

WEST VIRGINIA:

At a regular meeting of the Raleigh County Commission held on the 20th day of July, 2021 in the Commission Courtroom thereof:

CALL TO ORDER

President Tolliver called the meeting to Order.

-0-

ROLL CALL

Present: David Tolliver, President
Linda K. Epling, Commissioner
Greg Duckworth, Commissioner
Carl Roop, County Attorney
Jay Quesenberry, County Administrator
Billy Michael, Assistant County Administrator

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INVOCATION AND PLEDGE OF ALLEGIANCE

Meeting was opened with the invocation by Bob Kirby of United Methodist Temple and the recitation of the Pledge of Allegiance.

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EXONERATIONS

Commissioner Epling moved to approve 3 exonerations, 0 cancellations and 1 refund for personal property; and 9 exonerations, 1 cancellation and 0 letters of correction for real property. Motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT A)

-0-

BUDGET REVISIONS

A motion was made by Commissioner Epling to approve the budget revision of Sheriff Scott Van Meter for Magistrate Court Night Security in the amount of \$55,438.49. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT B)

-0-

REQUEST AND APPROVAL OF DRAWDOWN #1 FOR WHITE OAK WATER PROJECT FOR \$67,852.53

A motion was made by Commissioner Epling to approve the WV Sub Grant Request for Funds in the amount of \$67,852.53. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT C)

-0-

REQUEST TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BECKLEY, RALEIGH COUNTY COMMISSION AND THE RALEIGH COUNTY SOLID WASTE AUTHORITY REGARDING DEVELOPING A TRACT OF LAND TO BE USED FOR DEMOLITION WASTE FROM ABANDONED BUILDINGS

Commissioner Epling moved to approve an Intergovernmental Agreement between the City of Beckley, the Raleigh County Commission and the Raleigh County Solid Waste Authority for developing a tract of land to be used for the disposal of waste from the demolition of abandoned buildings. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT D)

-0-

REQUEST FOR HEARING FOR THE ESTATE OF JOYCE LEA RIFE

Canceled

-0-

SELECTION OF RIGHT OF WAY NEGOTIATOR, ACCOUNTANT, BOND COUNCIL AND PROJECT ATTORNEY FOR PINEY VIEW / BATOFF SEWER EXTENSION

A motion was made by Commissioner Epling to approve Spillman, Thomas & Battle for Bond Attorney; Rist, Higgins and Associates as Project Attorney; Lowe & Associates PLLC for Accounting Services and Gary R. Hall as Right of Way Negotiator. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT E)

-0-

PRESENTATION FROM JUST FOR KIDS

Scott Miller, Executive Director for Just for Kids Advocacy Center, requested the Commission allocate \$30,000 each year for the next 2 years. The funding would come from the American Rescue Fund and it is 10% of the amount of VOCA funding lost. This item of business was taken under advisement and will be revisited on August 3, 2020

-0-

REQUEST TO PURCHASE NEW VOTING MACHINES BASED ON APPROVAL OF CONTRACT

Commissioner Epling moved to approve the purchase of new voting machines. The initial cost of the machines is 1.9 with a discount of \$380,000 for the trade in of old voting machines. An additional down payment of \$400,000 will be applied, therefore the total amount of funds financed for 4 years will be \$1,196,900.00. The motion was seconded by Commissioner Duckworth and motion carried unanimously.

-0-

APPROVAL OF AML CLEAR FORK RAIL TRAIL ANNUAL PILOT REPORT

A motion was made by Commissioner Epling to approve the AML Clear Fork Rail Trail Annual Pilot Report. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT F)

-0-

APPROVAL OF AML WHITE OAK WATER PROJECT ANNUAL PILOT REPORT

A motion was made by Commissioner Epling to approve the AML White Oak Waterline Extension Annual Pilot Report. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT G)

-0-

REQUEST TO APPROVE THE ISSUANCE OF LEASE REVENUE BONDS FOR THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF A NEW SHERIFF'S BUILDING AT 308 NEW PAYNE DRIVE, BECKLEY; AND AUTHORIZING OTHER NECESSARY ACTIONS AND/OR OTHER DOCUMENTS IN CONNECTION WITH THE FOREGOING

Commissioner Epling moved to approve the issuance of Lease Revenue Bonds for the acquisition, construction, furnishing and equipping of a new Sheriff's building at 308 New Payne Drive in Beckley; and the authorizing of other necessary actions and/or documents. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT H)

-0-

OLD BUSINESS

Chief Deputy Canaday presented Nathaniel Traybor and Brandon Toler to the Commission as future hires of the Raleigh County Sheriff. Mr. Traybor and Mr. Toler will be hired to serve as Raleigh County Deputy Sheriffs at the next meeting of this Commission on August 3, 2021.

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PUBLIC PARTICIPATION

None

-0-

APPROVAL OF MINUTES

A motion was made by Commissioner Epling to approve the June 22, 2021 minutes of this Commission. Seconded by Commissioner Duckworth and motion carried unanimously.

-0-

VACATION ORDERS

Commissioner Epling moved to approve the Vacation Orders from July 6, 2021 to July 19, 2021, inclusive. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT I)

-0-

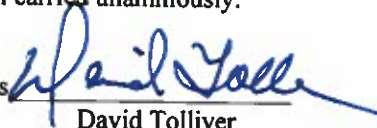
FINAL ACCOUNTINGS AND WAIVERS OF FINAL SETTLEMENT

The following Certificate of Completion of Ancillary Administration of the Estate of James David Prince, Jr. (SEE EXHIBIT J), the Final Accountings and Waivers of Final Settlement of the Fiduciary Supervisor (SEE EXHIBIT K) and the Final Accountings and Waivers of Final Settlement of the County Clerk (SEE EXHIBIT L) were read into the minutes and approved.

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ADJOURNMENT

Commissioner Epling moved to adjourn this meeting until the next regular scheduled meeting of this Commission on August 3, 2021 at 10:00 a.m. Seconded by Commissioner Duckworth and motion carried unanimously.

s/s 
David Tolliver
President

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RALEIGH COUNTY
 SCOTT VANMETER, SHERIFF
 History Report

From Date 07/03/2021
 Thru Date 07/15/2021
 Date Type Transaction
 From Year 2001
 Thru Year 2021
 Tax Type Real

Print Date 07/15/2021
 Print Time 1:09:54PM
 Page 1 of 1

PENDING EXONERATION

Type	Year	Ticket/Suff	Tax Name1/Tax Name2	Date	First Half	Second Half	Transaction Total
R	2021	10564	WILLIAMS MICHAEL W	2021/07/09	-117.56	-117.56	-235.12
R	2021	10780	WOOTEN MARIA N	2021/07/09	-89.26	-89.26	-178.52
R	2021	23878	A R WICKHAM LIMITED LIABILITY COMPANY	2021/07/09	-417.97	-417.97	-835.94
R	2021	25859	CHAPMAN GREGORY	2021/07/09	-52.98	-52.98	-105.96
R	2021	38754	COCHRAN JEFFREY D & KELLIE R	2021/07/09	-117.86	-117.86	-235.72
R	2021	44995	BARLEY MATTHEW W & ROBERTA BARLEY	2021/07/09	-79.66	-79.66	-159.32
R	2021	57386	SMITH ERNEST S III & JESSICA	2021/07/09	-99.11	-99.11	-198.22
R	2021	65128	NECESSARY TIMOTHY & KAYLEE NECESSARY	2021/07/09	-201.84	-201.84	-403.68
R	2021	66311	TOLLIVER CARMAN CURTIS	2021/07/09	-43.25	-43.25	-86.50
R	2021	60270	WYATT CHRISTOPHER	2021/07/15	-424.22	-424.22	-848.44
Total For PENDING EXONERATION					-1,643.71	-1,643.71	-3,287.42

