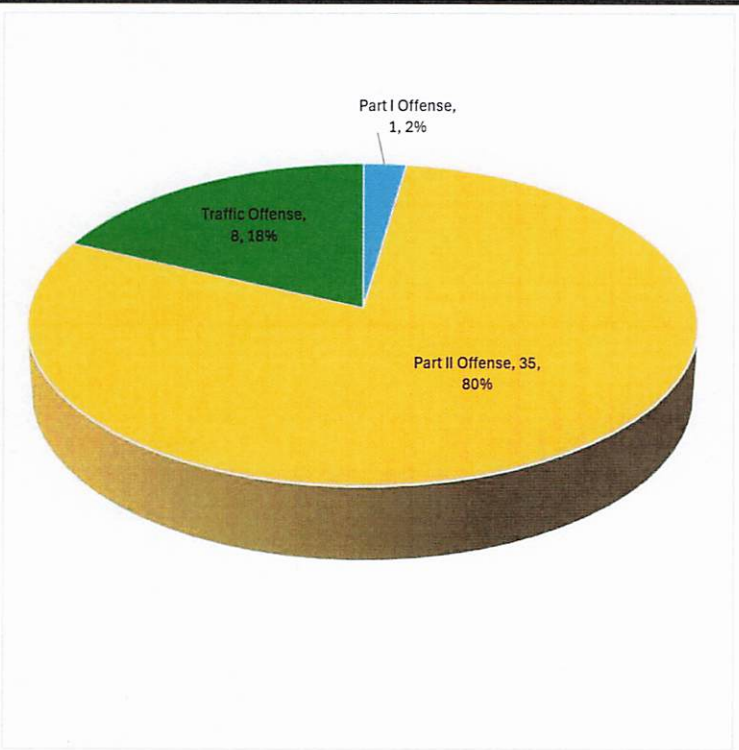
	Male	Female	Caucasian	African American	Hispanic	Asian	Unknown
PART I OFFENSE							
Burglary (Daytime)							
Burglary (Nighttime)							
Grand Larceny							
Malicious Assault							
Malicious Wounding							
Attempted Murder 1st Degree							
Murder 1st Degree							
Petit Larceny							
Robbery - Attempted							
Robbery							
Robbery 2nd Degree							
Sexual Assault 1st Degree							
Shoplifting	1		1				
Shoplifting 2nd Offense							
Shoplifting 3rd Offense							
Strangulation							
TOTAL	1	0	1	0	0	0	0
PART II OFFENSE							
Assault							
Assault on an Officer							
Attempted to Defeat Drug/Alcohol Screening Test							
Battery		1	1				
Battery on Emergency Personnel							
Breaking and Entering - Attempted							
Capias Served	3	3	6				
Child Abuse Resulting in Injury							
Child Neglect Creating Risk of Injury							
Computer Fraud							
Conspiracy	1			1			
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							
Destruction of Property							
Disorderly Conduct							
Disruption of School							
Distribution of Crack Cocaine							
Disturbing the Peace							
Domestic Assault							
Domestic Battery	1				1		
Domestic Battery 2nd Offense							
Domestic Battery 3rd Offense							
Driving Revoked for DUI	2	1	2	1			
Driving Revoked for DUI 2nd							
Driving Revoked for DUI 3rd							
Driving Revoked Non DUI Admin							
DUI	2		1		1		
DUI 2nd							
DUI 3rd	1			1			
DUI Aggravated							
DUI Causing Bodily Injury							
DUI - Drugs							

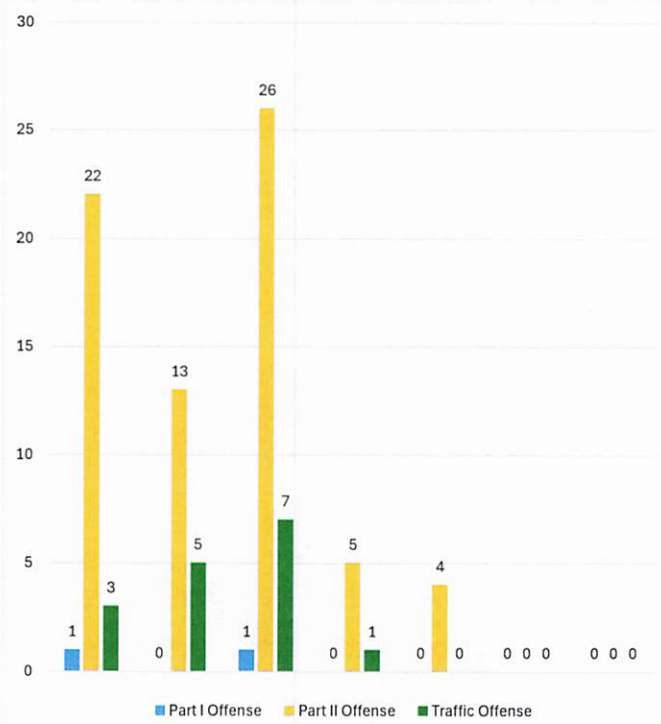
Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

