



CITY OF CHARLESTON West Virginia



Council Member – 12th WARD

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Finance Committee, Chair
Parking Committee, Chair
Parks and Recreation Committee

AGENDA

FINANCE COMMITTEE MEETING

UNTIL FURTHER NOTICE, MEETINGS WILL BE MADE AVAILABLE TO THE PUBLIC VIA ZOOM AND CIVICCLERK

Monday, January 4, 2021

6:15 PM

***Join via internet:**

<https://us02web.zoom.us/j/89280119330?pwd=WXR4TVZ2d2pZWdHNiMVRLa0kzMlpLUT09>

Passcode: 080105

***Join via Telephone: (312) 626-6799 or (929) 436-2866**

Webinar ID: 892 8011 9330

***Join via CivicClerk: <https://charlestonwv.civicclerk.com>**

I. DISCUSSION:

- a. Approval of Previous Minutes 12-21-2020

II. RESOLUTIONS:

- a. Resolution No. 410-21 - Authorizing the Mayor or City Manager to purchase 5 Jeep Grand Cherokees for the Charleston Police Department
- b. Resolution No. 411-21 - Authorizing the Mayor or City Manager to purchase 4 various vehicles for Public Grounds
- c. Resolution No. 412-21 - Authorizing the Mayor or City Manager to purchase 1 Ford Explorer for Spring Hill Cemetery
- d. Resolution No. 413-21 - Authorizing the Mayor or City Manager to submit an application to the WV Division of Administrative Services under the Project Safe Neighborhoods grant program for the Charleston Police Department

III. BILLS:

- a. Bill No. 7890 - A Bill to amend the Municipal Code of the City of Charleston relating to correcting inadvertent errors with respect to detailing the deposit and allocation of the City's Consumer Sales and Use Tax revenue as required by the bond documents related to the Charleston Coliseum and Convention Center renovations

MINUTES
FINANCE COMMITTEE MEETING
6:15 P.M., DECEMBER 21, 2020
A/V CONFERENCE ROOM*

Joseph Jenkins, Chairperson, called the meeting of the Charleston City Council Committee on Finance to order at 6:15 p.m., December 21, 2020, in the Audio/Visual Room in City Hall*.

A silent roll was taken by the Clerk and a quorum was established. The following committee members were present:

Joseph Jenkins, Chair
Bobby Reishman, Vice Chair
Ben Adams
Brent Burton
Becky Ceperley
Mary Beth Hoover
Will Laird

*In response to the COVID-19 pandemic, the meeting of the Finance Committee was conducted electronically. The meeting was made available to the public as a live stream via Zoom and CivicClerk (per the agenda).

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Reishman asked for unanimous consent to dispense with the reading of the minutes for the December 7, 2020 meeting and that they be approved as distributed. There was no objection and the minutes were approved.

II. RESOLUTIONS:

a. Resolution No. 400-20 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA AUTHORIZING THE FILING OF A CIVIL ACTION IN THE CIRCUIT COURT OF KANAWHA COUNTY FOR THE CONDEMNATION OF PROPERTY FOR ACQUISITION OF A PARCEL OF LAND CONTAINING 614.42 SQUARE FEET NECESSARY TO CONSTRUCT, INSTALL AND COMPLETE THE SANITARY BOARD OF THE CITY OF CHARLESTON'S BENCH ROAD PUMP STATION REPLACEMENT PROJECT

WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the "Sanitary Board") has presented a Resolution requesting the City Council of the City of Charleston, West Virginia to authorize the City of Charleston (the "City") to file a civil action in the Circuit Court of Kanawha County for the condemnation of property for its Bench Road Pump Station Replacement Project (the "Project");

WHEREAS, the City, in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia, 1931, owns the sewerage system, both within and without the corporate limits of the City, consisting of a sewage treatment plant or plants and its collecting, intercepting and outlet sewers, lateral sewers, drains, force mains, conduits, pumping stations and ejector stations and all other appurtenances, extensions, improvements and betterments necessary, appropriate, useful, convenient or incidental for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage and industrial waste (the "System");

