



**WEST VIRGINIA**

**Infrastructure & Jobs Development Council**

**APPROVED**

A meeting of the West Virginia Infrastructure and Jobs Development Council (Council) was held **Wednesday, June 1, 2022, beginning at 9:30 a.m.** in the Infrastructure & Jobs Development Council Public Hearing Room at 1009 Bullitt Street, Charleston, West Virginia.

**Voting Members that were present:**

**Quorum** A quorum was constituted of the following members present:

**Chair** Ann Urling, Governor's Office

**Voting Members in person:**

John Reisenweber, Vice-Chair  
Marie Prezioso, WV Water Development Authority  
Jason Billups, WV Department of Environmental Protection  
Stephanie Hickerson, WV Bureau for Public Health  
Erica Boggess, WV Housing Development  
Mathew McComas, Public Member

**Voting Members via phone:**

Kris Warner, WV Economic Development Authority  
Jonathan Fowler, WV Public Service Commission  
Louis Spatafore, Public Member

**Voting Members not present:**

John Boyle, Public Member  
Don Rigby, Public Member

**Advisory Members present (by phone):**

Senator Glen Jeffries

**Invitees present or via phone:**

Todd Hooker, WV Development Office  
Roger Earle, WV DEP – Abandoned Mine Lands  
Janna Lowery, USDA  
Sherry Risk, SCBG

**Invitees not present:**

David Cramer, WV Division of Highways  
Lesli Stone Smith, US Army Corp. of Engineers  
James Bush, WV ARC  
Tracy Rowan, US Economic Development Authority

**Others in attendance:**

Wayne Morgan, WV Infrastructure & Jobs Development Council  
Brock Jarrett, WV Water Development Authority

Samme Gee, Jackson Kelly PLLC  
Julie Merow, Jackson Kelly PLLC  
James Ellars, WV Public Service Commission  
Michael Griffith, Griffith & Associates  
Luke Peters, MOVRC  
Joel Davis, MOVRC  
Jake Frody, MOVRC  
Katrina Kratche, MOVRC  
Dan Ferrell, The Thrasher Group  
Terry Martin, RIC  
Mea Billups, WVDEP  
Amanda McGinnis, WVRWA

**Others in attendance by phone:**

Mike Duminiak, WV Infrastructure & Jobs Development Council  
Cary Smith, Region 7 Planning & Development Council  
Chris Stanley, Thompson & Litton  
Paul Hamrick, West Fork Co-Op

**Call to Order** Chair Ann Urling called the meeting to order and noted a quorum was present.

**Approval of Minutes** Chair Urling asked for approval of the draft minutes of **May 4, 2022**. Jonathan Fowler moved for approval and Jason Billups seconded the motion. The motion passed.

**Projects Recommended to Pursue Infrastructure Fund Assistance:**

**Carpendale, Town of (2021S-2037) System Improvements – District 1 (New Application)**

Jason Billups described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends the Town of Carpendale pursue a \$1,600,000 US ACE Grant, a \$1,000,000 CWSRF Principal Forgiveness Loan, a \$300,000 Mineral County Commission ARPA Grant, and a \$500,000 IJDC District 1 Grant for an estimated project cost of \$3,400,000.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Clarksburg, City of (2021S-2049) West Fork Co-Op Evaluation – District 1 (New Application)**

Jason Billups described the request, and it is technically feasible.

The Technical Review and Funding Committee recommends the City of Clarksburg pursue a \$2,335,000 US ACE Grant, a \$1,500,000 CWSRF Principal Forgiveness Loan, a \$1,000,000 IJDC Grant, and a \$500,000 IJDC Loan (1%, 40 yrs) for an estimated project cost of \$5,335,000.

Marie Prezioso moved that the recommendation be approved, Matthew McComas seconded the motion. The motion passed.

**Nutter Fort, Town of (2022S-2118) Lifepointe Church Extension – District 1 (New Application)**

Jason Billups described the request, and it technically feasible.

