



WEST VIRGINIA

Infrastructure & Jobs Development Council

APPROVED

A meeting of the West Virginia Infrastructure and Jobs Development Council (Council) was held **Wednesday, July 7, 2021, beginning at 9:30 a.m.** in the Infrastructure & Jobs Development Council Public Hearing Room at 1009 Bullitt Street, Charleston, West Virginia.

Quorum

A quorum was constituted of the following members present:

Chair Ann Urling, Governor's Office

Voting members present:

Marie Prezioso, WV Water Development Authority
Stephanie Hickerson, WV DHHR-Bureau for Public Health
Kathy Emery, WV Department of Environmental Protection
Erica Boggess, WV Housing Development Authority
Jonathan Fowler, WV Public Service Commission
Matthew McComas, Public Member

Voting members (by phone):

John Reisenweber, Vice-Chair
Kris Warner, WV Economic Development Authority
Louis Spatafore, Public Member

Voting members that were not present:

Joseph Freeland, Public Member
John Boyle, Public Member
Don Rigby, Public Member

Advisory Members present:

None

Advisory Members present (by phone):

Senator Glen Jeffries

Advisory Members not present:

Senator Chandler Swope

Invitees present:

None

Invitees (by phone):

Janna Lowery, USDA

Invitees not present:

James Bush, WV ARC
Tracy Rowan, US Economic Development Authority
Lesli Stone Smith, US Army Corp. of Engineers
Roger Earle, WV DEP – Abandoned Mine Lands
David Cramer, WV Division of Highways
Ryan Halsey, CDBG Project Manager
Todd Hooker, WV Development Office
Alan Harris, USDA

Others in attendance:

Wayne Morgan, WV Infrastructure & Jobs Development Council
Kristi Ritchie, WV Infrastructure & Jobs Development Council
Brock Jarrett, WV Water Development Authority
Samme Gee, Jackson Kelly PLLC
Kelly Goes, Jackson Kelly PLLC
Terry Martin, Region 3 Planning & Development Council
Tim Meeks, MOVRC
Robert Riggs, Mayor of City of Pennsboro
John Isner, MOVRC
Amanda McGinnis, WVRWA
Gary Facemyer, Mott MacDonald
Steve Haynes, The Thrasher Group

Others in attendance by phone:

Brandon Crace, WV Infrastructure & Jobs Development Council
Mike Duminiak, WV Infrastructure & Jobs Development Council
Leanna Atkinson, WV Infrastructure & Jobs Development Council
Cindy Williams, WV Water Development Authority
Dan Ferrell, The Thrasher Group
Chris Arrington, WV DHHR-Bureau for Public Health
Brandon Conley, E. L. Robinson
Kylea Radcliff, The Thrasher Group
Cary Smith, Region 7 Planning & Development Council
Tracey Weber, City of Weston

Call to Order

Chair Ann Urling called the meeting to order and noted a quorum is present.

Approval of Minutes

Ms. Urling asked for approval of the draft minutes of **June 2, 2021**. Matt McComas moved for approval and John Reisenweber seconded the motion. The motion passed.

Projects Recommended to Pursue Infrastructure Fund Assistance:

Cairo, Town of (2021W-1953) Distribution System Improvements – District 1 (New Application)

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

The Funding Committee recommends the Town of Cairo pursue a \$3,000,000 US ACE Grant, a \$500,000 IJDC District 1 Grant, and a \$533,225 IJDC District 1 Loan (2%, 30 yrs.) for an estimated project cost of \$4,033,225.

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

Cairo, Town of (2021W-1953) Distribution System Improvements – District 1 (Engineering Fee Variance)

Ms. Hickerson described the request.

The Funding Committee recommends the Town of Cairo engineering fee variance request for total engineering fees be approved.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Paw Paw, Town of (2021W-1962) System Improvements – District 1 (New Application)

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

The Funding Committee recommends the Town of Paw Paw pursue a \$2,546,700 USDA Grant, a \$848,900 USDA Loan (1.5%, 40 yrs.), and a \$1,000,000 IJDC District 1 Grant for an estimated project cost of \$4,395,000: and a \$200,000 IJDC District 1 Design Loan (1%, 40 yrs.).