DUI - Drugs 3rd Offense							
DUI w/ Minor		1	1				
Engage in Business W/O Business Franchise Registration							
Failure to Make Required Payments							
False Alarm of Fire							
False Reporting of an Emergency							
Felon in Possession of Firearm							
Fingerprint Refusal	1		1				
Fleeing from Officer							
Fleeing in Vehicle w/ Reckless Indifference							
FPO Violation							
Fraudulent Schemes	1		1				
Fugitive From Justice							
Injuring or Tampering with Mobile Equipment							
Interfering with Emergency Communication							
Interlock Violation							
Littering							
Non-Consensual Disclosure of Private Intimate Images							
Obstructing an Officer	2		1		1		
Obtain Money, Property, Services by False Pretense	1		1				
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							
Possession of Heroin							
Possession of Marijuana	2	2	4				
Possession of Methamphetamine							
Possession of Oxycodontin		1	1				
Possession of Pregabalin							
Possession of Xanax		1	1				
Possession w/ Intent to Deliver Cocaine							
Possession w/ Intent to Deliver MDMA (Molly)							
Possession w/ Intent to Deliver Methamphetamine							
Possession w/ Intent to Destribute Heroin	1			1			
Probation Revocation	1		1				
Prohibited Person in Poss of Firearm							
Prostitution							
Prostitution 2nd Offense							
Providing Alcohol to Under 21							
Public Intoxication							
Reckless Driving							
Sale of Alcohol to Person Under 21		1			1		
Sexual Abuse 1st Degree							
Sexual Assault 2nd Degree							
Transfer Receive Stolen Goods		1	1				
Transfer Receive Stolen Vehicle Felony	1	1	1	1			
Trespassing	1		1				
Unlawful Possession/Transport into WV Fentanyl							
Underage Consumption of Alcohol							
Uttering	1		1				
Wanton Endangerment							
TOTAL	**22**	**13**	**26**	**5**	**4**	**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	1		1				
Driving Suspended 2nd Offense							
Driving Suspended 3rd Offense							
Driving Too Fast for Conditions							
Exp/No MVI							
Expired/No Operators							
Expired/No Registration		2	2				
Fail to Keep Right							
Fail to Maintain Control	1			1			
Fail to Obey Traffic Control Device							
Fail to Obtain WV Operators							
Fail to Report Accident							
Failure to Yield at Intersetion	1		1				
Following to Closely							
Improper Backing							
Improper Registration		1	1				
Leaving the Scene of Accident w/ Damage							
Left of Center							
No Insurance/No Proof of Insurance		1	1				
No Motorcycle Endorsement							
No Parking Violation							
No Seatbelt							
Passing on Right							
Red Light Violation							
Speeding							
Wrong Way on Traffic Circle		1	1				
TOTAL	3	5	7	1	0	0	0
TOTAL CHARGES	**26**	**18**	**34**	**6**	**4**	**0**	**0**





Charles Town Police Department

SRO Monthly Report

Washington High School / Charles Town Middle School / 2024/2025 / September 2024

INVOLVEMENTS:					
Alcohol Related	0	Fire/Shelter Drills	1	SRO Use of Force	0
Battery on School Employee	0	Found Property	0	Suspensions	11
Citizen Assist	3	Incident Reports	2	Threats	2
Directed Patrols	1	Juvenile Petitions	1	Tobacco Related	4
Disturbance	5	Marijuana Possession	1	Trespassing	0
Evacuations	1	Parental Contacts	7	Vandalism/Theft	0
Extra Curricular Activities	11	Parking Complaints	2	Vehicle Accident	2
Fights	2	Reckless Driver	2	Welfare Check	2
Fire Department Assist	0	Social Media Related	4	***Total Involvements***	***64***

Officer Notes/Misc. Information:
Guest speaker in Forensic Science class on two different occasions
Topics covered/ Crime Scene processing and Fingerprinting

YOUTH SERVICES:	
Total Classes Taught:	See Notes
Students in Class:	20
Topics Taught:	See Misc.
One on One Contacts:	12
Total Students Served:	32

Charles Town Police Department

Total Traffic Citation Report, by Violation

Violation	Description	Total
17A-3-16	Expired Registration	41
17A-9-2	No Or Expired Registration	25
17A-9-3	Improper Registration	3
17B-2-1	No Operators	6
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	3
17B-4-3a	Driving Suspended or Revoked	4
17C-05-02(e)	DUI Alcohol Concentration < .15	1
17C-12-5	Stop Sign Violation	1
17C-12-7	Fail To Stop For School Bus	1
17C-13-3	Parking Violation	1
17C-15-1	Unsafe-Improperly Equipped Vehicle	2
17C-16-9	No Or Expired MVI	24
17C-2-3(c)	Fail To Obey Officer Directing Traffic	1
17C-3-4	Fail To Obey Traffic Control Device	6
17C-3-5	Fail To Obey Traffic Light	12
17C-3-5(c)	Right on Red	1
17C-5-2(e)	Basic DUI <.15	1
17C-5-2(k)	DUI W/Minor Under 16	1
17C-5-2(m)	DUI 3rd Or Subsequent	1
17C-6-1(a)	Too Fast For Conditions	1
17C-6-1a	Failure To Maintain Control	6
17C-6-1b	Speeding	74
17C-7-4	Passing On Right-Off Road	2
17C-7-7	No Passing Zone	1
17C-7-8	One Way And Traffic Island Violation	1
17C-9-1	Fail Yield At Intersection	3
17C-9-3	Fail To Yield-Thru Highway	1
17D-2A-3	No Insurance	7
17D-2A-4	No Proof Of Insurance	4
521.07(a)(3)	Sell, Furnish, Or Give Alcohol To Person Under 21	4
521.09(a)(3)	Sell, Furnish, Or Give Alcohol To Person Under 21 (Clubs)	1
CTPD171.07	Failure To Appear For Trial (CAPIAS)	4
CTPD361.08	Parking For Prohibited Purposes	2
CTPD531.03	Possession Of Marijuana <15gms	2
Report Totals		**252**

Report Includes:

All dates of issue between `00:00:00 09/01/24` and `23:59:59 09/30/24`, All agencies matching `CTPD`, All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