WHEREAS, the Sanitary Board, created by Ordinance of the City Council adopted March 17, 1952, is a separate entity from the City; WHEREAS, by Ordinance of the City Council adopted June 16, 1952, custody, administration, operation and maintenance of the System were placed under the supervision and control of the Sanitary Board;

WHEREAS, due to statutory provisions under which the City owns the System, it is necessary for the City to file a civil action for the condemnation of property for the acquisition of land necessary for the System;

WHEREAS, the Sanitary Board is pursuing the Project in the City of Charleston which is necessary for the health and welfare of the citizens of the City; WHEREAS, the Project includes the construction, installation, replacement, and completion of the Bench Road Pump Station, and the acquisition of a parcel of land containing 614.42 square feet is necessary to undertake and complete the Project;

WHEREAS, the Sanitary Board has diligently sought the purchase of the parcel of land from the affected property owner, however, due to the property owner being uncommunicative or uncooperative, the Sanitary Board has been unable to obtain by negotiation and agreement the necessary parcel of land; and

WHEREAS, the Sanitary Board has no choice but to request the City to authorize the filing of a civil action for the acquisition, pursuant to the City's power of eminent domain, of the necessary parcel of land for the Project; now, therefore,

Be it Resolved by the Council of the City of Charleston, West Virginia, as follows:

Section 1. To accomplish the construction, installation, and completion of the Bench Road Pump Station Replacement Project in the City of Charleston necessary for the health and welfare of the citizens of the City of Charleston, the Sanitary Board of the City of Charleston, West Virginia (the "Sanitary Board") must acquire a parcel of land containing 614.42 square feet, as shown on Exhibit A to this Resolution.

Section 2. The Sanitary Board requests the City Council of the City of Charleston to authorize the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file a civil action for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the parcel of land as shown on Exhibit A and to take such other and further action as may be reasonably necessary to acquire the parcel of land necessary to construct, install and complete the Bench Road Pump Station Replacement Project.

Section 3. The City Council of the City of Charleston hereby authorizes the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file a civil action for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the parcel of land shown on Exhibit A as needed and to take such other and further action as may be reasonably necessary to acquire the parcel of land necessary to construct, install and complete the Bench Road Pump Station Replacement Project.

Tim Haapla, representing the Charleston Sanitary Board, added that the project is an upgrade of an existing pump station. They are seeking a proper deed in case something cannot be worked out with the property owner.

Councilmembers Jenkins and Adams confirmed that an additional 110 sq./ft is being sought from the current footprint; the deed's total is about 610 sq./ft.

Councilmember Reishman moved to approve the Resolution. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 400-20 approved.

b. Resolution No. 401-20 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA AUTHORIZING THE FILING OF CIVIL ACTIONS FOR THE CONDEMNATION OF PROPERTY FOR SANITARY SEWER EASEMENTS NECESSARY FOR THE SANITARY BOARD OF THE CITY OF CHARLESTON, WEST VIRGINIA TO CONSTRUCT, INSTALL AND COMPLETE ITS SANITARY SEWER REPLACEMENT AND REHABILITATION PROJECT FOR CONTRACT 18-4 DANNER HOLLOW 18

WHEREAS, the Sanitary Board of the City of Charleston, West Virginia (the "Sanitary Board") has presented a Resolution requesting the City Council of the City of Charleston, West Virginia to authorize the City of Charleston (the "City") to file civil actions in the Circuit Court of Kanawha County for the condemnation of property for sanitary sewer permanent and temporary easements necessary for the Sanitary Board to construct, install and complete its Danner Hollow Sewer Replacement and Rehabilitation Project (the "Project");

WHEREAS, the City, in accordance with the provisions of Chapter 16, Article 13 of the Code of West Virginia, 1931, owns the sewerage system, both within and without the corporate limits of the City, consisting of a sewage treatment plant or plants and its collecting, intercepting and outlet sewers, lateral sewers, drains, force mains, conduits, pumping stations and ejector stations and all other appurtenances, extensions, improvements and betterments necessary, appropriate, useful, convenient or incidental for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage and industrial waste (the "System");