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Tri-County Water Association (2021W-1958) Sweeps Run Ext. / Critical Need – District 1 (New Application)

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

The Funding Committee recommends the Tri-County PSD request to pursue a \$785,000 IJDC Critical Needs Grant be approved.

Wayne Morgan noted the 501C had been requested and will be required before a binding commitment can be issued.

Kylea Radcliff (The Thrasher Group) indicated the PSD has the form and when it is received, she will forward a copy to IJDC.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Buffalo Creek PSD (2020C-103) System Improvements / Crisis Situation / Change Order – District 3 (Tabled Scope Change)

Kathy Emery described the request, and it is technically feasible.

The Funding Committee recommends the Buffalo Creek PSD request for a change in scope to complete work at the WWTP headworks and clarifier be approved.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Richwood, City of (2021S-1960) WWTP Replacement Project – District 3 (New Application)

Ms. Emery described the application, and it is technically feasible.

The Funding Committee recommends the City of Richwood pursue a \$9,950,000 CDBG-MIT Grant, a \$1,500,000 CWSRF Debt Forgiveness Loan, and a \$1,000,000 IJDC District 3 Grant for an estimated project cost of \$12,450,000.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Richwood, City of (2021W-1959) Intake Impoundment Replacement – District 3 (New Application)

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

The Funding Committee recommends the City of Richwood pursue a \$500,000 DWTRF Principal Forgiveness Loan, a \$500,000 DWTRF Loan (0.5%, 0.25% adm. fee, 30 yrs.), and a \$1,000,000 IJDC District 3 Grant for an estimated project cost of \$2,000,000.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

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

Alderson, Town of (2021W-1956) WTP Replacement/Relocation – District 3 (New Application)

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

The Funding Committee recommends the Town of Alderson pursue a \$8,304,000 CDBG-MIT Grant.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Pax, Town of (2021S-1933) Willis Branch Extension– District 3 (Tabled Application)

Ms. Emery described the application, and it is technically feasible.

The Funding Committee recommends the Town of Pax pursue a \$1,000,000 CDBG (SCBG) Grant.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Webster Springs PSD (2021S-1967) Collection System Improvements – District 3 (New Application)

Ms. Emery described the application, and it is technically feasible.

The Funding Committee recommends the Webster Springs PSD pursue a \$1,950,000 CDBG-MIT Grant.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Wilderness PSD (2021W-1964) Intake Improvements – District 3 (New Application)

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

The Funding Committee recommends the Wilderness PSD pursue a \$746,500 CDBG-MIT Grant.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

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

Greater Harrison PSD (2020W-1899) Stevens Run Critical Need Extension – District 1 (Bid Overrun)

Ms. Hickerson described the request.

The Funding Committee recommends the Greater Harrison PSD bid overrun request for \$61,350 for the Sweeps Run Critical Need Extension be approved

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Hancock County PSD (2021S-1980) Acquire Newell Company – District 1 (PFA Binding Commitment)

Mr. Morgan described the request.

The Funding Committee recommends the Hancock County PSD receive a \$50,000 PFA Funds Binding Commitment (to match a \$50,000 Grant from the Hancock County Commission).

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Kingwood, City of (2021F-112) Generators – District 1 (Binding Commitment)

Mr. Morgan described the request (to include all FEMA generator applications on this agenda).

The Funding Committee recommends the City of Kingwood request for up to a \$135,413 binding commitment match for costs associated with the installation of five generators to be installed at Kingwood Treatment Plant, Intermediate Pump Station, Whetsell St. Booster, Kinney Booster, and Main Storage Tank and Booster be approved for an estimated project cost of \$541,650.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Paw Paw, Town of (2021W-1962) System Improvements – District 1 (Binding Commitment)

Mr. Morgan described the request.