The Technical Review and Funding Committee recommends the Town of Nutter Fort pursue a \$1,000,000 CWSRF Debt Forgiveness Loan and a \$1,000,000 IJDC District 1 Grant for an estimated project cost of \$2,000,000.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Tunnelton, Town of (2020S-1893) WWTP Improvements – District 1 (Cost & Funding Change)**

Wayne Morgan described the request, and it technically feasible.

The Technical Review and Funding Committee recommends the Town of Tunnelton pursue a \$247,000 USDA Loan (1.12%, 40 yrs), a \$869,000 USDA Grant, and a \$500,000 IJDC District 1 Grant for an estimated project cost of \$1,616,000.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Mill Creek, Town of (2022W-2092) Storage Improvements – District 2 (New Application)**

Stephanie Hickerson described the request, and it is technically feasible.

The Technical Review and Funding Committee recommends the Town of Mill Creek pursue a \$668,022 ARPA Grant from the Randolph County Commission, a \$281,978 ARPA Grant from the Town, and a \$950,000 IJDC District 2 Grant for an estimated project cost of \$1,900,000.

Marie Prezioso moved that the recommendation be approved, Matthew McComas seconded the motion. The motion passed.

**Gauley River PSD (2022W-2114) Main Replacement – District 3 (New Application)**

Stephanie Hickerson described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends Gauley River PSD pursue a \$2,000,000 DWTRF Principal Forgiveness Loan, a \$360,000 DWTRF Principal Forgiveness (Design) Loan, a \$2,490,000 DWTRF Loan (0.5%, 40 yrs.), and a \$500,000 IJDC District 3 Grant for an estimated project cost of \$5,350,000.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Lincoln County PSD (209W-1806) Alum Creek Tank – District 3 (Engineering fee variance)**

Stephanie Hickerson described the application.

The Technical Review and Funding Committee recommends the Lincoln County PSD engineering fee variance (design & total) request be approved.

Marie Prezioso moved that the recommendation be approved, Matthew McComas seconded the motion. The motion passed.

**Nettie Leivasy PSD (2022W-2113) Main Replacement – District 3 (New Application)**

Stephanie Hickerson described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends Nettie Leivasy PSD pursue a \$4,020,620 Congressionally Directed Grant, a \$500,000 DWTRF Principal Forgiveness Loan, a \$1,379,380 DWTRF Loan (0.5%, 30 yrs.), and a \$500,000 IJDC District 3 Grant for an estimated project cost of \$6,400,000.

Marie Prezioso moved that the recommendation be approved, Erica Boggess seconded the motion. The motion passed.

**Richwood, City of (2021S-1960) WWTP Repl. (Cost & Funding Change)**

Wayne Morgan described the request, and it is technically feasible.

The Technical Review and Funding Committee recommends the City of Richwood pursue a \$10,000,000 CDBG-MIT Grant, a \$5,000,000 Congressionally Directed Spending Grant, a \$1,500,000 CWSRF Debt Forgiveness Loan and \$950,000 IJDC District 3 Grant for an estimated project cost of \$17,450,000.

Marie Prezioso moved that the recommendation be approved, Matthew McComas seconded the motion. The motion passed.

**Salt Rock Sewer PSD (2022S-2121) Line Extension – District 3 (New Application)**

Jason Billups described the request, and it is technically feasible.

The Technical Review and Funding Committee recommends Salt Rock PSD pursue a \$201,765 Congressionally Directed Grant, and a \$118,235 IJDC District 3 Grant for an estimated cost of \$320,000.

Marie Prezioso moved that the recommendation be approved, Matthew McComas seconded the motion. The motion passed.

**Projects Recommended to Pursue Funding Sources Other Than Infrastructure Fund Assistance:**

**Cowen PSD (2022W-2120) WTP & Main Replacement – District 3 (New Application)**

Stephanie Hickerson described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends Cowen PSD pursue a \$500,000 DWTRF Principal Forgiveness (Design) Loan, a \$2,080,000 DWTRF Principal Forgiveness Loan, a DWTRF Loan (0.5%, 40 yrs), a \$7,500,000 CDBG-MIT (SCBG) for an estimated project cost of \$11,580,000.