WHEREAS, the Sanitary Board, created by Ordinance of the City Council adopted March, 1952, is a separate entity from the City;

WHEREAS, by Ordinance of the City Council adopted June 16, 1952, custody, administration, operation and maintenance of the System were placed under the supervision and control of the Sanitary Board;

WHEREAS, due to statutory provisions under which the City owns the System, it is necessary for the City to file civil actions for the condemnation of property for easements necessary for the System;

WHEREAS, the Sanitary Board is pursuing the Project in the area of Danner Hollow, which is necessary to correct older, failing sewer collection lines and is necessary for the health and welfare of the citizens of the City;

WHEREAS, the Project includes the replacement and/or rehabilitation of approximately one mile of sewer lines, and numerous permanent easements and temporary construction easements are necessary to undertake and complete the Project;

WHEREAS, the Sanitary Board and its right-of-way agents have diligently sought easement agreements for such necessary easements from the affected property owners and have received and recorded many signed easement agreements;

WHEREAS, due to numerous factors including, but not limited to, out-of-state property owners and uncooperative or uncommunicative property owners, the Sanitary Board has been unable to obtain by negotiation and agreement all of the necessary sewer easements; and 16

WHEREAS, the Sanitary Board has no choice but to request the City to authorize the filing of civil actions for the acquisition, pursuant to the City's power of eminent domain, certain property

interests in order to obtain the necessary sewer easements for the Project; now, therefore,
Be it Resolved by the Council of the City of Charleston, West Virginia, as follows:

Section 1. To accomplish construction of the sewer replacement and rehabilitation project in the Danner Hollow area of the City of Charleston necessary for the health and welfare of the citizens of the City of Charleston, the Sanitary Board of the City of Charleston, West Virginia (the “Sanitary Board” must obtain easements across and through certain properties as set forth on Exhibit A to this Resolution.

Section 2. The Sanitary Board requests the City Council of the City of Charleston to authorize the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

Section 3. The City Council of the City of Charleston hereby authorizes the City of Charleston, on behalf of and by and through the Sanitary Board and its counsel to file civil actions for the acquisition for the Sanitary Board, pursuant to the power of eminent domain, of the property interests set forth on Exhibit A as needed and to take such other and further action as may be reasonably necessary to acquire the property rights for easements necessary to construct, install, operate, maintain, repair, replace, rehabilitate, line and remove sewer lines and appurtenances thereto.

Haapla added that the resolution is for a mile-long sewer project on Danner Hollow for which they have already negotiated several easements. The proposed resolution is in case the listed easements cannot be acquired through other means.

Councilmember Jenkins added that the CSB is required to do these upgrades to meet current standards under The DEP.

Councilmember Reishman moved to approve the Resolution. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 401-20 approved.

- c. Resolution No. 404-20 - Authorizing the Mayor or City Manager to contract with the American Ramp Company in the amount of \$253,518.69 for the construction of a new City skate park. The contract was sourced through a competitive City evaluation process.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Mayor or City Manager is authorized to contract with the American Ramp Company in the amount of \$253,518.69 for the construction of a new City skate park. The contract was sourced through a competitive City evaluation process.

Mayor Goodwin added that this had been a goal of the Administration over the past two years.

City Manager, Jonathan Storage added that The City solicited proposals from companies to design and build Charleston's first City skate park. A City review committee considered and approved recommending the proposal received by the American Ramp Company. American Ramp Company has over 20 years of experience creating skate parks and comes highly recommended from cities across the United States. The ultimate design and installation will be entirely movable to adhere to DOH requirements. Upon contract finalization, the total project is estimated to take 65 days to complete. The proposed cost will be covered in part with CDBG funds (\$150,000), with the remainder of the funds coming from the City's General Maintenance Fund.

Councilmember Jenkins added that there will still be parking in that area.