The Funding Committee recommends the Town of Paw Paw receive a binding commitment for a \$200,000 IJDC District 1 Design Loan (1%, 40 yrs.).

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Pennsboro, City of (2018W-1766) System Improvements – District 1 (Bid Overrun)

Ms. Hickerson described the request.

There was a discussion pertaining to the funding needed for the project.

It was recommended to hold the recommendation until later in the agenda following the discussion on the Resolution on Bid Overruns.

Ms. Prezioso moved that the recommendation be approved, Ms. Emery seconded the motion. The motion passed.

Preston County PSD No. 4 (2021F-111) Generators – District 1 (Binding Commitment)

The Funding Committee recommends the Preston County PSD No. 4 request for up to a \$76,755 binding commitment match for costs associated with the installation of five diesel generators for Brandonville Booster, Intermediate Booster, Bruceton Source Well Pump Station, South Source Well Pump Station, and the Pisgah Booster be approved for an estimated project cost of \$307,020.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Tomlinson PSD (2021W-1982) Acquire Newell Company – District 1 (PFA Binding Commitment)

Mr. Morgan described the request.

The Funding Committee recommends Tomlinson PSD receive a \$50,000 PFA Funds Binding Commitment to match a \$50,000 Grant from the Hancock County Commission.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Buckhannon, City of (2021F-108) Generators – District 2 (Binding Commitment)

The Funding Committee recommends the City of Buckhannon request for up to a \$51,768 binding commitment match for costs associated with the installation of generators for the RW Intake & WWTP be approved, contingent upon FEMA increasing the total grant for an estimated project cost of \$833,668 (\$156,649 approved on 5/25/2021).

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Buckhannon, City of #2 (2021F-116) Generators – District 2 (Binding Commitment)

The Funding Committee recommends the Town of Buckhannon request for up to a \$285,542 binding commitment match for costs associated with the installation of five generators to cover the main pump stations and eleven manual transfer switches to cover the smaller pump stations be approved for an estimated project cost of \$1,142,167.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Birch River PSD (2021F-110) Generators & Remote Terminal Units– District 3 (Binding Commitment)

The Funding Committee recommends the Birch River PSD request for up to a \$79,055 binding commitment match for costs associated with the installation of three generators and two remote terminal units for the Carpenter Fork Booster, Water Tank One, Bays Booster, Dille Booster, and Dille Tank be approved for an estimated project cost of \$316,219.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Bradshaw, Town of (2021F-114) Generators– District 3 (Binding Commitment)

The Funding Committee recommends the Town of Bradshaw request for up to a \$17,083 binding commitment match for costs associated with the installation of one generator at the Bradshaw WWTP be approved for an estimated project cost of \$68,330.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Buffalo Creek PSD (2018S-1752) Taplin/Rita Extension – District 3 (Binding Commitment Extension)

Mr. Morgan described the request.

The Funding Committee recommends the Buffalo Creek PSD receive an IJDC Binding Commitment extension from July 11, 2021, until July 12, 2022.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Craigsville PSD (2021F-113) Generators – District 3 (Binding Commitment)

The Funding Committee recommends the Craigsville PSD request for up to a \$127,776 binding commitment match for costs associated with the installation of four emergency generators at the following locations: Craigsville PSD Water Treatment Plant, Craigsville PSD Cottle Booster Station, Craigsville PSD Craigsville Booster Station, and Craigsville PSD Mt. Zion Booster Station be approved for an estimated project cost of \$511,103.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Durbin, Town of (2018S-1764) Sewer Separation – District 3 (Binding Commitment Extension)

Mr. Morgan described the request.

The Funding Committee recommends the Town of Durbin receive an IJDC Binding Commitment extension from August 9, 2021, until February 9, 2022.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Eastern Wyoming PSD (2016W-1648) Beartown Extension– District 3 (Bid Overrun and Binding Commitment Extension)

Ms. Hickerson described the request.