[Signature]
 Assessor

[Signature]
 Prosecuting Attorney

[Signature]
 County Commission

At a regular session of the County Commission of Raleigh County, West Virginia, held at the Courthouse of said County, the County Commission did approve these exonerations on 7-20-21



RALEIGH COUNTY
 SCOTT VANMETER, SHERIFF
 History Report

From Date 07/06/2021 From Year 2020 Print Date 07/15/2021
 Thru Date 07/15/2021 Thru Year 2021 Print Time 12:44:11PM
 Date Type Transaction Tax Type Personal-Supplement Page 1 of 1

Type Year Ticket/Suff Tax Name1/Tax Name2 Date First Half Second Half Transaction Total

EXONERATION
 P 2020 714089 MATTHEWS APRIL D 2021/07/07 -117.71 -117.71 -235.42
Total For EXONERATION -117.71 -117.71 -235.42

PENDING EXONERATION

P	2020	703503	WHITMAN EXTERMINATING	2021/07/06	-196.04	-196.04	-392.08
P	2020	710086	HERRON ROSS R	2021/07/07	-43.11	-43.11	-86.22
P	2020	714089	HERRON PATRICIA J	2021/07/07	-117.71	-117.71	-235.42
P	2021	808111	MATTHEWS APRIL D	2021/07/15	-129.04	-129.04	-258.08
			REDDEN JERRY				
			REDDEN COLEEN				
Total For PENDING EXONERATION					-485.90	-485.90	-971.80

Assessor

Prosecuting Attorney

County Commission

At a regular session of the County Commission of Raleigh County, West Virginia, held at the Courthouse of said County, the County Commission did approve these exonerations on 7-20-21



Sheriff - Treasurer of Raleigh County
Raleigh County Courthouse
215 Main Street
Beckley, West Virginia 25801

Telephone: 304-255-9195
Fax: 304-255-9307

SCOTT VAN METER

TO: Jay Quesenberry, County Administrator
FROM: Sheriff Scott Van Meter *SVM*
DATE: July 9, 2021
RE: FY 2021-2022 Law Enforcement Budget Revision

I am requesting the following Law Enforcement budget revision for fiscal year 2021-2022. In support of this request, I have attached a summary of overtime expended last year by Raleigh County Sheriff Deputies for Magistrate Court Night Security.

	DECREASE	INCREASE
01-700-03 Salaries & Wages		\$46,333.88
01-700-04 FICA Tax – Social Security		\$ 3,544.54
01-700-06 Retirement		<u>\$ 5,560.07</u>

TOTAL INCREASE: \$55,438.49

Thank you for your assistance in this matter.

Approved By: *David L. Toliver* Commissioner
Linda K. Epling Commissioner
Mary Duckworth Commissioner

SVM:ab

Attachments

pc: R. Tolliver



WVDEP SUB GRANT REQUEST FOR FUNDS

Request Number: **ONE (1)**
(must be consecutive)

		<u>WVDEP Use Only</u>	
Date:	20-Jul-21	Encumbrance #:	21*4951
Sub Recipient Name:	Raleigh County Commission	OASIS Vendor Id:	*212230
Sub Recipient Contact:	Lisa Miller	Total Amount Requested:	\$67,852.53
Sub Recipient Address:	116 1/2 N Heber St	Funding Period: From	Apr-20 To Apr-21
	Beckley, WV 25801	CFDA #	15.252
Sub Recipient FEIN:	55-6000389	DUNS # 830364092 SAM Registration: 10/06/2021	
Phone No:	304-431-7225	White Oak Waterline Extension Project	

FUND	8708								
FISCAL YEAR	2021								
SUB-FUND	0000								
DEPT	0313								
UNIT	9172								
APPR	13000								
OBJECT	3285								
SUB OBJECT	3885								
AMOUNT									

If Applicable

MAJOR PROGRAM	AMLPLT								
PROGRAM	AMLPLTNWC								
ENTITLEMENT YEAR	EY19								
FUNCTION	EPAM20074								
ACTIVITY									
LOCATION									

COMMENTS:

<u>SUB RECIPIENT APPROVALS</u>		<u>WVDEP APPROVALS</u>	
Sub Recipient Official's Signature David Tolliver - President	Date	Engineer Approving Signature	Date
		Inspector Approving Signature	Date
		Financial Approving Official's Signature	Date

APPLICATION AND CERTIFICATE FOR PAYMENT

Page 1 of 1 pages

Project Name: White Oak Water Project Application No: ONE (1)

ATTN (AML&R Inspector): Roger Earle Application Date: 20-Jul-21

Performance Period From: 1-Jul-20 to 20-Jul-21

Application is made for payment, as shown below, in connection with contract. Continuation Sheet is attached. The present status of the account for this contract is as follows:

ORIGINAL SUB-GRANT AMOUNT	\$	\$1,800,000.00
Net Change (if any)	\$	\$0.00
SUB-GRANT AMOUNT TO DATE	\$	\$1,800,000.00
<hr/>		
TOTAL COMPLETED & STORED TO DATE	\$	\$67,852.53
(Less retainage)		
(Column "G" on Continuation Sheet)		
AML ELIGIBLE PORTION	\$	\$67,852.53
AML BILLED TO DATE	\$	\$67,852.53
LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$	\$0.00
CURRENT PAYMENT DUE	\$	\$67,852.53

Items listed hereon conform to specification, were received & are approved for payment.

Date:	Signed:	
Comm #	SA PO#	PO#
Class #	Lease #	OE#
		FEIN/SS#:
		FIMS Vendor #
FUND	FY	ORG
		ACT
		OBJ CODE
		GRANT#
		PROJECT #
		Office/App Date

% COMPLETE: x 100 = 3.77%

Total Completed & Stored to Date

Contract Sum to Date

revised to reflect correct percentage

CERTIFICATE REGARDING DISBURSEMENT OF FUNDS
AML PILOT DD#1

Raleigh County Commission White Oak Road Water Project
Period Covered: Through April 2021

**RESOLUTION OF THE RALEIGH COUNTY COMMISSION APPROVING INVOICES
RELATING TO THE CONSTRUCTION AND OTHER SERVICES FOR THE
WHITE OAK ROAD WATER PROJECT
AND AUTHORIZING PAYMENT THEREOF,**

WHEREAS, *The Raleigh County Commission has reviewed the invoices
attached here to and incorporated reference relation to the construction of the
White Oak Road Water Project funded by
WV Department of Environmental Protection Abandoned Mine Lands (WV AML)*

- a) That none of the items for which the payment is proposed to be made has formed the basis for any disbursement heretofore made.
- b) That each item for which the payment is proposed to be paid is or was necessary in connection with the project and constitutes a cost of the project.
- c) That each of such costs has been otherwise properly incurred.
- d) That payment for each of the items proposed is due and owing as the date hereof.