Councilmember Adams added that it is a fantastic investment by the City. Councilmember Laird agreed, adding that it will bring people to Charleston. Mayor Goodwin replied that there are several new businesses coming to the City because of the skate park.

Councilmember Reishman moved to approve the Bill. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 404-20 approved.

- d. Resolution No. 405-20 - Authorizing the Mayor or City Manager to enter into a contract with Boggs Roofing Inc., in the amount of \$119,500.00 to replace the roof at Fire Station No. 2, located at 8080 Washington Street, West, pursuant to the results of a competitive bidding process.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Mayor or City Manager is authorized to enter into a contract with Boggs Roofing Inc., in the amount of \$119,500.00 to replace the roof at Fire Station No. 2, located at 8080 Washington Street, West, pursuant to the results of a competitive bidding process.

Storage added that the City received bids to replace the roof at Fire Station No. 2, which also serves as the CFD Administrative Headquarters. The City received 3 bids, and all three companies received consideration as a local vendor under the City's purchasing code. The lowest responsible bidder is Boggs Roofing at a price of \$119,500. \$80,000 of the cost will be funded with CDBG funds, which have been previously budgeted for this expense. The remaining balance will come from the Facilities Maintenance Fund.

Councilmember Reishman moved to approve the Bill. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 405-20 approved.

- e. Resolution No. 406-20 - Authorizing the Mayor or Chief of Police to execute and enter into a Subaward Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for funds from the United State Office of National Drug Control Policy in the total amount of \$146,000 to be awarded to the Metropolitan Drug Enforcement Network Team (“MDENT”). The 2021 calendar year funds are designated for the purchasing of evidence and information (totaling \$20,000), funding six (6) full-time officers at \$18,000 each (totaling \$108,000), and funding one (1) full-time officer for DEA-HIDTA at \$18,000.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Mayor or Chief of Police is authorized to execute and enter into a Subaward Recipient Agreement with Appalachia High Intensity Drug Trafficking Area (“HIDTA”) for funds from the United State Office of National Drug Control Policy in the total amount of \$146,000 to be awarded to the Metropolitan Drug Enforcement Network Team (“MDENT”). The 2021 calendar year funds are designated for the purchasing of evidence and information (totaling \$20,000), funding six (6) full-time officers at \$18,000 each (totaling \$108,000), and funding one (1) full-time officer for DEA-HIDTA at \$18,000.

Storage added that each year, the City enters into an agreement with the HIDTA to receive grant funds that cover overtime and evidence acquisition for MDENT. The Administration recommends entering into the proposed subaward agreement with HIDTA, which is in line with what was agreed to last year.

Councilmember Jenkins confirmed with Storage that the City is the fiscal agent of all the agencies that make up MDENT.

Councilmember Reishman moved to approve the Bill. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 406-20 approved.

- f. Resolution No. 407-20 - Authorizing the Mayor or City Manager to purchase one (1) vehicle from Stephens Auto in the amount of \$29,049.00, where the vehicle will serve as a replacement vehicle to be used by the Metropolitan Drug Enforcement Network Team (MDENT) and titled to the City of Charleston. The purchase will be made through a competitively sourced state-wide contract.

Now Therefore, Be It Resolved By The Council Of The City Of Charleston, West Virginia:

That the Mayor or City Manager is authorized to purchase one (1) vehicle from Stephens Auto in the amount of \$29,049.00, where the vehicle will serve as a replacement vehicle to be used by the Metropolitan Drug Enforcement Network Team (MDENT) and titled to the City of Charleston. The purchase will be made through a competitively sourced state-wide contract.

Storage added that the resolution seeks to replace an undercover vehicle assigned to MDENT and titled to CPD. The details of the make and model of the car are not disclosed for security reasons, but the vehicle will be purchased off of a competitively sourced State contract with Stephens Auto.

Councilmember Reishman moved to approve the Bill. With a majority of members present recorded thereon as voting in the affirmative, Chairperson Jenkins declared Resolution No. 407-20 approved.

Councilmember Reishman motioned to adjourn the meeting.

Meeting adjourned.