Charles Town Police Department

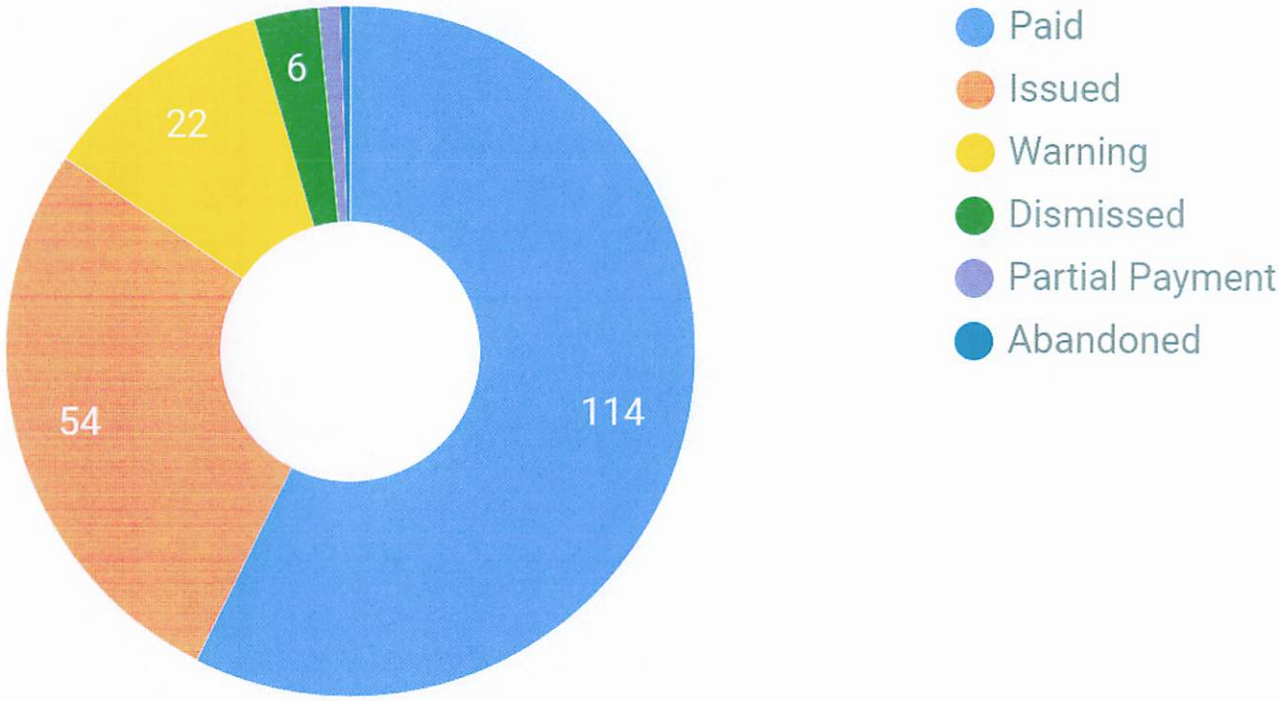
Total Traffic Warning Report, by Violation

Violation	Description	Total
17A-3-15	Improper Display Of Registration	8
17A-3-16	Expired Registration	29
17A-9-2	No Or Expired Registration	1
17C-14-15	Use Handheld Communication Device	1
17C-15-1	Unsafe-Improperly Equipped Vehicle	24
17C-15-5	Tail Lamp Requirements	2
17C-3-4	Fail To Obey Traffic Control Device	11
17C-3-5	Fail To Obey Traffic Light	3
17C-3-5(c)	Right on Red	3
17C-6-1a	Failure To Maintain Control	2
17C-6-1b	Speeding	17
17C-6-3a	Impeding Traffic	1
17C-7-3	Improper Passing/Audible Signal	1
17C-7-6	Left of Center	1
17C-7-9	Improper Lane Change	2
17C-8-2	Turning Right Improperly	1
CTPD333.03	Hazardous Driving	3

Report Totals: **110**

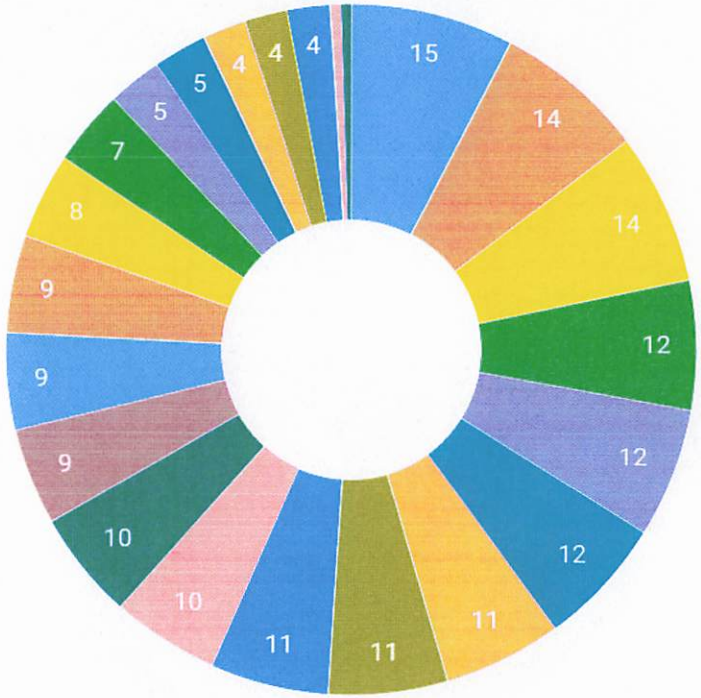
Report Includes:
All dates between `00:00:00 09/01/24` and `23:59:59 09/30/24`, All agencies matching `CTPD`, All issuing officers, All areas, All violations

City of Charles Town - Tickets By Status (Sept. 2024)



Data as of 10/7/2024, 12:00:00 AM

City of Charles Town - Tickets By Location (Sept. 2024)

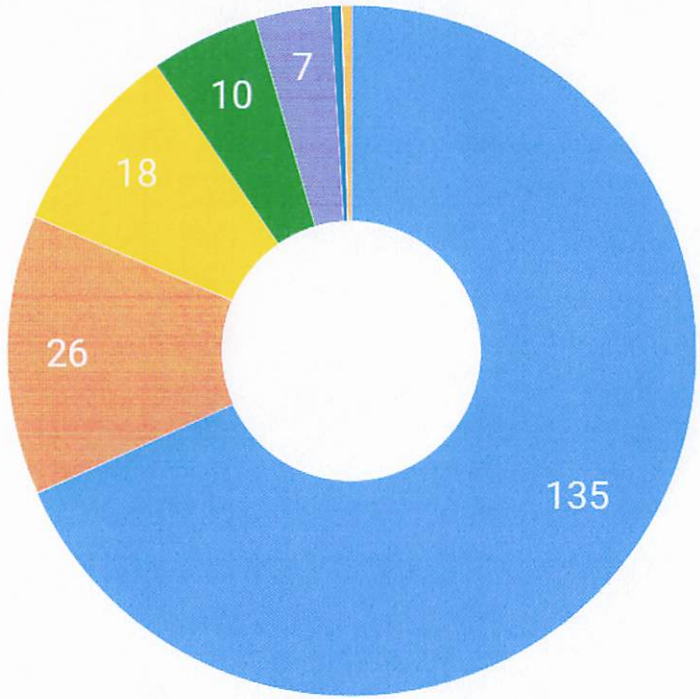


- 100 BLOCK NORTH CHARLES STREET
- 100 BLOCK EAST LIBERTY STREET
- 100 BLOCK SOUTH SAMUEL STREET
- 100 BLOCK WEST WASHINGTON STREET
- 200 BLOCK WEST WASHINGTON STREET
- LIBERTY STREET PARKING LOT
- CHARLES STREET PARKING LOT
- 200 BLOCK NORTH GEORGE STREET
- 100 BLOCK EAST CONGRESS STREET
- 100 BLOCK SOUTH CHARLES STREET
- 200 BLOCK WEST LIBERTY STREET
- 100 BLOCK WEST LIBERTY STREET
- 100 BLOCK NORTH LAWRENCE STREET
- 100 BLOCK EAST WASHINGTON STREET
- 100 BLOCK WEST CONGRESS STREET
- 200 BLOCK NORTH CHARLES STREET