NOW, THEREFORE BE IT RESOLVED by the Raleigh County Commission as follows:

There is hereby authorized and directed the payment of the attached invoices as follows:

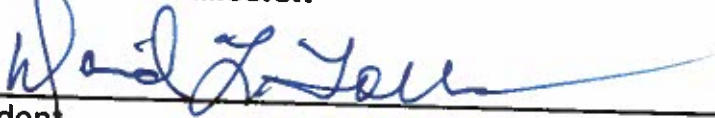
Project Phase	Total Amount	AML
ENGINEERING		
Reimb Raleigh County Comm LA Gates Engineering Inv: 13974A , 14202	\$48,096.00	\$48,096.00
LA Gates Invoice # 14490	\$17,832.25	\$17,832.25
LEGAL		
	\$0.00	
ACCOUNTING		
	\$0.00	
LEGAL ADS		
Reimb Raleigh County Comm Legal Ads \$190.90 & \$245.88	\$436.78	\$436.78
TECHNICAL SERVICES		
Region I PDC April 2021 Invoice	\$1,487.50	\$1,487.50
	\$0.00	
TOTAL	\$67,852.53	\$67,852.53

ADOPTED BY THE Raleigh County Commission, at their meeting held July 20th 2021.

RALEIGH COUNTY COMMISSION

BY:

Its: President



RALEIGH COUNTY COMMISSION

WHITE OAK WATER PROJECT

INVOICES THROUGH JULY 20, 2021

Payment is approved to the following vendors for their respective invoices:

PAYEE	EXPLANATION	AMOUNT
ADMINISTRATIVE		
Region I PDC	April 2021 Invoice	\$1,487.50
ENGINEERING		
Raleigh County Commission	Reimbursment for payment for LA Gates Invoice # 13974A Study & Report \$15,000.00, Preliminary Design \$15,000.00	\$30,000.00
Raleigh County Commission	Reimbursment for payment for LA Gates Invoice # 14202 Preliminary Design \$18,096.00	\$18,096.00
LA Gates Engineering	invoice # 14490 Preliminary Design \$421.00, Final Design \$12,411.25, Environmental/Permitting \$5,000.00	\$17,832.25
LEGAL ADS		
Raleigh County Commission	Reimbursement of Legal Ads \$190.90 AD ID #180895	\$190.90
Raleigh County Commission	Reimbursement of Legal Ads \$245.88 AD ID #228619	\$245.88
Lands/ROWs Easements		
CONSTRUCTION		
TOTAL AMOUNT		\$67,852.53

Sign Here

RALEIGH COUNTY COMMISSION



David Tolliver - President

COOL RIDGE / FLAT TOP PSD

Hazel Burroughs - Chairman

Region 1 Planning & Development Council

1439 E. Main Street, Suite 5
Princeton, WV 24740

(304) 431-7225

INVOICE

DATE

4/30/2021

NUMBER

51423

Cool Ridge Flat Top PSD

P O BOX 550

Cool Ridge, WV 25825

Project: White Oak Water Project

Date	Description	Hours	Amount
4/01/2021	Phone Calls & FU -		
4/05/2021	Project Management - and follow up on professional service agreements	0.50	42.50
4/05/2021	Project Management - and schedule	0.50	42.50
4/05/2021	Project Admin - set up new account	1.00	85.00
4/07/2021	Checks - and form to open Ral Cty Comm bank acct	1.00	85.00
4/13/2021	Project Management - and follow up w/ monthly reports & discussion w/ LM	0.50	42.50
4/13/2021	Project Management - and prepare updated AML Grant documents	1.00	85.00
4/13/2021	Reports - AML Quarterly reports	1.00	85.00
4/13/2021	Emails & Follow-up - & PCs RE: Raleigh Cty Comm Checking acct	2.00	170.00
4/16/2021	Bank Reconciliation -	0.50	42.50
4/19/2021	Project Management - and follow up on MOU	0.50	42.50
4/19/2021	Emails & Follow-up -	0.50	42.50
4/20/2021	Project Management - and AML certifications, assurances, NOA	0.50	42.50
4/20/2021	Conference Call - w/ Raleigh Co. Comm.	0.50	42.50
4/20/2021	Emails & Follow-up -	1.00	85.00
4/21/2021	Reports -	0.50	42.50
4/21/2021	Conference Call -	0.50	42.50
4/21/2021	Project Management - and call w/ RE & CN	0.50	42.50
4/22/2021	Project Management - and review correspondence from NM	0.50	42.50
4/22/2021	Drawdowns - prep and emails RE: Engineering Contract	0.50	42.50
4/27/2021	Emails & Follow-up -	2.00	170.00
4/28/2021	Project Management - and follow up w/ LM on Eng. Agreement	1.00	85.00
4/28/2021	Emails & Follow-up -	0.50	42.50
		0.50	42.50

Total This Invoice:

1,487.50


Jason Roberts, Executive Director

BECKLEY NEWSPAPERS

801 North Kanawha Street, Beckley, WV 25801
www.register-herald.com Phone: 304-255-4400 • Toll Free: 800-950-0250 • Fax: 304-255-4427

Invoice

DATE 10/01/20

Client:
RALEIGH COUNTY COMMISSION ACCOUNT NUMBER: 105884
PO BOX 2518
BECKLEY, WV 25802-0000
(304) 255-9146

Ad ID: 228619
Run Dates: 03/26/19 to 04/02/19
Ad Class: Legals
Total Insertions: 4
Total # of Lines: 162
Total # of Words: 668
Total Cost: \$245.88
AdTaker: Open Beckley

Publications:
Register-Herald
register-herald.com

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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NOTES:

Any concerns with price or errors in this receipt please email me at:
tina.reed@bdtonline.com

SUBTOTAL	\$245.88
TAX	\$0.00
PAYMENT	\$245.88

AMOUNT DUE \$0.00

BECKLEY NEWSPAPERS

801 North Kanawha Street, Beckley, WV 25801
www.register-herald.com Phone: 304-255-4400 • Toll Free: 800-950-0250 • Fax: 304-255-4427

Invoice

DATE 10/01/20

Client: RALEIGH COUNTY COMMISSION ACCOUNT NUMBER: 105884
PO BOX 2518
BECKLEY, WV 25802-0000
(304) 255-9146

Ad ID: 180895
Run Dates: 12/03/18 to 12/10/18
Ad Class: Legals
Total Insertions: 4
Total # of Lines: 125
Total # of Words: 526
Total Cost: \$190.90
AdTaker: Open Beckley

Publications:
Register-Herald
register-herald.com

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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NOTES:

Any concerns with price or errors in this receipt please email me at:
tina.reed@bdtonline.com

SUBTOTAL	\$190.90
TAX	\$0.00
PAYMENT	\$190.90

AMOUNT DUE \$0.00

L. A. GATES COMPANY

ENGINEERS AND CONSULTANTS

INVOICE NO.: 13974A

Reference No.: 19.018

Date: November 30, 2019

Manager Jerry Farley
Cool Ridge - Flat Top PSD
P. O. Box 550
Cool Ridge, WV 25825

REF.: Engineering Agreement (Dated April 25, 2019)

Project: White Oak Water Line Extension

Perform Consulting Engineering and Related Services for the extension of potable water and fire protection to the White Oak Mountain Road and Hinton Road customers.