Resolution No. 410-21

Introduced in Council:

Adopted by Council:

January 4, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 410-21 - Authorizing the Mayor or City Manager to purchase five (5) Jeep Grand
2 Cherokees for the Charleston Police Department from Thornhill Ford, in the amount of
3 \$139,675.00, where each purchase will be made using a competitively sourced State contract.

4
5 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

6
7 That the Mayor or City Manager is authorized to 5 (five) Jeep Grand Cherokees for the
8 Charleston Police Department from Thornhill Ford, in the amount of \$139,675.00, where each
9 purchase will be made using a competitively sourced State contract.

Resolution No. 411-21

Introduced in Council:

Adopted by Council:

January 4, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 411-21 - Authorizing the Mayor or City Manager to purchase one (1) Class 10
2 Ford Ranger Extended Cab, from Matheny Motor Truck, in the amount of \$26,979.00, two (2)
3 Class 27 Ram 2500 DJ7L92 Large Pick Up Crew Cab in the amount of \$29,023.00 totaling
4 \$58,046.00, and one (1) Class 15 Ram D56L91 Standard Pickup Crew Cab in the amount of
5 \$27,224.00 from Stephen Auto Center for Public Grounds, where each purchase will be made
6 using a competitively sourced State contract.

7

8 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

9

10 That the Mayor or City Manager is authorized to purchase one (1) Class 10 Ford Ranger
11 Extended Cab, from Matheny Motor Truck, in the amount of \$26,979.00, two (2) Class 27 Ram
12 2500 DJ7L92 Large Pick Up Crew Cab in the amount of \$29,023.00 totaling \$58,046.00, and
13 one (1) Class 15 Ram D56L91 Standard Pickup Crew Cab in the amount of \$27,224.00 from
14 Stephen Auto Center for Public Grounds, where each purchase will be made using a
15 competitively sourced State contract.

16

17

Resolution No. 412-21

Introduced in Council:

Adopted by Council:

January 4, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 412-21 - Authorizing the Mayor or City Manager to purchase one (1) Class 7
2 Ford Explorer K8B SUV from Stephens Auto for Spring Hill Cemetery, in the amount of
3 \$28,166.00, where the purchase will be made using a competitively sourced State contract.

4
5 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

6
7 That the Mayor or City Manager is authorized to purchase one (1) Class 7 Ford Explorer K8B
8 SUV from Stephens Auto for Spring Hill Cemetery, in the amount of \$28,166.00, where the
9 purchase will be made using a competitively sourced State contract.

10

Resolution No. 413-21

Introduced in Council:

Adopted by Council:

January 4, 2021

Introduced by:

Referred to:

Joseph Jenkins

Finance Committee

1 Resolution No. 413-21 - Authorizing the Mayor or City Manager to submit an application to the
2 WV Division of Administrative Services under the Project Safe Neighborhoods (PSN) grant
3 program for the Charleston Police Department in the amount of \$114,000 and administer any
4 funds awarded. These funds will be used to purchase cell phone download software, two years
5 of maintenance fees on the National Integrated Ballistic Information Network (NIBIN) machine,
6 binoculars and a drone.

7

8 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

9

10 That the Mayor or City Manager is authorized to submit an application to the WV Division of
11 Administrative Services under the Project Safe Neighborhoods (PSN) grant program for the
12 Charleston Police Department in the amount of \$114,000 and administer any funds awarded.
13 These funds will be used to purchase cell phone download software, two years of maintenance
14 fees on the National Integrated Ballistic Information Network (NIBIN) machine, binoculars and
15 a drone.

16

1 **Bill No. 7890**

2
3 **Introduced in Council:**

Adopted by Council:

4
5 **December 21, 2020**

6
7 **Introduced by:**

Referred to:

8
9 **Joseph Jenkins**

Finance

10
11 **Bill No. 7890** - A BILL to amend the Municipal Code of the City of Charleston by amending
12 and reenacting Section 111-14 of Chapter 111, relating to correcting inadvertent errors
13 made in the year 2018 with respect to detailing the deposit and allocation of the City's
14 Consumer Sales and Use Tax revenue as required by the bond documents related to the
15 Charleston Coliseum and Convention Center renovations; and authorizing any future
16 unencumbered revenue to be transferred to the Uniform Pensions Reserve Fund after
17 payment of the first, second and third priority items.