1/2

Data as of 10/7/2024, 12:00:00 AM

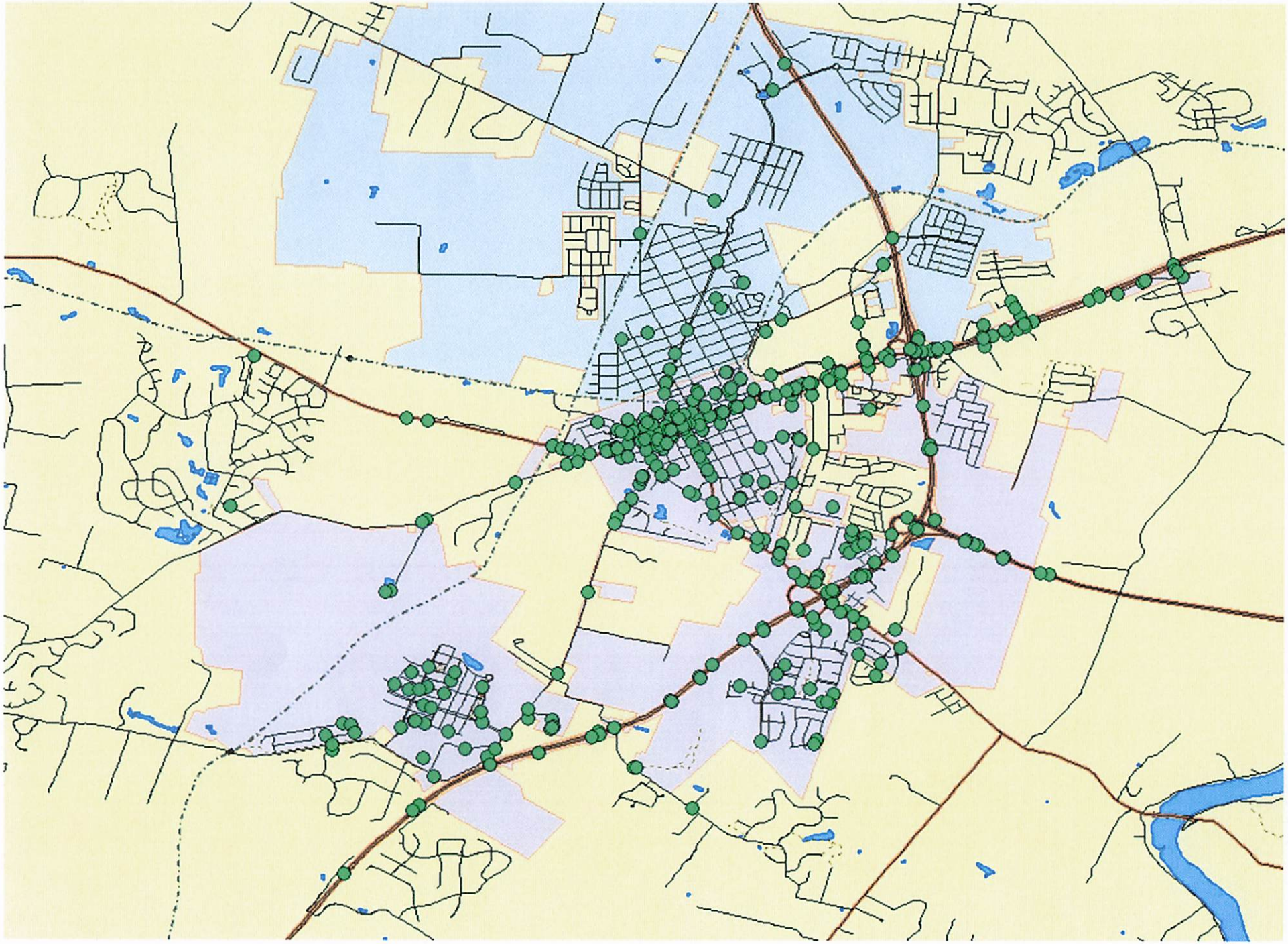
City of Charles Town - Tickets By Violation (Sept. 2024)