LABOR

<u>Services</u>	<u>Contract Fee Amount</u>	<u>Prior Amount</u>	<u>Current Amount</u>
Study and Report Phase	\$ 15,000.00	\$0.00	\$15,000.00
Preliminary Design Phase	\$ 33,096.00	\$0.00	\$15,000.00
Final Design Phase	\$ 49,645.00	\$0.00	\$0.00
Bidding and Negotiating Phase	\$ 11,032.00	\$0.00	\$0.00
Contract Administration	\$ 11,032.00	\$0.00	\$0.00
Post-Construction Phase	\$ 5,516.00	\$0.00	\$0.00
Environmental/Permitting	\$ 20,000.00	\$0.00	\$0.00
Resident Project Representative	\$ 70,000.00	\$0.00	\$0.00
GRAND TOTAL DUE THIS INVOICE			\$30,000.00

L. A. GATES COMPANY

ENGINEERS AND CONSULTANTS

INVOICE NO.: 14202

Reference No.: 19.018

Date: July 20, 2020

Manager Jerry Farley
Cool Ridge - Flat Top PSD
P. O. Box 550
Cool Ridge, WV 25825

REF.: Engineering Agreement (Dated April 25, 2019)

Project: White Oak Water Line Extension

Perform Consulting Engineering and Related Services for the extension of potable water and fire protection to the White Oak Mountain Road and Hinton Road customers.

LABOR

<u>Services</u>	<u>Contract Fee Amount</u>	<u>Prior Amount</u>	<u>Current Amount</u>
Study and Report Phase	\$ 15,000.00	\$15,000.00	\$0.00
Preliminary Design Phase	\$ 33,096.00	\$15,000.00	\$18,096.00
Final Design Phase	\$ 49,645.00	\$0.00	\$0.00
Bidding and Negotiating Phase	\$ 11,032.00	\$0.00	\$0.00
Contract Administration	\$ 11,032.00	\$0.00	\$0.00
Post-Construction Phase	\$ 5,516.00	\$0.00	\$0.00
Environmental/Permitting	\$ 20,000.00	\$0.00	\$0.00
Resident Project Representative	\$ 70,000.00	\$0.00	\$0.00
GRAND TOTAL DUE THIS INVOICE			\$18,096.00

L. A. GATES COMPANY

ENGINEERS AND CONSULTANTS

INVOICE NO.: 14490

Reference No.: 19.018

Date: April 12, 2021

Manager Jerry Farley
Cool Ridge - Flat Top PSD
P. O. Box 550
Cool Ridge, WV 25825

REF.: Engineering Agreement (Dated April 25, 2019)
Project: White Oak Water Line Extension

Perform Consulting Engineering and Related Services for the extension of potable water and fire protection to the White Oak Mountain Road and Hinton Road customers.

LABOR

<u>Services</u>	<u>Contract Fee Amount</u>	<u>Prior Amount</u>	<u>Current Amount</u>
Study and Report Phase (100% Complete)	\$ 15,000.00	\$15,000.00	\$0.00
Preliminary Design Phase (100% Complete)	\$ 33,517.00	\$33,096.00	\$421.00
Final Design Phase (27.77% Complete)	\$ 44,690.00	\$0.00	\$12,411.25
Bidding and Negotiating Phase	\$ 11,172.00	\$0.00	\$0.00
Contract Administration	\$ 17,345.00	\$0.00	\$0.00
Post-Construction Phase	\$ 5,000.00	\$0.00	\$0.00
Environmental/Permitting (25% Complete)	\$ 20,000.00	\$0.00	\$5,000.00
Resident Project Representative	\$ 70,000.00	\$0.00	\$0.00
GRAND TOTAL DUE THIS INVOICE			\$17,832.25

A RESOLUTION APPROVING AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE RALEIGH COUNTY COMMISSION,
THE CITY OF BECKLEY, AND THE RALEIGH COUNTY SOLID
WASTE AUTHORITY


WHEREAS, the City of Beckley desires to enter into an Intergovernmental Agreement with the Raleigh County Solid Waste Authority and the Raleigh County Commission regarding developing a tract of land to be used for the disposal of demolition waste from the demolition of abandoned buildings; and

WHEREAS, the attached Intergovernmental Agreement between the Raleigh County Commission, the City of Beckley, and the Raleigh County Solid Waste Authority requires approval by the City of Beckley Common Council authorizing the Mayor to execute the said Agreement on behalf of the City of Beckley.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BECKLEY, WEST VIRGINIA: That the attached Intergovernmental Agreement between the Raleigh County Commission, the City of Beckley, and the Raleigh County Solid Waste Authority is approved, and the Mayor of the City of Beckley is authorized to execute the Intergovernmental Agreement on behalf of the City of Beckley.

This agreement shall become effective upon approval of Council.

This Resolution is duly adopted by the Common Council of the City of Beckley at its Regular Meeting held on June 8, 2021 on a motion by Councilman Price and seconded by Councilman Sopher.



Billie L. Trump – Recorder-Treasurer

AGREEMENT

THIS AGREEMENT, made this 8th day of June, 2021 by and between the RALEIGH COUNTY COMMISSION ("County"), the CITY OF BECKLEY ("City"), and the RALEIGH COUNTY SOLID WASTE AUTHORITY ("RCSWA"), hereinafter referred to jointly as Parties.

WHEREAS, the RCSWA was created by the County pursuant to the authority vested in the County by Article 34, Chapter 22-C of the West Virginia Code; and, as such, the RCSWA is a public agency; and

WHEREAS, the RCSWA, as part of its duties, owns and operates a landfill in or near Lanark, West Virginia, Raleigh County, West Virginia; and

WHEREAS, the RCSWA has the personnel, equipment, experience, and knowledge of how to landfill construction and demolition waste; and

WHEREAS, the County has the authority, pursuant to Section 3ff, Article I, Chapter 7 of the West Virginia Code, to demolish, remove, or clean up dwellings or buildings unfit for human habitation, commonly referred to as abandoned buildings; and

WHEREAS, the County and City do not have an area to dispose of such construction and demolition waste from demolition of abandoned buildings.

NOW, THEREFORE, WITNESSETH that for, and in consideration of, the good and mutual promises and covenants sufficiently acknowledged herein, the Parties hereby agree and consent to the following terms and conditions.

1. The County and City shall haul its construction and demolition waste to the landfill operated by the RCSWA, and the RCSWA shall accept such construction and demolition waste at its facility. No hazardous materials may be disposed of at the site. It is specifically agreed that the County and the City shall comply with the Guidance Document dated June 1, 2005 published by the West Virginia Department of Environmental Protection which defines allowable and prohibited materials at a construction and demolition landfill facility.
2. The RCSWA shall accurately weigh, track, and bill the County and City for its respective use of the site. The RCSWA shall charge the County and City for disposal of such waste at the rates set forth in the RCSWA's tariff, as amended from time to time and as authorized and approved by the West Virginia Public Service Commission. There is currently a Solid Waste Disposal Assessment Fee of \$8.75 per ton which is part of the tonnage fee charged by the RCSWA pursuant to its current tariff. The RCSWA has requested and received a waiver of such fee from the West Virginia Department of Environmental Protection for the waste to be delivered by the County and City to the RCSWA. So long as the waiver is in effect, the County and City will not be charged the fee.