Marie Prezioso moved that the recommendation be approved, Matthew McComas seconded the motion. The motion passed.

**Gary, City of (2019S-1853) System Improvements (Funding Change)**

Wayne Morgan described the request, and it is technically feasible.

The Technical Review & Funding committee recommends the City of Gary pursue a \$1,750,000 ARC Grant and a \$836,000 CWSRF Principal Forgiveness Loan for an estimated project cost of \$2,586,000.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Gary, City of (2020W-1909) System Improvements – District 3 (Tabled New Application)**

Stephanie Hickerson described the application, and it is technically feasible.

The Technical Review and Funding Committee recommends the City of Gary pursue a \$1,500,000 CDBG (SCBG) Grant, a \$891,000 AML Pilot Grant, and a \$500,000 DWTRF Principal Forgiveness Loan for an estimated project cost of \$2,891,000.

Marie Prezioso moved that the recommendation be approved, Matthew McComas seconded the motion. The motion passed.

**Projects Requesting an Infrastructure Fund Binding Commitment:**

**Greater Harrison PSD (2022W-2137) CN Stevens Run II Extension – District 1 (New Application; Contingent Binding Commitment)**

The Technical Review and Funding Committee recommends Greater Harrison PSD receive a \$309,000 IJDC Critical Need Contingent Binding Commitment upon receipt of required documentation.

Marie Prezioso moved that the recommendation be approved, Matt McComas seconded the motion. The motion passed.

**Lumberport, Town of (2022W-2150) System Improvements – District 1 (PFA Binding Commitment)**

The Technical Review and Funding Committee recommends the Town of Lumberton receive a \$7,500 IJDC Preapplication Funding Assistance (PFA) Binding Commitment on July 1, 2022 contingent upon receipt of additional funding in FY 2023.

Marie Prezioso moved that the recommendation be approved, Matt McComas seconded the motion. The motion passed.

**Kingwood, City of (2022S-2145) System Improvements – District 1 (PFA Binding Commitment)**

The Technical Review and Funding Committee recommends the City of Kingwood receive a \$48,000 IJDC Preapplication Funding Assistance (PFA) Binding Commitment on July 1, 2022 contingent upon receipt of additional funding in FY 2023.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Mineral Wells PSD (2019S-1817) System Improvements – District 1 (Binding Commitment)**

The Technical Review and Funding Committee recommends the Mineral Wells PSD receive a \$500,000 IJDC District 1 Grant Binding Commitment on July 1, 2022 contingent upon receipt of additional funding in FY 2023..

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Mineral Wells PSD (2017W-1700) System Improvements – District 1 (Cost & Funding Change and Binding Commitment)**

The Technical Review and Funding Committee recommends Mineral Wells PSD pursue a \$3,609,000 USDA Loan (2.125%, 40 yrs), and a \$1,356,139 IJDC District 1 Loan (2.75%, 20 yrs) for an estimated project cost of \$4,965,139.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends Mineral Wells PSD receive a \$1,356,139 IJDC District 1 Loan (2.75%, 20 yrs) Binding Commitment.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Tyler County PSD (2019W-1804) Alma Extension – District 1 (Bid Overrun)**

The Technical Review and Funding committee recommends Tyler PSD pursue a \$1,465,000 USDA Grant, a \$2,019,000 USDA Loan (1.75%, 40 yrs.), a \$318,000 USDA Loan (2%, 40 yrs.), a \$507,600 Tyler County Commission Grant, a \$100,978 Tyler County Commission ARPA Grant and a \$165,000 IJDC District 1 Grant for an estimated cost of \$4,575,578.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

The Technical Review and Funding committee recommends Tyler PSD receive a \$165,000 IJDC District 1 Bid Overrun Grant Binding Commitment.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Central Hampshire PSD (2020W-1874) Purgitsville Extension – District 2 (Cost & Funding Change; Binding Commitment)**