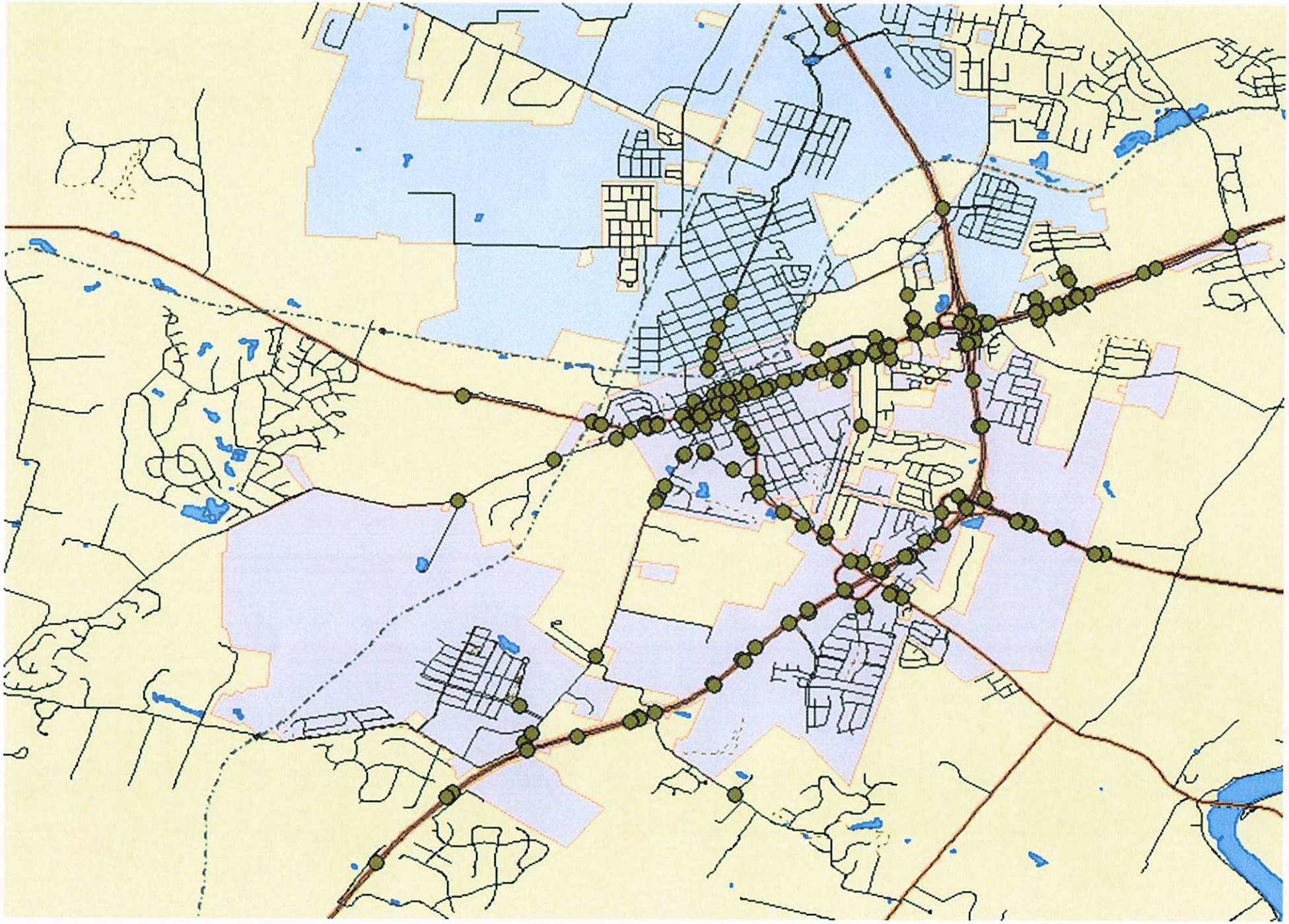
- Expired Meter
- Exceed 2 Hour Free Parking
- Parking Permit Violation
- Accessible Parking Violation
- Permit Parking Only/Pay by App Violation (Liberty Street Lot)
- Right wheel more than 18" from right curb
- Yellow/Red Painted Curbs or Streets Violation

Data as of 10/7/2024, 12:00:00 AM

September 2024 – All CTPD Calls



September 2024 – All CTPD Traffic Stops



City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

AGENDA ITEM (ID #)

2024-1058: Planning Commission Meeting Minutes - July 22, 2024

ATTACHMENTS:
- 7.22.24 PC MINUTES_DRAFT.pdf

CITY OF CHARLES TOWN
PLANNING COMMISSION
AGENDA • JULY 22, 2024

Committee Meeting **CITY HALL** **6:00 PM**

101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER SPECIAL WORK SESSION AT 6:02 PM

Present: Ann Paonessa - Chair
Jessica Derr
Zakhary Dunning
Jeff Hynes
Kevin Long
James Newman, City Staff - Zoning Administrator
Kim Crosson, City Staff - Absent

2. APPROVAL OF MINUTES

2.1: Work Session Minutes of June 24, 2024

RESULT:	**Approved**
MOVER:	Long
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

2.2: Regular Session Minutes of June 24, 2024 approved subject to the following: Page 2, correct projection to project

RESULT:	**Approved**
MOVER:	Derr
SECONDER:	Long
AYES:	Derr, Dunning, Hynes, Long, Paonessa

3. UNFINISHED BUSINESS

None

4. NEW BUSINESS

4.1: SLD2024-04 – Tractor Supply Final Plans Amendment

Staff gave presentation

Josh Maus, Applicant's architect – provided details regarding shade structure and confirmed shade is retractable

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes, Long, Paonessa

No Comment.

Motion to close public hearing.

RESULT:	**Approved**
MOVER:	Long
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Motion to recommend approval of Tractor Supply Final Plans Amendment

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

4.2: SLD2024-05 – Huntfield Phase 3B Final Plans Amendment

Staff gave presentation

Matt Stare, Applicant Representative – Provided an overview of proposed changes and discussed prior revision approval. Stated no changes to density or road layout.

PC Discussion and questions

Matt Stare, Applicant Representative – Provided details regarding driveways being like those along Union Ridge or longer. Discussed parking.

PC Discussion and questions

Matt Stare, Applicant Representative – Agreeable to meeting with residents and have reached a proffer agreement.

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Derr
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Anthony Burmeister – requested to defer

Julia Rice, Charles Town WV – Keep garages in rear with alley access. Shouldn't have primary façade be garage doors. Keep it New Urbanist. Alleyways are part of urban design.

Judy Price, Charles Town, WV – New Urbanist design is attractive and neighborly. Concerned about the impact on traffic calming if median and on street parking are removed.

Anthony Burmeister, Charles Town, WV – New Urbanist style and medians are attractive. Concerned about parking. Concerned about trash and debris if alleys are removed.

Motion to close public hearing

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Matt Stare, Applicant Representative – Current proffers allow for 40% of units to be frontloaded. Removing the median allows for left turns from driveways.

Motion to table SLD2024-05 Huntfield Phase 3B Final Plans Amendment until CoA revisions are complete

RESULT:	**Approved**
MOVER:	Dunning
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes, Long, Paonessa

4.3: BR2024-11 – Tate Manor Bond Release Request

Staff gave presentation

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Long
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Michelle McDonald, President of HOA – Questions regarding inspections of stormwater ponds, easement ownership and tax liens.

Louis Brown, Charles Town, WV – Questions regarding easement ownership and road access to other developments. Requesting clarity regarding what exactly is trying to be accessed.

Staff spoke in response to public inquiries and questions.

Motion to close public hearing

RESULT:	**Approved**
MOVER:	Derr
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Matt Stare, Applicant Representative – Spoke about stormwater ponds and inspection process.