3. The RCSWA shall bill the County and the City on a monthly basis. Payment to the RCSWA shall be made as promptly as possible by the County and City, but not prior to the costs and fee being received by the County and the City from the landowner. It is agreed and understood that the County and City will charge the landowner for its costs of demolition, including the fees due to the RCSWA. The County and City shall pay the RCSWA its fees within thirty (30) days of collecting the fees from the landowner. The County and City shall diligently pursue the collection of such fees; including, but not limited to, the filing of any statutory liens allowed by law. The fees due RCSWA shall include any late penalties or interest authorized by the West Virginia Public Service Commission as set forth in the tariff of the RCSWA.
4. This Agreement shall be in effect for a period of one fiscal year, subject to annual renewal by the Parties, each of which annual renewal period shall be limited to one fiscal year; provided that, in addition to the right of non-renewal, any party shall have the right to terminate this Agreement by giving to the other party thirty (30) days' written notice of such termination.
5. The provisions of this Agreement are in addition to, and not in derogation of, any power and authority vested in any of these public bodies under any constitutional, statutory, or other provisions which may now or hereafter be in effect.
6. This Agreement shall supersede any and all previous written or oral agreements between the Parties regarding the subject matter of this Agreement.

IN WITNESS WHEREOF, the public agencies hereinabove named as Parties to this Agreement hereby certify that they have each properly adopted this Agreement by the governing bodies thereof and hereby approve this Agreement and direct their respective executive officers to execute this Agreement on their behalf and cause it to be filed and recorded in such manner as provided by law.

RALEIGH COUNTY COMMISSION

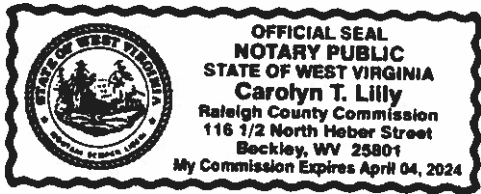
BY: David Tolliver

ITS: President

STATE OF WEST VIRGINIA,
COUNTY OF RALEIGH, TO-WIT:

I, Carolyn T. Lilly, a Notary Public in and for the county and state aforesaid, do hereby certify that David Tolliver, whose name is signed to the foregoing writing, bearing date the 8th day of June, 2021, as President of RALEIGH COUNTY COMMISSION, has this day acknowledged the same before me in my said County and State to be the act and deed of said corporation.

Given under my hand this 20th day of July, 2021
My commission expires: April 4, 2024



Carolyn T. Lilly
NOTARY PUBLIC

CITY OF BECKLEY
a West Virginia Municipal Corporation

BY: _____

ITS: _____

STATE OF WEST VIRGINIA,
COUNTY OF RALEIGH, TO-WIT:

I, _____, a Notary Public in and for the county and state
aforesaid, do hereby certify that _____, whose name is
signed to the foregoing writing, bearing date the 8th day of June, 2021, as
_____ of CITY OF BECKLEY, A WEST VIRGINIA
MUNICIPAL CORPORATION, has this day acknowledged the same before me in my
said County and State to be the act and deed of said corporation.

Given under my hand this ____ day of _____, 2021

My commission expires: _____

NOTARY PUBLIC

RALEIGH COUNTY SOLID WASTE
AUTHORITY

BY: _____

ITS: _____

STATE OF WEST VIRGINIA,
COUNTY OF RALEIGH, TO-WIT:

I, _____, a Notary Public in and for the county and state
aforesaid, do hereby certify that _____, whose name is
signed to the foregoing writing, bearing date the 8th day of June, 2021, as
_____ of RALEIGH COUNTY SOLID WASTE AUTHORITY,
has this day acknowledged the same before me in my said County and State to be the act
and deed of said corporation.

Given under my hand this ____ day of _____, 2021

My commission expires: _____

NOTARY PUBLIC

This instrument prepared by:
WILLIAM H. FILE, III
City Attorney
City of Beckley
Post Office Box 2514
Beckley, West Virginia 25801



Gary R. Hall
West Virginia Infrastructure
Right of Way Agent

142 Wyoming Street Welch, WV 24801

Office: (304) 436-2575

Cell: (304) 376-9472

June 9, 2021

Raleigh County Commission

RFP Piney View Sewer

116 ½ North Heber

Beckley, WV 25802

RE: North Beckley PSD: Phase III-B Piney View/Batoff Mountain Sewer Extension Project

Thank you for requesting my assistance with your project. I am currently involved with several other projects and should be completing them in the next few months. I hope this will fit into your project's schedule.

I have been performing the services as right of way negotiator for over 8 years. In that time I have worked closely with Region One Development and their Project Administrators, multiple PSD's, Engineers and Project attorneys.

I would like to offer my services as Right of Way Negotiator to assist you in the completion of your project. Due to the unique challenges inherent with acquiring easements, etc. in any sewer project, my fee schedule is as follows for project entirety. Bid good for one year from date above.

Per Land Acquisitions \$400.00

Per Easement Right of Ways \$200.00

If these terms are satisfactory, please sign and date below and return a copy to my office.

Thank you,

Gary R. Hall

Accepted By:

Date: 7/20/2021



Lowe & Associates, PLLC
Certified Public Accountants

Proposal for Accounting Services

Raleigh County Commission / North Beckley Public Service District
RFP Piney View Sewer

June 18, 2021

Lowe & Associates, PLLC
1156 South Main Street
Milton, WV 25541

Contact: Jared M. Gillespie, CPA
T (304) 743-5573 F (304) 743-1150
jgillespie@lowecpas.com

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Lowe & Associates, PLLC
Certified Public Accountants

1156 South Main Street
Milton, WV 25541
Phone: (304) 743-5573
Fax: (304) 743-1150
www.lowecpas.com

June 18, 2021

Raleigh County Commission
116 1/2 North Heber
Beckley, West Virginia

Dear Members of the Commission,

We are pleased to present our proposal to provide accounting services to the Raleigh County Commission / North Beckley Public Service District (the "District") for the Phase III-B Piney View/Batoff Mountain Sewer Extension Project. We believe we have addressed each of the specifications, as included in your Request for Proposal. Lowe & Associates, PLLC is a Milton, West Virginia based firm with extensive experience with governmental entities. We feel our firm is the best selection for the District. This proposal demonstrates our capability and commitment to serve.

Lowe & Associates, PLLC has provided governmental accounting and auditing services to over 40 agencies on an annual basis. Our firm specializes accounting, auditing, and regulatory work for utilities throughout West Virginia. We understand the requirements as prescribed by the West Virginia Public Service Commission and funding agencies. We are committed to perform our work within the District's timelines and to meet all of the requirements as specified in the Request for Proposal.

Our team members have combined over 40 years of governmental accounting experience. We hope that as you read through this proposal, you recognize the philosophy of our firm which is to provide each of our clients with exceptional service, experienced staff, and an approach that will fit your needs. Our dedication to quality, professional standards, and service are unmatched in the industry. Should you have any questions, please feel free to call Jared Gillespie who is authorized to make representations on behalf of the firm at (304) 743-5573, email at jgillespie@lowecpas.com, or the mailing address which is detailed on the cover page.

Sincerely yours,

Rodman G. Lowe, CPA
Lowe & Associates, PLLC
Owner

FIRM PROFILE

OUR FIRM

Lowe & Associates, PLLC is a certified public accounting firm located in Milton, West Virginia. We have proudly served business throughout West Virginia and the surrounding states for over 30 years. Our Firm is a small company with two highly qualified professionals. We consider our company size and professionalism to be our greatest strategic advantage. When working with our Firm you will receive a more personal experience, with easy access to competent, qualified professionals who can help to answer questions and ease the audit process.