The Technical Review and Funding Committee recommends Central Hampshire PSD pursue a \$2,000,000 CDBG (SCBG), a \$1,975,000 US ACE Grant and a \$1,000,000 IJDC District 2 Grant for an estimated project cost of \$4,975,000.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends Central Hampshire PSD receive a \$1,000,000 IJDC District 2 Binding Commitment.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Ripley, City of (2018S-1774) WWTP and Main Improvements – District 2 (Cost & Funding Change; Bid Overrun)**

The Technical Review and Funding Committee recommends the City of Ripley pursue a \$2,500,000 ARC Grant a \$2,050,000 USACE Grant, a \$1,000,000 Jackson County ARPA Grant, \$3,000,000 Congressional Directed Spending Grant, a \$2,710,000 IJDC District 2 Loan (1%, 40 yrs.), a \$1,000,000 IJDC District 2 Grant, a \$165,000 IJDC District 2 Bid Overrun Grant, \$1,500,000 CWSRF Principal Forgiveness Loan, a \$9,000,000 CWSRF Loan (0.25%, 40 yrs., 0.25% AF) , a \$1,000,000 USDA Grant, a \$3,800,000 USDA Loan (2.75%, 38 yrs.), and a \$3,433,758 WDA Economic Enhancement Grant for an estimated project cost of \$31,158,758.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the City of Ripley receive a \$165,000 IJDC District 2 Bid Overrun Binding Commitment.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Spencer, City of (2020W-1905) Main Repl. And Reservoir Liner – District 2 (Binding Commitment)**

The Technical Review and Funding Committee recommend the City of Spencer receive a \$120,000 IJDC District 2 Grant Binding Commitment.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Lewisburg, City of (2014W-1536) System Improvements – District 3 (Cost & Funding Change; Bid Overrun)**

The Technical Review and Funding Committee recommends City of Lewisburg pursue \$39,834,000 USDA Loan (2%, 40 yrs), a \$12,914,000 USDA Grant, a \$2,127,376.04 Lewisburg Contribution, a \$841,517.70 Lewisburg ARPA Contribution, a \$7,586,106.26 WDA Economic Enhancement Grant and a \$165,000 IJDC District 3 Bid Overrun Grant for an estimated project cost of \$63,468,000.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the City of Lewisburg receive a \$165,000 IJDC District 3 Bid Overrun Binding Commitment.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

**Richwood, City of (2014W-1529) Hinkle Mtn. Ext. – District 3 (Cost & Funding Change; Bid Overrun)**

The Technical Review and Funding committee recommends the City of Richwood pursue a \$100,000 Nicholas County Commission Grant, a \$750,000 Nicholas County Commission ARPA Grant, a \$200,000 US ACE Grant a \$1,500,000 CDBG (SCBG), a \$1,500,000 DWTRF Principal Forgiveness Loan, a \$5,060,390 DWTRF Loan (0.5%, 40 yrs), a \$1,854,175.11 WDA Enconomic Enhancement Grant, a \$25,000 IJDC Soft Cost Grant, a \$975,000 IJDC District 3 Grant and a \$165,000 IJDC District 3 Bid Overrun Grant for an estimated project cost of \$12,129,565.11.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

The Technical Review and Funding Committee recommends the City of Richwood receive a \$165,000 IJDC District 3 Bid Overrun Binding Commitment.

Marie Prezioso moved that the recommendation be approved, John Reisenweber seconded the motion. The motion passed.

### **Projects Recommended for Infrastructure Fund Economic Development Assistance:**

#### **Ohio County Development Authority (2008E-119) Modification of Loan Agreement**

Kris Warner described the request as a \$3 million loan at 3% interest rate was closed June 12, 2009. They are current on all their payments. Outstanding Principal Balance is \$1,263,668. WDA/IJDC shared a first lien with BB&T (Truist) bank. The loan was refinanced with WesBanco. They are requesting that the shared first lien on the loan now be with WesBanco.

Kris Warner moved that the request to approve a shared first lien on the Ohio County Development Authority Loan # 2008E-119 with WesBanco, be approved, John Reisenweber seconded the motion. The motion passed.