PC requested checklist from Kimley-Horn

Motion to approve BR2024-11 – Tate Manor Bond Release Request

Motion to recommend approval of BR2024-11 – Tate Manor Bond Release Request subject to: Kimley-Horn to provide checklist

RESULT:	**Approved**
MOVER:	Derr
SECONDER:	Long
AYES:	Derr, Dunning, Hynes, Long, Paonessa

4.4: BR2024-10 – Hillside Townhomes Bond Initiation

Staff gave presentation.

Motion to recommend approval of BR2024-10 – Hillside Townhomes Bond Initiation

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Long
AYES:	Derr, Dunning, Hynes, Long, Paonessa

4.5: SLD2024-02 - Tri-State Sketch Plan Completeness Review

Motion to remove SLD2024-02 - Tri-State Sketch Plan Completeness Review from the table

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Staff gave presentation.

Motion to find application for SLD2024-02 - Tri-State Sketch Plan Completeness Review complete

PC Discussion

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

4.6: WV2024-01 – Tri-State Parking Waiver Request

Staff gave presentation.

PC Discussion and questions.

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Long
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

No comment.

PC Discussion and questions

Chris Hill, Applicant – Spoke in response to questions and inquiries regarding parking

Motion to close public hearing

RESULT:	**Approved**
MOVER:	Long
SECONDER:	Dunning
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Motion to approve WV2024-01 – Tri-State Parking Waiver Request made by Derr

Amended motion to approve WV2024-01 – Tri-State Parking Waiver Request

Motion to approve WV2024-01 – Tri-State Parking Waiver Request subject to the following: a condition that 24 parking spaces shall be set aside for resident parking only and shall be visibly marked or provided with signage to meet that affect.

PC Discussion and Questions

RESULT:	**Approved**
MOVER:	Derr
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes, Long, Paonessa

4.7: SLD2024-02 – Tri-State Sketch Plan Review

Staff presentation.

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Dunning
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

No comment.

Motion to close public hearing

RESULT:	**Approved**
MOVER:	Dunning
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Motion to recommend approval of SLD2024-02 – Tri-State Sketch Plan Review

PC Discussion and questions

RESULT:	**Approved**
MOVER:	Derr
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes, Long, Paonessa

4.8: TXA2023-09 – Neighborhood Residential Uses Update

Motion to open public hearing

RESULT:	**Approved**
MOVER:	Derr
SECONDER:	Hynes
AYES:	Derr, Dunning, Hynes, Long, Paonessa

No comment.

Motion to close public hearing

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Motion to recommend approval of SLD2024-02 – Tri-State Sketch Plan Review

PC Discussion and questions

Amended motion to recommend approval of SLD2024-02 – Tri-State Sketch Plan Review subject to the following: Amend motion to provide a definition of 'PA' and what an 'Accessory Use' is.

RESULT:	**Approved**
MOVER:	Hynes
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Motion to adjourn

RESULT:	**Approved**
MOVER:	Long
SECONDER:	Derr
AYES:	Derr, Dunning, Hynes, Long, Paonessa

Meeting adjourned at 8:48 pm.

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

2024-1059: But For Historical Data

ATTACHMENTS:
- But-for Historical Data.pdf

CITY OF CHARLES TOWN
HISTORICAL DATA FOR BUT-FOR DONATIONS

ORGANIZATION	*FY 2008*	*FY 2009*	*FY 2010*	*FY 2011*	*FY 2012*	*FY 2013*	*FY 2014*	*FY 2015*	*FY 2016*	*FY 2017*	*FY 2018*	*FY 2019*	*FY 2020*	*FY 2021*	*FY 2022*	*FY 2023*	*FY 2024*
Citizens Fire Company	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	-	10,000	10,000	10,000	10,000	10,000	10,000	-	-
Eastern Panhandle Transit Authority	-	90,000	10,000	8,000	10,000	10,000	10,000	10,000	-	9,000	9,000	9,000	9,000	9,000	4,000	25,000	-
Independent Fire Company	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	-	10,000	10,000	10,000	10,000	10,000	10,000	-	-
Jefferson County Community Ministries	-	-	-	3,000	14,000	15,000	15,000	15,000	-	10,000	10,000	10,000	15,000	15,000	20,000	20,000	-
Jefferson County Museum	-	-	-	-	-	-	-	-	1,000	1,000	1,000	1,000	1,000	1,000	1,000	-	-
Old Charles Town Library	10,000	10,000	10,000	7,500	10,750	11,500	10,000	10,000	-	10,000	10,000	10,000	15,000	15,000	15,000	15,000	-

City Council - REVISED
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 10/21/24
Department: City Council - REVISED
Category: Report
Initiator:

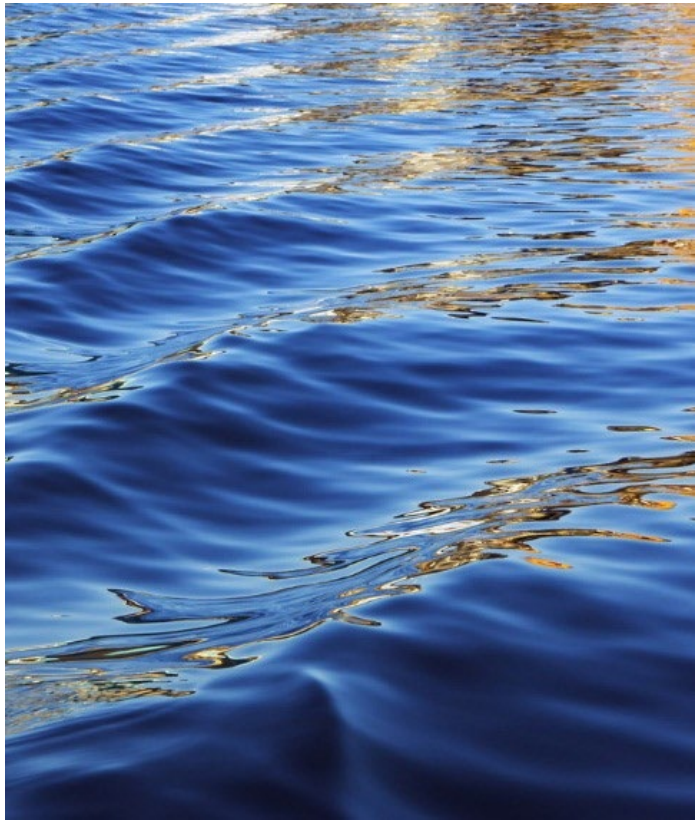
2024-1060: Charles Town Utility Board (CTUB) Presentation