ENGAGEMENT TEAM MEMBERS

The U.S. Government Accountability Office's Yellow Book, *Government Auditing Standards*, requires auditors to maintain their professional competence through continuing professional education. Each auditor performing work under generally accepted government accounting standards is required to complete a minimum of 80 hours of continuing professional education every two years; 24 of the 80 hours must be directly related to government auditing or the government environment. All of our staff exceed the required educational hours, receiving governmental and Uniform Guidance-specific training throughout the year through external conferences, webinars, and self-study programs.

- **Rodman Lowe, CPA**

Rod joined the firm in 1990, then Basset & Lowe, and has extensive experience in all areas of public accounting, with a focus on governmental accounting. Rod became the sole owner of Lowe & Associates, PLLC in 2012 after the retirement of his partner, Ralph Bassett. Rod is a 1989 graduate from Marshall University with a Bachelor of Business Administration in Accounting and is a current member of the West Virginia State Society of CPAs. Rod oversees and reviews all audits completed by the firm.

- **Jared Gillespie, CPA**

Jared joined the firm in 2008 and has extensive experience in all areas of public accounting, with a focus on governmental accounting. Jared is a 2007 graduate from Marshall University with a Bachelor of Business Administration in Accounting and Bachelor of Science in Criminal Justice. He also obtained his Masters in Accountancy from Marshall University in 2013 and is a current member of the West Virginia State Society of CPA. Jared is the lead auditor on all audits completed by the firm.

LICENSE TO PRACTICE

Lowe & Associates, PLLC is a certified public accounting firm licensed in the State of West Virginia. All certified public accountants involved in audit engagements of the Firm are licensed to practice in the State of West Virginia and have received at least the minimum number of continuing professional education hours required by the State Board of Accountancy and American Institute of Certified Public Accountants.

SCOPE OF SERVICES

The scope of accounting services offered includes, but is not limited to;

- Preparation of the Rule 42 Exhibit in accordance with standards prescribed by the West Virginia Public Service Commission.
- Completion of the Preliminary Application to the WVIJDC (if applicable).
- Completion of the CPA Certification (if applicable).

Our services will be conducted in accordance with *Statements on Standards for Accounting and Review Services* issued by the American Institute of Certified Public Accountants. This exhibit will be compiled using data provided by the District's annual WV Public Service Commission report, management of the District, the District's engineers and legal counsel. We will not provide audit or review services as defined by the *Attestation Standards and Auditing Standards*.

APPROACH

At Lowe & Associates we specialize in accounting, auditing and regulatory work for water and sewer utilities. As such, our approach is specifically tailored to meet the various requirements of a West Virginia utility. Providing services to over 40 utilities annually has allowed us to gain extensive experience in this sector which has increased our efficiency and effectiveness.

COMMUNICATION

We believe on-going communication throughout the entire engagement will ensure that all aspects of the work are thoroughly addressed. This includes regular communications with management, legal counsel, bond counsel and engineers. We will also take part in any conference calls with the various regulatory agencies as needed.

TIMING

We strive to complete the contracted work in a timely and cost-effective manner. We will begin our work once we have received the financial information from company management as well as any necessary project data from the engineers. Upon receiving the necessary information we will ensure our work is completed in time to meet filing deadlines.

LIST OF SIMILAR CLIENTS

The following is a list of some of our recent rate case clients:

- Bradley Public Service District
- Buffalo Creek Public Service District
- Cool Ridge-Flat Top Public Service District
- Crab Orchard-MacArthur Public Service District
- Craigsville Public Service District
- Crum Public Service District
- Gauley River Public Service District
- Greenbrier County Public Service District #2
- Lavalette Public Service District
- Putnam Public Service District
- Raleigh County Public Service District
- Ravencloff-McGraws-Saulsville Public Service District
- Webster Springs Public Service District
- Wilderness Public Service District
- City of Gary
- City of Mannington
- City of Marlinton
- City of Milton

ENGAGEMENT FEES

The Firm of Lowe & Associates, PLLC proposes to conduct the requested accounting services of Raleigh County Commission / North Beckley Public Service District for the Phase III-B Piney View/Batoff Mountain Sewer Extension Project.

Our fees for these services will be billed in the amount of \$65 to \$150 per hour or portion thereof, with a total fee not to exceed \$15,000. We will invoice for these services as the work is completed, but understand that payment will be made at the loan closing unless the project were to be dropped or abandoned at which time the balance would become due immediately. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to Raleigh County Commission / North Beckley Public Service District and believe this letter accurately summarizes the significant terms of our engagement. We will be able to commence this work upon return of a signed copy of this letter and attempt to complete it in a timely fashion. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this proposal, please sign the attached copy of the engagement letter and return it to us.



Lowe & Associates, PLLC
Certified Public Accountants

1156 South Main Street
Milton, WV 25541
Phone: (304) 743-5573
Fax: (304) 743-1150
www.lowecpas.com

June 18, 2021

Raleigh County Commission / North Beckley Public Service District
Attention: Board of Directors
116 1/2 North Heber
Beckley, West Virginia

Dear Board Members:

We are pleased to confirm our understanding of the services we are to provide Raleigh County Commission / North Beckley Public Service District. We will compile the Rule 42 Exhibit for the Phase III-B Piney View/Batoff Mountain Sewer Extension Project of the District, in the format prescribed by the West Virginia Public Service Commission. This exhibit will be compiled using data provided by the District's annual WV Public Service Commission report, management of North Beckley Public Service District, the District's engineers and legal counsel. We will not provide audit or review services as defined by the Attestation Standards and Auditing Standards.

Engagement Objectives

The objectives of this engagement are to compile a financial exhibit in accordance with Rule 42 of the West Virginia Public Service Commission. The Rule 42 Exhibit will provide information regarding what the rates will need to be to meet all operating and debt service requirements of the District. Final rates will be established by the West Virginia Public Service Commission.

Management Responsibilities

You are responsible for the preparation and fair presentation of the financial statements and supplementary schedules in accordance with the requirements of the regulatory basis of accounting prescribed by the West Virginia Public Service Commission and for designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial statements and supplementary schedules.

Accountant Responsibilities

Our responsibility is to conduct the compilation in accordance with *Statements on Standards for Accounting and Review Services* issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements and supplementary schedules without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements and supplementary schedules. Lowe & Associates, PLLC does not guarantee the results of any analysis that it may undertake, but only agrees to make a good faith attempt to base any reports and analysis on professional judgment and the data available to it. Lowe & Associates, PLLC will attempt to obtain and compile its data in a reliable manner, but it cannot guarantee the accuracy or completeness.