18
19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
20 **CHARLESTON THAT:**

21
22 Section 111-14 of the Municipal Code of the City of Charleston is hereby amended and
23 reenacted to read as follows:

24
25 **Chapter 111. – CONSUMERS SALES AND USE TAXES**

26
27 **Sec. 111-14. - Deposit of taxes collected in special revenue funds.**

28 (a) The special revenue fund in the city treasury previously established, designated
29 and known as the City Sales and Use Tax Fund is hereby continued. The second special
30 revenue fund in the city treasury previously established, designated and known as the
31 Uniform Pensions Reserve Fund is hereby continued. The City Sales and Use Tax Fund
32 shall continue to receive all revenues received from collection of the city's sales and use
33 taxes, including any interest, additions to tax and penalties deposited with the city
34 treasurer. ~~until September 30, 2015. During the period of October 1 through October 31,~~
35 ~~2015, or at such other time as the city treasurer receives the quarterly remittance from~~
36 ~~the state tax department representing collections for the period of June, July, and August,~~
37 ~~2015, 60 percent of the revenues received from the taxes imposed by this chapter,~~
38 ~~including interest and additions to tax, shall be deposited in the City Sales and Use Tax~~
39 ~~Fund and 40 percent of the revenues shall be deposited in the Uniform Pensions Reserve~~
40 ~~Fund. Beginning November 1, 2015, one-half of the revenues received from the taxes~~
41 ~~imposed by this chapter, including interest and additions to tax, shall be deposited in the~~
42 ~~City Sales and Use Tax Fund and the second half of the revenues shall be deposited in~~
43 ~~the Uniform Pensions Reserve Fund. Additionally, there shall be deposited in each fund:~~
44 ~~(1) all appropriations to the particular fund; (2) all interest earned from investment of the~~
45 ~~particular fund; and (3) any gifts, grants or contributions received and placed by the city~~
46 ~~into the City Sales and Use Tax Fund or the Uniform Pensions Reserve Fund. Revenues~~

~~in the City Sales and Use Tax Fund and the Uniform Pensions Reserve Fund shall not be treated by any person as general revenue of the city. Revenues in the City Sales and Use Tax Fund shall be disbursed in the manner and consistent with the priorities set forth in subsection (b) below. Revenues in the Uniform Pensions Reserve Fund shall be disbursed in the manner and consistent with the priorities set forth in subsection (c) below.~~

(b) Revenues in the City Sales and Use Tax Fund shall be used each quarter: (i) first, to satisfy the debt service requirements and any prior debt service requirements deficit each fiscal year on, and to replenish any required reserves in accordance with the bond documents for, any bonds issued by, or other obligations incurred by, the city, from time to time, including any refunding bonds, to finance improvements to the Charleston Coliseum and Convention Center and for any other economic development or public safety projects, including the funding of any reserve funds relating to any such bonds or other obligations, and/or to make lease payments which secure bonds issued to finance improvements to such Charleston Coliseum and Convention Center or other economic development projects; and (ii) second, after providing for payment of first priority items, (A) during the period of October 1 through October 31, 2015, or at such other time as the city treasurer receives the quarterly remittance from the state tax department representing collections for the period of June, July, and August, 2015, 40 percent of the revenues received from the taxes imposed by this chapter, or any lessor amount remaining after providing for payment of first priority items, shall be deposited in the Uniform Pensions Reserve Fund and (b) beginning November 1, 2015, one-half of the revenues received from the taxes imposed by this chapter, or any lessor amount remaining after providing for payment of first priority items, shall be deposited in the Uniform Pensions Reserve Fund; and (iii) third, after providing for payment of first and second priority items, in the event there were insufficient funds available in any prior quarter to transfer 40 percent or one-half, as applicable, of the revenues received from the taxes imposed by this chapter to the Uniform Pensions Reserve Fund, such amounts shall be deposited in the Uniform Pensions Reserve Fund from revenues available in the City Sales and Use Tax Fund; and (iv) fourth, after providing for payment of first, second and third priority items, any unencumbered revenue in the City Sales and Use Tax Fund may periodically be transferred as necessary or convenient to the city's general revenue account Uniform Pensions Reserve Fund. Additionally, there shall be deposited in each fund: (1) all appropriations to the particular fund; (2) all interest earned from investment of the particular fund; and (3) any gifts, grants or contributions received and placed by the city into the City Sales and Use Tax Fund or the Uniform Pensions Reserve Fund. Revenues in the City Sales and Use Tax Fund and the Uniform Pensions Reserve Fund shall not be treated by any person as general revenue of the city.