ATTACHMENTS:
- CTUB Collection System Project.pdf



CTUB Collection System Project

October 7, 2024



Background information

- Initiated by JCPSD in 2014 prior to Utility Consolidation in 2018
- During consolidation in 2018 CT Council committed to completing the project
- Details and need for the project have been described extensively for almost 10 years
- As detailed in the JCPSD 2016 Engineering Report and most recently 2022 CTUB Facility Plan:
  - "The District's existing system is in need of improvements due to **aging pump stations and capacity concerns**."
  - "2020 Sewer Model indicated **areas of concern with the existing system** peak dry weather flows and wet weather flows"
  - "Many of the **pump stations are in poor condition due to age and hydrogen sulfide**"
  - "Existing gravity line through the Jefferson Memorial Park is **shallow** and **undersized**….manholes through the Park have been **observed surcharging on multiple occasions.**"
  - The Forrest Street Pump Station is located in the front yard of a house….and there have been **previous instances of the pump station backing up into the house**."
- Within the past 18 months there have been several sewage back-ups, odor complaints along Evitt's Run and two items of litigation due to the aging sewer system.

Background information

- As many local situations have changed since 2017, the project scope and costs have evolved as well.

- **Original JCPSD Project $6,990,000**
  - $2,844,984 CWSRF loan @ **0.5% interest for 40 years**
  - $3,645,016 **4% loan for 38 years**
  - $500,000 grant
  - No Capacity Improvement Fees (CIF's) applied

- **CTUB Project Option B Project $6,617,100**
  - $2,844,984 CWSRF loan @ **0.5% interest for 40 years**, **not available to CTUB for any other projects**
  - $216,016 CWSRF **3% interest for 20 years**
    - CTUB will likely forego this loan and pay this portion with CIF's
  - $1,577,000 CWSRF and EEG Grants
  - $1,312,960 CIF's (Total will likely be $1,528,976 with higher rate loan combined)
  - $664,000 Internal Operating Funds

- **All future CTUB projects funded through CWSRF would be subject to terms of 3% interest for 20-year loan based on CWSRF criteria for Median Household income and rates.**

CTUB Strategic Plan

- The current Sewer Strategic Plan outlines critical objectives for the years 2024 through 2027
- CTUB's financial goals include:
  - Maintaining low rates
  - Ensuring adequate service
  - Balancing growth
- CTUB is one of a handful of Utilities in West Virginia that collect Capacity Improvement fees to offset growth related improvements
- Based on the latest CIF study, CTUB has $41 million in current and future projects
  - $18 million non-growth related
  - $31 million growth related
- **Based on the significant growth rate contributing to the system, CTUB will initiate a review of CIF's in January 2025 to ensure that the CIF fees are adequate to handle growth related projects**

Sewer Capacity Improvement Fee Projects and Budget

Project:	CIF Funds Allocated	CIF Acct Disbursements	Balance 8/31/2024
Renewal and Replacement Project (Near Completion)	1,170,163.00	(310,424.21)	859,738.79
Collection System Project	1,528,976.00	-	1,528,976.00
Greenfield Forcemain Project - Current	1,200,000.00	(70,657.14)	1,129,342.86
Greenfield Pump Station Upgrade	450,000.00	(32,992.00)	417,008.00
Job Corp Pump Station Upgrade	64,850.00	(58,365.00)	6,485.00
CTWWTP Upgrades and Expansion - Preliminary Eng. Report	55,000.00	-	55,000.00
Flowing Springs Pump Station Upgrade	950,000.00	-	950,000.00
Fairfax Line/Collections System Projects	2,500,000.00	-	2,500,000.00
	$ 7,918,989.00	**$ (472,438.35)**	**$ 7,446,550.65**

This amount includes $216,016 SRF loan at higher rate to reduce overall costs

CIF Cash Account Detail:

CIF Cash Account Balance as of 8/31/2024:	7,975,356.10
Less: Remaining Funds Allocated and Not Paid from CIF Acct	(7,446,550.65)
Balance available for future projects as of 8/31/2024:	**$ 528,805.45**

Projects above (excluding R&R project) are based on cost estimates and not bids.

This balance allows for funding of design and engineering of near-term growth projects with a bond issue

Collection System Project Funding Strategy

- **Apply $1.6M in grant money to overall project**
- **Utilize favorable WVDEP loan of 0.5%** and preserve cash in CIF account to fund near-term growth projects **to mitigate future rate impact to existing ratepayers based on need for bond issue at higher rate financing**
- Difference of Growth % paid by future ratepayers over 40-year through rates due to 100% funding of Flowing Springs Project, as well as increased costs and project scope from the CIF study
- **Balanced Financial approach**
- **NO RATE IMPACT**
- **Reduced cost of service** compared to higher rate loan
- **Net Present value of SRF loan is equivalent to a grant of $1.4 million**

Project Total	$6,614,960.00	
GRANTS		
CWSRF "Green" Principal Forgiveness, $500,000	$500,000	
Economic Enhancement Grant, $1,077,000	$1,077,000	
Project Total less Grant $$	$5,037,960.00	
Funding Source	Growth	Non-growth
Project Split	$3,073,156	$1,964,804
Percentage	61%	39%
CWSRF Loan (0.25%, 0.25% admin, 40yr), $2,844,984)	$1,544,180	$1,300,804
% funding	23%	20%
CWSRF Loan (2.75%, 0.25% admin, 20yr), $216,016		
% funding	0%	0%
Capacity Improvement Fee Internal funding	$1,528,976	$0
% funding	23%	0%
CTUB Internal Funding Contribution	$0	$664,000
% funding	0%	10%
Total remaining funding based on allocation	$3,073,156	$1,964,804
% funding	61%	39%

	Future CIF Project to complete FSPS	
	Growth	Non-growth
Capacity Improvement Fee Internal funding	$950,000	$0
% funding	100%	0%

Collection System Project Funding Strategy Alternative

The alternative to the CTUB selected funding strategy

- Fully deplete internal CIF fund and result in negative balance
- Fund near term projects with higher rate loans with substantial increased Debt Service, requires **$800,000 in additional debt service not required with favorable WVDEP financing**
- Rate impact to all customers based on significant increased debt service costs