County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522



Piney View/Batoff Mountain Sewer Extension

Selection of Right of Way Negotiator, Project Attorney, and Bond Council

Bond Attorney-	Spillman, Thomas, & Battle
Project Attorney-	Rist, Huggins, & Associates
Accounting Services-	Lowe & Associates, PLLC
Right of Way Negotiator:	Gary R. Hall

Accepted and approved on Tuesday July 20, 2021:

David L. Tolliver; Raleigh County Commission President

Linda K. Epling; Raleigh County Commissioner

Gregory A. Duckworth; Raleigh County Commissioner

**ABANDONED MINE LANDS
ANNUAL PILOT PROJECT EVALUATION**

PROJECT NAME: Clear Fork Rail Trail
COUNTY: Raleigh
LATITUDE (dms): 37°56'33.4"N
PAD NUMBER (if applicable): WV006337

GRANT RECIPIENT:
USGS QUADRANGLE:
LONGITUDE (dms):

Raleigh County Commission
 Dorothy and Whitesville
 81°31'45.2"W

FUNDING SOURCES	Original Amount	Expended To Date					Total
		Year 1	Year 2	Year 3	Year 4	Year 5	
Pilot Funding:	2,250,000	0	0	213,690	63,597.50	277,288	
Associated Funding Sources:	131,860	0	0	86,165	17,785.33	103,950	
Other funds acquired during the project:							
Total:	2,381,860	0	0	299,855	381,236	381,236	

PROJECT EVALUATION CRITERIA	Economic Development:					Total
	Year 1	Year 2	Year 3	Year 4	Year 5	
Permanent Construction Jobs Created (Number & Type)	0	0	0	0	0	0
Permanent Jobs Created (Number & Type)	0	0	0	0	0	0
Permanent Businesses Created, Served or Improved (Explain)	0	0	0	0	0	0
Infrastructure Created (Explain)	0	0	0	0	0	0
Infrastructure System Capacity	0	0	0	0	0	0
Increased, Enhanced or Restored (Explain)	0	0	0	0	0	0
Number of Communities Served or Improved	0	0	0	0	0	0
Number of Households Served or Improved	0	0	0	0	0	0
Number of Visitors	0	0	0	0	0	0
Other Notable Accomplishments (Explain)	0	0	0	0	0	0

Project engineer environmental review, and appraisal and appraisal review service procured. Design completed, and construction to begin December 2020 for completion in October 2021.

Environmental Assessment draft sent to AML. Plans and specifications completed; borrow; site alternatives under further evaluation. AML sites sampling completed. Field Review completed.

AML Features Addressed (To Be Completed By CAMLR & Updated in AMLIS):

Note: Use additional pages as required. Sheet may be modified to properly capture evaluation data.

Signature:  Title: Raleigh County Commission President
 Name Typed: David Toliver Date: 07/20/2021

**ABANDONED MINE LANDS
ANNUAL PILOT PROJECT EVALUATION**

PROJECT NAME: White Oak Waterline Extension
COUNTY: Raleigh County
LATITUDE (dms): 37°40'32.38"N
PAD NUMBER (if applicable): WV001020

GRANT RECIPIENT: Raleigh County Commission
USGS QUADRANGLE: Shady Spring
LONGITUDE (dms): 81°1'0.46"W

FUNDING SOURCES	Original Amount
Pilot Funding:	\$1,800,000
Associated Funding Sources:	
Other funds acquired during the project:	

	Expended To Date					Total
	Year 1	Year 2	Year 3	Year 4	Year 5	
Year 1	0	0	0			0
Year 2		0				0
Year 3			0			0
Year 4				0		0
Year 5					0	0
Total:	0	0	0	0	0	0

PROJECT EVALUATION CRITERIA
Economic Development:

Year 1	Year 2	Cumulative	Year 3	Year 4	Year 5

Summary of Completion of activities specified in grant application
 Temporary Construction Jobs Created (Number & Type)
 Permanent Jobs Created (Number & Type)
 Permanent Businesses Created, Served or Improved (Explain)
 Infrastructure Created (Explain)
 Infrastructure System Capacity
 Increased, Enhanced or Restored (Explain)
 Number of Communities Served or Improved
 Number of Households Served or Improved
 Number of Visitors
 Other Notable Accomplishments (Explain)

Project engineer has been procured.
 Ant-Pilot funding is construction only
 Funding for other project service costs to be sought through LIDC District 3 Grant

Commitment of additional AML Pilot Grant MOU.
 Design, Preliminary Plans and Specifications: draft
 Environmental Assessment completed and permits drafted

0 to date
 0 to date
 1 proposed
 30 proposed
 0

AML Features Addressed (To Be Completed By OAMLR & Updated in AMLIS):


 Signature, Chief Executive Officer

Raleigh County Commission President
 Title

David Tolliver
 Name Typed

07/20/2021
 Date

Note: Use additional pages as required. Sheet may be modified to properly capture evaluation data.

A RESOLUTION OF THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA ("THE COUNTY COMMISSION") APPROVING THE ISSUANCE OF NOT TO EXCEED \$6,500,000 PRINCIPAL PAR AMOUNT OF LEASE REVENUE BONDS BY THE RALEIGH COUNTY BUILDING COMMISSION (THE "BUILDING COMMISSION" FOR THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF A NEW PUBLIC SAFETY FACILITY LOCATED AT 308 NED PAYNE DRIVE, BECKLEY, WEST VIRGINIA, FOR USE BY RALEIGH COUNTY, WEST VIRGINIA AS A SHERIFF'S DEPARTMENT, AND TO PAY OTHER COSTS IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN THE BUILDING COMMISSION, AS LESSOR, AND THE COUNTY COMMISSION, AS LESSEE, AND A BOND PURCHASE AGREEMENT AMONG THE COUNTY COMMISSION,, SAID BUILDING COMMISSION AND THE ORIGINAL PURCHASER (FIRST COMMUNITY BANK) FOR THE LEASE REVENUE BONDS TO BE ISSUED BY THE BUILDING COMMISSION TO FINANCE SAID ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, FURNISHING AND EQUIPPING AND TO EFFECTUATE SUCH ISSUANCE; AND AUTHORIZING OTHER NECESSARY ACTIONS IN CONNECTION WITH THE FOREGOING.

WHEREAS, The Raleigh County Building Commission (the "Building Commission") is currently the owner of a tract or parcel of land containing 4.000 acres, more or less, together with the improvements thereon, located at 308 Ned Payne Drive, Beckley, West Virginia (together with the Project, as defined below, the "Property"), and the County Commission of Raleigh County, West Virginia (the "County Commission") desires to authorize the acquisition, construction, renovation, improvement, furnishing and equipping of the Property as a new Raleigh County Sheriff's Department facility (the "Project"); and

WHEREAS, the Building Commission has determined to issue its Lease Revenue Bonds (Raleigh County Sheriff's Department Facility Project), Series 2021 (the "Bonds") in the aggregate principal amount not to exceed \$6,500,000 for the purposes of (i) financing costs of the acquisition, construction, renovation, improvement, furnishing and equipping of the Project, and (ii) paying the costs of issuing the Bonds and related costs; and

WHEREAS, the County Commission further desires to lease the Property from the Building Commission in accordance with the terms and provisions of the Lease Agreement between the Building Commission, as Lessor, and the County Commission, as Lessee (the "Lease"), the proposed form of which is attached hereto as Exhibit A; and

WHEREAS, the County Commission also desires to enter into a Bond Purchase Agreement among the Building Commission, the County Commission and First Community Bank (the "Purchaser") relating to the purchase by the Purchaser of the Bonds, the proposed form of which Bond Purchase Agreement is attached hereto as Exhibit B (the "Bond Purchase Agreement"); and

WHEREAS, the proceeds of the Bonds will be used to finance all or a portion of the costs of the Project and pay the costs of issuing the Bonds, and the balance of such costs of the Project and of issuing the Bonds not paid with proceeds of the Bonds will be paid with other funds of the County Commission lawfully available for such purpose; and