The Funding Committee recommends the Eastern Wyoming PSD bid overrun request for \$100,000 for the Beartown Extension and extension of the current binding commitment from August 9 until November 9, 2021, be approved.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Matewan, Town of (2021F-109) Generators – District 3 (Binding Commitment)

The Funding Committee recommends the Town of Matewan request for up to a \$39,890 binding commitment match for costs associated with the installation of two generators, one for the Matewan Water Plant and one for the raw water intake facility be approved for an estimated project cost of \$159,560.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

Rainelle, Town of (2021F-115) Generators– District 3 (Binding Commitment)

The Funding Committee recommends the Town of Rainelle request for up to a \$46,202 binding commitment match for costs associated with the installation of two generators at the following locations: Water Plant and Rainelle Lilly Park Water Station be approved for an estimated project cost of \$277,716.

Ms. Prezioso moved that the recommendation be approved, Mr. McComas seconded the motion. The motion passed.

**Projects Requesting
Ancillary Project
Expenditure:**

Pocahontas County PSD (2017W-1697) Acquire Cheat Mountain Water System – District 3 (Ancillary Expenditure)

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

The Funding Committee recommends the Pocahontas County PSD ancillary expenditure request for \$28,450 to purchase 65 radio read meters and the mobile service kit be approved.

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

Weston Sanitary Board (2017S-1679) Butchersville/Turnertown Sewer Extension – District 3 (Tabled Ancillary Expenditure)

Ms. Emery described the request, and it is technically feasible.

There was a discussion regarding the sludge removal, blowers, startup costs, and use of contingency funds.

The Funding Committee recommends the Weston Sanitary Board budget revision /ancillary expenditure request for \$96,932.19 (blower purchase and installation); \$64,000 (slip repair on Stonecoal Creek); and \$168,618.16 associated with sludge handling be approved.

Mr. Reisenweber moved that the recommendation be approved, Ms. Emery seconded the motion. The motion passed.

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

None

Business Items:

Election of Officers (Vice Chair and Secretary)

Chair Urling noted it was time for the annual election of officers for the positions of Vice Chair and the Secretary.

Election of Vice Chair

Mr. Reisenweber recused himself from the vote.

Ms. Prezioso moved for re-election of John Reisenweber as the Vice Chairman; Mr. McComas seconded the motion. The motion passed.

Election of Secretary

Ms. Prezioso moved for re-election of Wayne Morgan as the Secretary; Mr. McComas seconded the motion. The motion passed.

FY 2022 Administrative Budget

Mr. Morgan provided an overview of the Fiscal Year 2022 Administrative Budget and noted a copy was included in the packet for review.

Ms. Prezioso moved for approval of the budget as presented. Ms. Emery seconded the motion. The motion passed.

Resolution Re-Authorizing the Soft Cost Grant Program and Providing Additional Funding

Samme Gee provided information regarding the Draft Resolution to the Council.

Ms. Prezioso moved that the Resolution be approved, Ms. Emery seconded the motion. The motion passed.

Resolution Authorizing Funding for Fiscal Year 2022 for the Critical Needs and Failing Systems Sub Account

Ms. Gee provided information regarding the Draft Resolution to the Council.

Ms. Prezioso moved that the Resolution be approved, Mr. Fowler seconded the motion. The motion passed.

Resolution Authorizing Funding for the Distressed Utilities Account

Ms. Gee provided information regarding the Draft Resolution to the Council.

There was a discussion and clarification of unobligated loan funds being used as loan or grants.

Ms. Prezioso moved that the Resolution be approved, Ms. Emery seconded the motion. The motion passed.

Resolution Increasing Moneys Disbursed As Grants

Ms. Gee provided information regarding the Draft Resolution to the Committees.

Ms. Prezioso moved that the Resolution be approved as read, Ms. Emery seconded the motion. The motion passed.