(c) Revenues in the Uniform Pensions Reserve Fund shall be used: (i) first, to satisfy the balance of the benefit obligations imposed and assumed by the city on a pay-as-you-go basis for those members who have retired after election of the conservation method set forth in W.Va. Code § 8-22-20(f) after first applying the member contributions and premium tax proceeds not required to be retained in the closed trusts pursuant to W.Va. Code § 8-22-20(f)(2), and any other dedicated or designated income sources as authorized by law, to any such obligations; (ii) second, after providing for payment of first priority items, to satisfy the city's obligations to the Municipal Police Officers and Firefighters Retirement System for the new members hired after adoption of the

93 conservation method as provided by W.Va. Code §§ 8-22-20(f)(3) and 8-22a-1, et. seq.;
94 and (iii) third, at such time as the actuarial report required by W.Va. Code § 8-22-20(f)
95 indicates no actuarial deficiency in the closed municipal policemen's or firemen's pension
96 and relief funds, and after providing for payment of first and second priority items and
97 normal costs as contemplated by W.Va. Code § 8-22-20(f)(4), any remaining and
98 unencumbered revenues may be transferred as necessary or convenient to the city's
99 general revenue account; *Provided:* nothing herein shall preclude transfers from the
100 Uniform Pensions Reserve Fund into the city's general revenue account or any other fund
101 or account from time to time in such amounts as may be necessary or convenient to
102 facilitate the payment of obligations or to accomplish the purposes herein, so long as
103 consistent with the priorities set forth in this subsection.

104 ~~—— (d) Notwithstanding any other provision of this section to the contrary, revenues~~
105 ~~deposited into the Uniform Pensions Reserve Fund may be pledged, as a priority over~~
106 ~~any other uses of such revenues set forth in subsection (c) of this section, as security for~~
107 ~~any bonds issued by, or other obligations incurred by, the city, from time to time, including~~
108 ~~any refunding bonds, to finance improvements to the Charleston Coliseum and~~
109 ~~Convention Center, and/or to make lease payments which secure bonds issued to finance~~
110 ~~improvements to the Charleston Coliseum and Convention Center. In the event there are~~
111 ~~insufficient funds available in the City Sales and Use Tax Fund to satisfy scheduled debt~~
112 ~~service obligations on any bond indebtedness, or other obligations, issued or incurred by~~
113 ~~the city pursuant to this section, the city treasurer shall transfer the amount of such~~
114 ~~insufficiency from the Uniform Pensions Reserve Fund to the City Sales and Use Tax~~
115 ~~Fund to permit the city to meet such scheduled debt service obligations. In the event the~~
116 ~~city treasurer is required to make such a transfer from the Uniform Pensions Reserve~~
117 ~~Fund to the City Sales and Use Tax Fund, such amounts so transferred shall be repaid~~
118 ~~to the Uniform Pensions Reserve Fund as soon as possible from revenues deposited in~~
119 ~~the City Sales and Use Tax Fund available therefore, from time to time, after satisfaction~~
120 ~~of succeeding scheduled debt service obligations payable from the City Sales and Use~~
121 ~~Tax Fund.~~