Project:	CIF Funds Allocated	CIF Acct Disbursements	Balance 8/31/2024
Renewal and Replacement Project (Near Completion)	1,170,163.00	(310,424.21)	859,738.79
Collection System Project - 61% fully funding growth portion	3,073,156.00	-	3,073,156.00
Greenfield Forcemain Project - Current	1,200,000.00	(70,657.14)	1,129,342.86
Greenfield Pump Station Upgrade	450,000.00	(32,992.00)	417,008.00
Job Corp Pump Station Upgrade	64,850.00	(58,365.00)	6,485.00
CTWWTP Upgrades and Expansion - Preliminary Eng. Report	55,000.00	-	55,000.00
Flowing Springs Pump Station Upgrade	950,000.00	-	950,000.00
Fairfax Line/Collections System Projects	2,500,000.00	-	2,500,000.00
	$ 9,463,169.00	**$ (472,438.35)**	**$ 8,990,730.65**

Future projects will require a bond issue resulting in significant additional costs to system

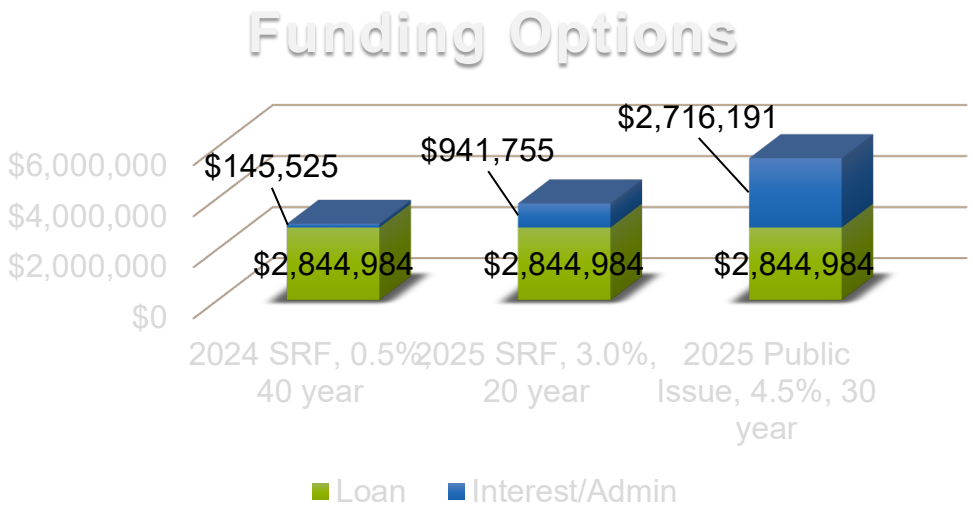
CIF Cash Account Detail:

CIF Cash Account Balance as of 8/31/2024:	7,975,356.10
Less: Remaining Funds Allocated and Not Paid from CIF Acct	(8,990,730.65)
Balance available for future projects as of 8/31/2024:	**$ (1,015,374.55)**

Negative balance resulting in need to fund projects through higher rate financing

***Projects above (excluding R&R project) are based on cost estimates and not bids.**

Collection System Project Funding Strategy Alternative



Use less favorable financing to fund near term projects through CWSRF or Public Bond Issue

A. Interest rates on POTW loans

The eligibility criterion for low interest loan consideration will be based upon 3,400 gallons of monthly water usage. The DEP will use this criterion to determine the interest rate on loans. The maximum allowable term* of the loans will be determined using the following range of user rates and MHI data:

Less than 1.5% MHI: *Terms will be based upon the 25-Bond Revenue Index. At BCL issuance, the CWSRF will use the last published rate less 5 basis points (.05) for a 20-year term. At no point will the terms exceed 2.75% interest rate, .25% annual admin fee, 20-year term***

1.5% to 1.74% MHI: *1.75% interest rate, .25% annual admin fee, 21 - 30-year term*

1.75% to 2.0% MHI: *.75% interest rate, .25% annual admin fee, 21 - 30-year term*

Greater than 2% MHI: *.25% interest rate, .25% annual admin fee, 31 - 40-year term*

Funding Options

(A)	(B)	(C)	(D)
	Option 1	Option 2	Option 3
	2024 SRF	2025 SRF	2025 Pub Mkt
	40 Year Term	20 Year Term	30 Year Term
Description	0.50% Rate*	3.00% Rate*	4.50% Rate
Total Payments*	$2,990,509	$3,786,739	$5,561,175
Gross DS Increase vs Option 1	---	$796,230	$2,570,666

The current schedule is fixed based on the following parameters:

- Per the WVDEP Binding Commitment letter **(0.50%, 40-year loan)** dated June 27, 2024:
  - "**If the City's Bonds have not been issued to the Fund by December 27, 2024, it is understood that the Fund reserves the right to discontinue processing the City's application** and, on that day, will have no further responsibilities or obligation hereunder."
- Per the West Virginia Water Development Authority **grant ($1,620,000)** commitment dated May 24, 2023:
  - **"Your project must be under construction of by December 31, 2024** and the grant must be expended (paid out) by December 31, 2026. **If you cannot meet these dates, the grant will be rescinded and the Authority will have no future obligation to fund the Project."**
- Any changes to this schedule, that has been discussed at length with CTUB and Council, will likely result in impacts to all ratepayers.

Summary:

- **CTUB has chosen the most financially viable strategy to fund this project making use of $2.8M of favorable loans** committed to prior to Utility consolidation.
- **CTUB has chosen the most financially viable strategy to fund this project making use of $1.6M in grants** that were committed to the City through CWSRF and Economic Enhancement Grant (EEG) funding from the State Water Development Authority.
- **CTUB has obtained financing that would not otherwise be available to the City** based on MHI requirements available through the Clean Water State Revolving Fund.
- **CTUB has protected the existing ratepayers from future rate impacts through the application of CIF's** and the funding of critical projects with additional favorable funding and grants that would not typically be available for sewer infrastructure projects.
- **CTUB is committed to ensuring that the growth components of the system are paid through the application of CIF's** so that existing ratepayers are not burdened by impacts of growth.
- CTUB will evaluate CIF's in January 2025 based on rapid growth over the past 2 years. **CTUB commits that the Charles Town City Council and the public can participate in a process to establish fair and equitable fees to ensure that growth pays for growth.**