#### **Monongalia County Development Authority (2022E-205) Loan to Purchase Building**

Kris Warner described the request as Monongalia County Development Authority (MCDA) is requesting a loan not to exceed \$4,500,000. The proceeds from the loan will be used to purchase a 55,000 square foot building from Viatrix in Morgantown. The intention is to lease the property to a battery manufacturing company.

Kris Warner moved that the request to approve a loan to the Monongalia County Development Authority to purchase a 55,000 square foot building from Viatrix in Morgantown with the following terms:

1. A loan not to exceed \$4,500,000 with an interest rate of 1% and a term not to exceed 15 years and six months.
  2. There will be interest only not to exceed 6 months or until the property is sold or leased.
  3. If the property is leased, loan payments (principal and interest) will be amortized over 15 years.
  4. If the property is not sold or leased within 6 months, payments will begin on the loan for a 15-year term.
  5. WDA on behalf of IJDC, will have a sole first lien on the building and property,
- be approved, John Reisenweber seconded the motion. The motion passed.

### **Business Items:**

John Reisenweber moved the adoption of the **Drinking Water Treatment Revolving Fund Resolution**, Matt McComas seconded the motion. The motion passed.

John Reisenweber moved the adoption of the **Clean Water State Revolving Fund Resolution**, Matt McComas seconded the motion. The motion passed.

John Reisenweber moved the adoption of the **WV IJDC MHI Resolution**, Matt McComas seconded the motion. The motion passed.

John Reisenweber moved the adoption of the **Resolution Authorizing Funding for Fiscal Year 2023 for the Critical Needs and Failing Systems Sub Account**, Matt McComas seconded the motion. The motion passed.



John Reisenweber moved the adoption of the **Resolution Authorizing Set Aside for Pre-application Funding Assistance**, Matt McComas seconded the motion. The motion passed.

**Informational Items:**

Funding Program Updates

Chair Urling encouraged all to get updated grant information at the grants.wv.gov website.  
Shelly Risk gave an update on CDBG funding.

**Executive Director Comments:**

Wayne Morgan gave a brief update on Southern Jackson Co. PSD project 2018S-1767 noting that staff will record the new Southern Jackson County PSD funding scenario to pursue \$2,158,000 Congressionally Directed Spending Grant, a \$1,000,000 CWSRF Debt Forgiveness Loan, a \$13,700,000 CWSRF Loan (0.25%, 0.25% AF, 40 yrs), and a \$1,000,000 IJDC District 2 Grant for an estimated project cost of \$17,858,000.

Wayne Morgan gave a brief update on the referral to Consolidation Committee of the West Union and Pennsboro water improvements.

**Projects Requiring Additional Information:**

Piedmont, City of – Pur. Water Keyser, WV (scope, cost & fund. chg.)	2019W-1836
New Creek PSD-System Improvements I (cost & funding change; and binding commitment)	2021S-2004
West Union, Town of – WTP System Improvements (new application)	2022W-2119
Clay, Town of – System Improvements (funding change; and binding commitment)	2019S-1793
Franklin, Town of – System Improvements II (new appl. tabled until June 28 <sup>th</sup> ) and design loan binding commitment)	2022W-2109
Pleasant Hill PSD – Norman Ridge Extension (cost and funding change)	2018W-1746
Williamson, City of – System Improvements (cost and funding change)	2015W-1587

**Requests Received:** (Applications by May 10, 2022, and requests to date)

Information Report

**Sewer**

Hancock County PSD – Newell System Imprvs. (new application)-1 2021S-1980  
Beckley, City of – Pinecrest Improvements (new application)-3 2022S-2144  
Huntington, City of – CN Sunset Drive Ext (new application; CN cont. binding commitment)-3 2022S-2149