Exhibit A Process and Procedures Resolution (Article V.a.v.c) Bid Overruns

Ms. Gee provided information regarding the Resolution on Bid Overruns and the Process and Procedures currently in place. It was noted Council may make any changes to the policy as it wants.

Ms. Prezioso provided some additional information regarding the number of bid overruns and inflation since 2011.

There was a discussion.

Ms. Emery moved to increase the Bid Overrun amount Council may approve with grant funds from \$100,000 to \$165,000; Ms. Prezioso seconded the motion. The motion passed.

Return to Previous Agenda Item

Pennsboro, City of (2018-1766) Bid Overrun Request

There was a discussion regarding this request and the new amount approved by Council for bid overruns.

Mr. Fowler moved to approve the City of Pennsboro bid overrun request for \$165,000 to be consistent with the newly approved bid overrun amount per policy. Ms. Prezioso seconded the motion. The motion passed.

Informational Items:

FY 2021 Fiscal Year Split of Funds

Mr. Morgan provided an overview of the Fiscal Year Split of Funds and noted a copy was included in the packet for review.

Funding Program Updates

IJDC

Mr. Morgan noted that last fiscal year, for water and sewer projects, there was \$36 million in total of IJDC funds committed towards projects. When combined with approximately \$23 million in Economic Development Assistance funds, there was approximately \$59 million associated with IJDC funds committed to projects throughout the state of West Virginia.

CWSRF

Ms. Emery noted the CWSRF has submitted their application for the CAP Grant for the Federal Fiscal Year 2021 grant and are waiting on the award. In addition, the FY2022 Intended Use Plan has been approved by EPA and has been posted to the website.

USDA

Ms. Lowery noted the interest rates for the quarter beginning July 1st ending September 30 are, poverty 1.375%, intermediate 1.75%, and market 2.25%. The deadline for the Usage of 2021 Allocation is approaching August 6th and they are on target to meet that. After that time and through the end of the fiscal year, will be limited to access of funds to the National Reserve Funds.

Executive Director Comments

FY 2021 Audit – engagement letter

Mr. Morgan noted a copy of the Brown Edwards engagement letter was included in the packet. The findings of the audit will be presented to Council upon completion.

Projects Requiring Additional Information:

Denver W. Assoc.-Sys. Imprvs. (new app.-consol. Com.)-1	2020W-1888
Union Williams PSD – Plant Upgrade (tab. app. & eng. fee var.)-1	2021S-1965
Norton Harding Jimtown PSD – Line Ext. (cost & fund. change)-2	2016S-1663
Lincoln Co. PSD – Alum Creek Tank (scope, cost & fund. chg. – Sept.)-3	2019W-1806
McDowell PSD – Jolo Phase V (application/returned)-3	2019W-1838
Wilderness PSD–Snow Hill Ext./Crit. Need (tabled app. Sept.)-3	2021W-1940

Requests Received: (Applications by June 10, 2021, and requests to date)

Sewer:

Barrackville, Town of – System Improvements (new app.)-1	2021S-1972
Keyser, City of – Keyser Biosolids Storage Facility (new app.)-1	2021S-1963
Tunnelton, Town of – Trmt. Plant & Coll. Sys. Upgrade (fund. chg.)-1	2020S-1893
WV DNR Canaan Valley Resort & Conf. Ctr. – WW Imprvs. (new app.)-1	2021S-1986
Greater St Albans PSD – Tornado Extension (new app.)-2	2021S-1978
Reedy, Town of – System Improvements (cost & fund. change)-2	2014S-1507
Spencer, City of – System Improvements (new application)-2	2021S-1974
Warm Springs PSD – System Improvements (funding change)-2	2020S-1885
Big Bend PSD – WWTP Upgrade (scope, cost & fund. change)-3	2019S-1823
WV DNR Chief Logan State Park – WW Imprvs. (new app.)-3	2021S-1983
WV DNR Pipestem State Park – Sys. Imprvs. (new application)-3	2021S-1976

Water:

Nutter Fort, Town of – Sys. Improvements (new application)-1	2021W-1973
Pax, Town of – Waterline Replacement (new application)-3	2021W-1985
WV DNR Watoga State Park – Water Sys. Imprvs. (new app.)-3	2021W-1987

Committee Reports:

Consolidation

Funding

Infrastructure & Jobs Development Council

Sewer Technical Review

Water Technical Review

Erica Boggess

Marie Prezioso

Wayne Morgan

Kathy Emery

Stephanie Hickerson

Other Reports:

US Army Corp. of Engineers

US Department of Agriculture

Abandoned Mine Lands

Division of Highways

Funding Agency Reports (Projects bidding and closing)

Lesli Stone-Smith

Jana Lowery

Roger Earle

Dave Cramer

Kathy Emery/

Stephanie Hickerson

Public Comment:

None

Adjournment:

The Chair entertained a motion to adjourn, Mr. Fowler moved the motion, Erica Boggess seconded the motion. The motion passed. The meeting was adjourned at 10:59 a.m.

Wayne D Morgan

Digitally signed by Wayne D Morgan
DN: cn=Wayne D Morgan, o=WV, ou=IJC,
email=wmorgan@wvwdc.org, c=US
Date: 2021.08.04 12:45:02 -0400

Wayne D. Morgan

Secretary & Executive Director

**RESOLUTION RE-AUTHORIZING THE SOFT COST
GRANT PROGRAM AND PROVIDING ADDITIONAL
FUNDING**

WHEREAS, the West Virginia Infrastructure and Jobs Development Council (the “Council”) on May 6, 2009 established a Soft Cost Grant Pilot Program (the “Program”) to assist West Virginia governmental agencies which from time to time receive grant and/or other funding assistance from federal and other sources for the construction of water and wastewater projects (“Projects”) for the purpose of providing the de minimis contributions to pay the legal, accounting, real estate acquisition, and other non-construction/non-engineering costs (“Soft Costs”) associated with the Projects;

WHEREAS, on August 5, 2009, Council supplemented the Program to include American Recovery and Reinvestment Act of 2009 projects;

WHEREAS, by resolution adopted on May 4, 2011, the Council extended the Program until May 4, 2013, by resolution adopted on June 3, 2015, extended the Program until June 3, 2017, by resolution adopted on June 7, 2017, extended the Program until June 7, 2019, and by resolution adopted on June 5, 2019, extended the Program until July 1, 2021;

WHEREAS, by voice resolution the amount was increased to \$1,000,000 on July 13, 2016;

WHEREAS, the Council desires to continue the Program and thereby expediting the construction of Projects;

WHEREAS, the current balance available is \$645,710.84 and the Council desires to direct the West Virginia Water Development Authority (“WDA”) to utilize the \$645,710.84 from the Infrastructure Fund to continue the Program;

WHEREAS, the Council desires to continue to use the guidelines established for the Program; and

WHEREAS, the Council finds that the Program is in the best interests of the State and its citizens by expediting Projects and providing new and improved water and waste water services in the State;

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

1) The Program is hereby continued and reestablished within the Infrastructure Fund and the WDA is hereby directed to utilize the \$645,710.84 from the Infrastructure Fund to continue the Program. At anytime that the balance available for the Program goes below \$300,000 then the WDA is hereby authorized to transfer funds sufficient to bring the balance available to \$500,000.

2) The Council will consider making grants through the Program utilizing the following guidelines:

A) The Program is available only to government agencies which have received written commitments for grants, Water Pollution Control Revolving Fund Loan Program funds (CWSRF), Drinking Water Treatment Revolving Loan Program funds (DWTRF), or other non-repayment funding awards for Projects.

B) Soft Costs are limited to legal, accounting, real estate and non-construction/non-engineering costs necessary for the completion of the Project and not eligible for payment by the other funding sources.

C) The governmental agency must submit a Program Application to the Council using the form provided by the Executive Director.

D) The governmental agency must certify that no other funds are available to pay the Soft Costs.