WHEREAS, the County Commission has determined that (i) there is an urgent need by the County for the Project to be financed in whole or in part with the proceeds of the Bonds and to be leased to the County Commission as described herein, and (ii) that the financing structure described herein is the most efficient method to finance the proposed Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA THAT:

1. The County Commission shall be, and hereby is, authorized to enter into the Lease with the Building Commission to lease the Property, as acquired, constructed, renovated, improved, furnished and equipped by the Project, from the Building Commission for an amount of rent equal to the scheduled bond payments payable by the Building Commission with respect to the Bonds and which Lease with the Building Commission will require the County Commission to perform certain other duties and obligations and to pay certain costs and expenses relating to such Property and the financing thereof as to be more specifically set out in said Lease as additional consideration for said Lease.
2. The County Commission shall be, and hereby is, authorized to enter into the Bond Purchase Agreement.
3. The President and Clerk of the County Commission, and any deputy Clerk of the County Commission, respectively, are hereby authorized and directed to execute and deliver on behalf of the County the Lease substantially in the form attached hereto as Exhibit A, with such changes, insertions and omissions as may be approved by the President, upon the advice of Bond Counsel (Bowles Rice, LLP) such approval to be evidenced by the execution of the Lease by the President.
4. The President of the County Commission is hereby authorized and directed to execute and deliver on behalf of the County Commission the Bond Purchase Agreement substantially in the form attached hereto as Exhibit B, with such changes, insertions and omissions as may be approved by the President, such approval to be evidenced by the execution of the Bond Purchase Agreement by the President.
5. The President, Clerk, and any deputy Clerk, and the other officers of the County Commission are each hereby authorized, and directed to execute and deliver on behalf of the County Commission such agreements, certificates, instruments and other documents in connection with the issuance of the Bonds in such forms as may be approved by the President of the County Commission, the execution of the subject document by the President of the County Commission to be conclusive evidence of such approval. The Clerk of the County Commission, and any deputy Clerk of the County Commission, respectively, are each hereby authorized and directed to attest any documents relating to the Bonds that the Clerk (or deputy Clerk) reasonably determines should be so attested and to affix the seal of the County Commission thereon. All prior acts taken by the President, Clerk and other officers, employees and agents of

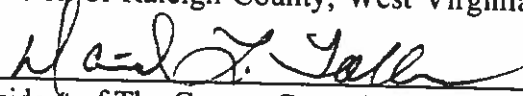
the County Commission in connection therewith are hereby ratified and affirmed in every respect.

6. The County Commission hereby approves the designation by the Building Commission of the Bonds as “qualified tax-exempt obligations” for purposes of paragraph (3) of Section 265(b) of the Internal Revenue Code of 1986, as amended (the “Code”) to the extent the Bonds are not “deemed designated” pursuant to Section 265(b)(3)(D)(ii) of the Code, and represents that the Bonds do not constitute private activity bonds as defined in Section 141 of the Code and as determined in accordance with Section 265(b)(3) of the Code, and that not more than \$10,000,000 in aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income tax purposes (excluding, however, obligations described in Section 265(b)(3)(C)(ii) of the Code), including the Bonds, will be issued by the County Commission and/or the Building Commission, or by any subordinate entity of either, during the calendar year 2021, all as determined in accordance with the Code.

7. The President, Clerk, any deputy Clerk of the County Commission, and other officers of the County are hereby authorized and directed to take such other actions as may be reasonably necessary to consummate the foregoing transactions.

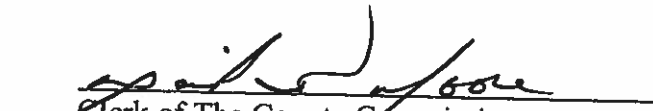
This Resolution shall be effective upon adoption.

Resolved by The County Commission of Raleigh County, West Virginia on this the 20th day of July 2021.



President of The County Commission of
Raleigh County, West Virginia

[SEAL]



Clerk of The County Commission
of Raleigh County, West Virginia

EXHIBIT A
FORM OF
LEASE AGREEMENT

EXHIBIT B
FORM OF
BOND PURCHASE AGREEMENT

A RESOLUTION OF THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA (THE "COUNTY COMMISSION"), EXPRESSING SUPPORT FOR THE ORDINANCE ADOPTED BY THE RALEIGH COUNTY BUILDING COMMISSION ("RCBC") AUTHORIZING THE ISSUANCE OF LEASE REVENUE BONDS ("AUTHORIZING ORDINANCE") TO FINANCE THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF A NEW PUBLIC SAFETY FACILITY FOR USE BY RALEIGH COUNTY, WEST VIRGINIA AS A SHERIFF'S DEPARTMENT (THE "PROJECT") PROPOSED BY, AND FOR, THE COUNTY COMMISSION, TO BE CONSTRUCTED ON PROPERTY CURRENTLY OWNED BY RCBC, WHICH WILL BE LEASED TO THE COUNTY COMMISSION DURING THE LIFE OF THE BONDS UNTIL THE BONDS ARE RETIRED (THE "PLAN OF FINANCING").

WHEREAS, the County Commission of the County of Raleigh (the "Lessee") has received a written commitment from First Community Bank relating to \$6,500,000 Lease Revenue Bond Financing, through and with the Raleigh County Building Commission (the "Issuer" or the "RCBC"), for the purpose of providing financing for the construction, furnishing and equipping of a proposed new public safety facility for use by the County Commission as a Sheriff's department, located in Beckley, West Virginia (the "Project"), to be owned by the RCBC and leased to the Lessee during the life of the bonds, until the bonds are retired; and

WHEREAS, the Lessee's plan of financing for the Project includes: the leasing from the RCBC of certain property owned by RCBC, on which property the Project will be constructed; the sale of the bonds to First Community Bank, the proceeds of which sale will be used to pay for a portion of the costs of the Project and costs of issuing the bonds; the construction, renovation, improvement, furnishing and equipping of the Project on said property for use by the Lessee as a new public safety facility and sheriff's department; the lease by the RCBC of the Project to the Lessee under a lease agreement between the RCBC and the Lessee (the "Lease"), under which Lease the Lessee would be required to make lease payments to the RCBC sufficient to pay all debt service on the bonds as such debt service comes due; the RCBC's execution and delivery of a Bond Purchase Agreement ("BPA") with First Community Bank ("Purchaser"), as part of the plan of finance; the granting of a deed of trust on said property and Project by the RCBC to secure the Purchaser as part of the security for the bonds; and the assignment by the RCBC to the Purchaser of the Lease and the lease payments to be made by the Lessee to provide additional security for the bonds (collectively, the "Plan of Financing"); and

WHEREAS, the Plan of Financing also contemplates the adoption of an ordinance of the RCBC to authorize the issuance of the bonds and the completion of the Plan of Financing (the "Authorizing Ordinance"); and

WHEREAS, the County Commission wishes to express its support for the proposed Project, the Lessee's Plan of Financing; and the RCBC's facilitation of the Plan of Financing.


NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the County Commission hereby expresses its full support for the Plan of Financing of the Project and the

RCBC's facilitation of the Plan of Financing, including but not limited to the adoption of the RCBC of the Authorizing Ordinance.


[Signature Page Follows]

Adopted on this 6th day of July, 2021.

THE COUNTY COMMISSION OF
RALEIGH COUNTY

By: 
Name: David L. Tolliver
Its: President

Attest:

By: 
Name: Jay Quisenberry
Its: County Administrator