**Water**

Fountain PSD – Parrill Road Extension (new application)-1 2022W-2131  
Grandview-Doolin PSD – CN Woodsland Road Ext (new application; CN cont. binding comt.)-1 2022W-2142  
Grant County PSD – Knobley Extension (new application)-1 2022W-2133  
Elizabeth, Town of Rt 14 Main Repl II (new application)-2 2022W-2129  
Hodgesville PSD – System Improvements (new application)-2 2022W-2136  
Greenbrier PSD 2 – Trout Extension (new application)-3 2022W-2132  
Mason County PSD – Apple Grove Ext (new application)-3 2022W-2143  
Mercer Co. PSD – Pocahontas Sys. Imprvs. (new application)-3 2022W-2110  
New Haven PSD – Old Gwinn Rd. Ext. (new application)-3 2022W-2069  
New Haven PSD – White Road Extension (new application)-3 2022W-2070  
New Haven PSD – Lucus Road Extension (new application)-3 2022W-2071

New Haven PSD – CN Whispering Pines Lane Ext. (new app.; CN cont. binding comt.)-3  
2022W-2112

**PUBLIC COMMENT**

No one from the public wished to comment during the Public Comment period.

**ADJOURNMENT**

With no further business before the Council, the Chair entertained a motion to adjourn. Matt McComas moved to adjourn; John Reisenweber seconded the motion. The motion passed. The meeting was adjourned at 10:37 a.m.

 Date: 2022.07.06  
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Wayne D. Morgan  
Secretary & Executive Director

**RESOLUTION  
DRINKING WATER TREATMENT REVOLVING FUND**

**WHEREAS**, the West Virginia Infrastructure and Jobs Development Council (the “Infrastructure Council”) is a governmental instrumentality organized and existing under the laws of the State of West Virginia (the “State”), particularly Article 15A of Chapter 31 of the Code of West Virginia, 1931, as amended (the “Act”) for certain purposes set forth in the Act including encouraging and assisting in a cost effective, coordinated approach to water and wastewater system development as well as the effectuation of job creation; and

**WHEREAS**, the Infrastructure Council, upon the request of the Bureau for Public Health, has reviewed the federally sponsored Drinking Water Treatment Revolving Fund Program (the “DWTRF”) which requires a 2022 fiscal year state match of \$1,401,600 in order to secure \$7,008,000 from the federal government, all of which is to be used for projects as defined in Section 2 of the Act, particularly water system development; and

**WHEREAS**, the DWTRF has received an additional allotment of \$17,992,000 under the Federal Infrastructure Investment and Jobs Act which requires a match of \$1,799,200, all of which is to be used for projects as defined in Section 2 of the Act, particularly water system development; and

**WHEREAS**, the Infrastructure Council finds that the leverage of federal dollars through the use of State moneys is an efficient and cost effective means by which to expand and improve the State’s infrastructure system; and

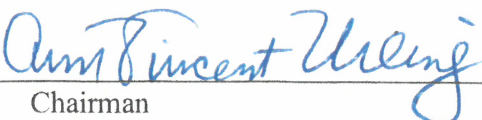
**WHEREAS**, the Infrastructure Council finds that taking part in the DWTRF program is particularly advisable given the ratio of state-to-federal dollar participation.

**NOW THEREFORE, BE IT RESOLVED**, by the West Virginia Infrastructure and Jobs Development Council as follows:

**RESOLVED**: That pursuant to Sections 9 and 11 of the Act, \$1,401,600 and \$1,799,200 contained within the Infrastructure Fund for projects be hereby committed to the Bureau for Public Health for purposes of securing federal dollars and implementing the 2022 DWTRF program.

**ADOPTED** by the West Virginia Infrastructure and Jobs Development Council at a meeting held on the 1<sup>st</sup> day of June, 2022.

WEST VIRGINIA INFRASTRUCTURE AND  
JOBS DEVELOPMENT COUNCIL

By:   
Chairman

**RESOLUTION  
CLEAN WATER STATE REVOLVING FUND**

**WHEREAS**, the West Virginia Infrastructure and Jobs Development Council (the “Infrastructure Council”) is a governmental instrumentality organized and existing under the laws of the State of West Virginia (the “State”), particularly Article 15A of Chapter 31 of the Code of West Virginia, 1931, as amended (the “Act”) for certain purposes set forth in the Act including encouraging and assisting in a cost effective, coordinated approach to water and wastewater system development as well as the effectuation of job creation; and