E) No grant from the Program shall exceed \$125,000.

F) The WDA shall enter into a grant agreement with the governmental agency only after the Council has approved a specific sum to be granted under the Program.

3) The Program shall expire on July 1, 2026 unless further action is taken by the Council.

4) This Resolution shall be effective immediately upon adoption.

Adopted this 7th day of July, 2021.

Wayne D Morgan

Digitally signed by Wayne D Morgan
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email=wmorgan@wvwda.org, c=US
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Secretary

**RESOLUTION AUTHORIZING FUNDING FOR FISCAL
YEAR 2022 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 creates the Infrastructure Fund;

WHEREAS, Senate Bill 589 was passed by the West Virginian 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 authorizes the Council to instruct the Authority to transfer from the uncommitted loan balances for each congressional district on June 30th of each year up to \$4 million per congressional district;

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 \$1 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;

WHEREAS, on July 1, 2020, the Council authorized transfers to the Critical Needs and Failing Systems Sub Account for fiscal year 2021; 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 2022 from the balances for the Congressional Districts 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 for Congressional District 1 in the amount of \$2m, for Congressional District 2 in the amount of \$2m and for Congressional District 3 in the amount of \$2m 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 7th day of July, 2021.

Wayne D Morgan

Digitally signed by Wayne D Morgan
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email=wmorgan@wwvda.org, c=US
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Executive Secretary

**RESOLUTION AUTHORIZING FUNDING OF THE
DISTRESSED UTILITIES 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 creates the Infrastructure Fund;

WHEREAS, pursuant to Section 9(i) of the Council Act, the West Virginia Water Development Authority (“Authority”) has established a separate restricted account within the Infrastructure Fund to be expended for the repair and improvement of failing water and wastewater systems by non-profit public utilities, such account to be known as the “Distressed Utilities Account”;

WHEREAS, the Council may annually request the Authority to transfer from the uncommitted loan balances each year a total not to exceed \$5,000,000 to the Distressed Utilities Account; and

WHEREAS, it is in the best interest of the Council to authorize the transfer of funds to the Distressed Utilities Account.

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

- 1) The Council hereby authorizes the transfer of \$5,000,000 to the Distressed Utilities Account from the uncommitted loan balances remaining on June 30, 2021.
- 2) The Authority shall make grants from the Distressed Utilities Account at the direction of the Council.
- 3) This Resolution shall be effective immediately upon adoption.

Adopted this 7th day of July, 2021.

Wayne D Morgan

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email=wmorgan@wvwdc.org, c=US
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Executive Secretary

**RESOLUTION INCREASING MONEYS DISBURSED AS
GRANTS**

WHEREAS, Section 10 of Chapter 31, Article 15A of the Code of West Virginia, 1931, as amended (the “Council Act”) authorized the moneys disbursed from the Infrastructure Fund (created in Section 9) to be used for grants for projects in an amount not to exceed twenty percent;

WHEREAS, by action previously taken by the West Virginia Infrastructure and Jobs Development Council (the “Council”) the amount available for grants for projects annually did not exceed twenty percent;

WHEREAS, Senate Bill 153 was passed by the West Virginian Legislature on March 7, 2019, signed by the Governor and became effective on June 7, 2019;

WHEREAS, Senate Bill 153 amended Section 10 of the Council Act, in part, to increase the moneys available from the Infrastructure Fund for grants for projects to an amount not to exceed twenty-five percent; and

WHEREAS, the Council finds it in the best interest of the citizens of West Virginia and the promotion of water and sewer extension and rehabilitation projects to increase the funding from the Infrastructure Fund for grants to twenty-five percent.

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

- 1) For the fiscal year commencing July 1, 2021, the money disbursed from the Infrastructure Fund in the form of grants for projects shall be twenty-five percent of the total funds available for funding projects.
- 2) This Resolution shall be effective immediately upon adoption.

Adopted this 7th day of July, 2021.

Wayne D Morgan

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Executive Secretary