**WHEREAS**, the Infrastructure Council, upon the request of the Department of Environmental Protection, has reviewed the federally sponsored Clean Water State Revolving Fund Program (the “CWSRF”) which requires a 2022 fiscal year state match of \$3,607,400 in order to secure \$18,037,000 from the federal government, all of which is to be used for projects as defined in Section 2 of the Act, particularly wastewater system development; and

**WHEREAS**, the CWSRF has received an additional allotment of \$27,745,000 under the Federal Infrastructure Investment and Jobs Act which requires a match of \$2,774,500, all of which is to be used for projects as defined in Section 2 of the Act, particularly wastewater system development; and

**WHEREAS**, the Infrastructure Council finds that the leverage of federal dollars through the use of State moneys is an efficient and cost effective means by which to expand and improve the State’s infrastructure system; and

**WHEREAS**, the Infrastructure Council finds that taking part in the CWSRF program is particularly advisable given the ratio of state-to-federal dollar participation; and

**NOW THEREFORE, BE IT RESOLVED**, by the West Virginia Infrastructure and Jobs Development Council as follows:

**RESOLVED**: That pursuant to Sections 9 and 11 of the Act, \$3,607,400 and \$2,774,500, respectfully, contained within the Infrastructure Fund for projects be hereby committed to the Department of Environmental Protection for purposes of securing federal dollars and implementing the 2022 CWSRF program.

**ADOPTED** by the West Virginia Infrastructure and Jobs Development Council at a meeting held on the 1<sup>st</sup> day of June, 2022.

WEST VIRGINIA INFRASTRUCTURE AND  
JOBS DEVELOPMENT COUNCIL

By:   
Chairman

**RESOLUTION RELATED TO THE APPLICATION OF  
MEDIUM HOUSEHOLD INCOME DATA**

**WHEREAS**, the West Virginia Infrastructure and Jobs Development Council (the “Council”) on May 8, 2013 proposed changes to Title 167 CSR 1 of its Legislative Rules (the “Rule”), specifically relating to Median Household Income (“MHI”) data and average gallon usage determination, and authorizing the Executive Director to file the proposed changes with the WV Secretary of State and the WV Legislature for approval;

**WHEREAS**, during the 2014 Legislative Session the Council’s proposed rule changes were passed by the WV Legislature and enacted with an effective date of April 28, 2014;

**WHEREAS**, at its regular meeting on May 3, 2017 the Council adopted a motion requiring all applications filed on or after the June 10, 2017 review cycle to utilize the 2015 MHI (“2015 MHI”) in determining funding terms and eligibility;

**WHEREAS**, Section 5.7.1 of the Rule provides that mandatory minimum end user utility rate be based upon a unified statewide percentage of the medium household income as determined and published by the United States Department of Commerce, Census Bureau, American Community Survey (5 years) (the “ACS”);

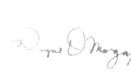
**WHEREAS**, the ACS data for year 2020 has been published and is available (the “2020 MHI”);

**WHEREAS**, to comply with the Rule it is necessary for the Council to establish the date for applying the 2020 MHI;

**NOW, THEREFORE**, be it resolved by the West Virginia Infrastructure and Jobs Development Council as follows:

- 1) Project applications filed after the June 10, 2022 must use the 2020 MHI data for average user rate determination.
- 2) Project Sponsors that filed applications before June 10, 2022, may request a binding commitment letter using either the 2015 MHI data or the 2020 MHI data until June 30, 2024, provided, that all requests for binding commitment letters made after June 30, 2024 must use the 2020 MHI data.
- 3) This resolution supersedes all previously adopted resolutions with respect to the application of MHI.

Adopted this 1<sup>st</sup> day of June, 2022.

  
Date:  
2022.06.02  
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Executive Secretary

**RESOLUTION AUTHORIZING FUNDING FOR FISCAL  
YEAR 2023 FOR THE CRITICAL NEEDS AND FAILING  
SYSTEMS SUB ACCOUNT**

**WHEREAS**, the West Virginia Infrastructure and Jobs Development Council (the “Council”) was created by Chapter 31, Article 15A of the Code of West Virginia, 1931, as amended (the “Council Act”);

**WHEREAS**, Section 9 of the Council Act created the Infrastructure Fund;

**WHEREAS**, Senate Bill 589 was passed by the West Virginian Legislature (the “Legislature”) on March 7, 2020, signed by the Governor and became effective on June 5, 2020;

**WHEREAS**, pursuant to Section 17c of the Council Act, the Water Development Authority (the “Authority”) established a Critical Needs and Failing Systems Sub Account within the Infrastructure Fund;

**WHEREAS**, Section 17c was amended by Senate Bill 584 which was passed by the Legislature on March 11, 2022, signed by the Governor and in effect for passage;

**WHEREAS**, Section 17c authorizes the Council to instruct the Authority to transfer from the uncommitted loan balances on June 30th of each year up to \$12 million;

**WHEREAS**, the Council is authorized to direct the Authority to make loans or grants from the Critical Needs and Failing Systems Sub Account when the Council determines that a project will address a critical immediate need by: (1) the continuation of water or wastewater services; (2) addressing water facility or wastewater facility failure due to the age of the facility or facilities; or (3) providing extensions to a water facility or wastewater facility that will add customers with a total project cost of less than \$2 million and the grant limitations and allocations contained in §31-15A-10(b) and §31-15A-10(c) of the Council Act do not apply to grants made from the Critical Needs and Failing Systems Sub Account; and

**WHEREAS**, the Council finds it is in the best interest of the citizens of West Virginia and the promotion of water and sewer projects to authorize the transfer of funds for fiscal year 2023 from the loan balances to the Critical Needs and Failing Systems Sub Account.

**NOW, THEREFORE**, be it resolved by the West Virginia Infrastructure and Jobs Development Council as follows:

1) The Council hereby authorizes and instructs the Authority to transfer from the loan balances \$12,000,000 to the Critical Needs and Failing Systems Sub Account.

2) The Authority shall make loans and grants from the Critical Needs and Failing Systems Sub Account upon authorization from the Council as required by the Council Act.

3) This Resolution shall be effective immediately upon adoption.

Adopted this 1<sup>st</sup> day of June, 2022.

Date:  
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Executive Secretary

**RESOLUTION AUTHORIZING SET ASIDE FOR PRE-  
APPLICATION FUNDING ASSISTANCE**

**WHEREAS**, the West Virginia Infrastructure and Jobs Development Council (the “Council”) was created by Chapter 31, Article 15A of the Code of West Virginia, 1931, as amended (the “Council Act”);

**WHEREAS**, Section 9 of the Council Act created the Infrastructure Fund;

**WHEREAS**, if the Council determines that pre-application expenses would create a hardship, the Council is authorized to direct the Authority to provide funding assistance to Governmental Agencies to defray the expenses of the pre-application process;

**WHEREAS**, the funding assistance is provided from the “loan funds” held in the Infrastructure Fund;

**WHEREAS**, Senate Bill 584 passed by the Legislature on March 11, 2022, signed by the Governor and in effect for passage increased the amount available for pre-application funding assistance from \$500,000 to \$1,300,000 annually;

**WHEREAS**, the funding assistance shall be repaid if the proposed project is approved for loan funding but will be converted to a grant if the project is not approved by Council; and

**WHEREAS**, the Council finds it is in the best interest of the citizens of West Virginia and the promotion of water and sewer projects to authorize the set aside of the pre-application funding assistance for fiscal year 2023 in an aggregate amount not to exceed \$1,300,000.

**NOW, THEREFORE**, be it resolved by the West Virginia Infrastructure and Jobs Development Council as follows:

- 1) The Council hereby authorizes and instructs the Authority to set aside for pre-application funding assistance, for fiscal year 2023 from the loan funds in the Infrastructure Fund, \$1,300,000.
- 2) The Authority shall make pre-application funding assistance to Governmental Agencies which have been approved by Council.
- 3) This Resolution shall be effective immediately upon adoption.

Adopted this 1<sup>st</sup> day of June, 2022.

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Executive Secretary