

MINUTES
FINANCE COMMITTEE MEETING
6:15 P.M., APRIL 18, 2022
AV ROOM #308, CITY HALL

Bobby Reishman, Chairperson, called the meeting of the Charleston City Council Committee on Finance to order at 6:15 p.m., April 18, 2022.

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

Bobby Reishman, Vice Chair
Ben Adams
Brent Burton
Becky Ceperley
Mary Beth Hoover
Chad Robinson

Absent:
Joseph Jenkins, Chair

Other Councilmembers present:
Bobby Brown
Jennifer Pharr
Emmett Pepper
Shannon Snodgrass
Bruce King

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Robinson asked for unanimous consent to dispense with the reading of the minutes for the April 4, 2022 meeting and that they be approved as distributed. Councilmember Ceperley second. There were no objections, and the minutes were approved.

II. RESOLUTIONS:

- a. Resolution No. 627-22 – Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to Girl Scouts of Black Diamond Council in the total amount of \$50,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to Girl Scouts of Black Diamond Council in the total amount of \$50,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted. The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

City Manager, Jonathan Storage, added that the packets for all of the ARPA resolutions contain the amount to be awarded, the subrecipient agreement, the risk assessment and the application. Each group has gone through a rigorous vetting process by BDO, and have been found to be compliant.

Storage added that the Girl Scouts’ proposal was centered around the creation of a major space or flexible meeting space, the creation of a multi-year program that focuses on mentorship of teen girls, etc. Additionally, their current space will be renovated.

Councilmember Ceperley moved to approve the Resolution. Councilmember Robinson seconded. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Reishman declared Resolution No. 627-22 approved.

- b. Resolution No. 628-22 – Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to WV Health Right in the total amount of \$1,500,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to WV Health Right in the total amount of \$1,500,000 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

Storage added that funds will go to help facilitate the expansion for their main healthcare clinic, and for the expansion of their services on the West Side.

Councilmember Reishman added that the City Treasurer, Vic Grigoraci, had asked if the funds would be paid at once or incrementally. Storage replied that, while some agreements would be paid in installments based on their needs, the agreement with Heath Right would be paid in a lump sum.

Councilmember Ceperley moved to approve the Resolution. Councilmember Robinson seconded. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Reishman declared Resolution No. 628-22 approved.

- c. Resolution No. 629-22 – Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to Manna Meal in the total amount of \$1,200,456 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to Manna Meal in the total amount of \$1,200,456 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

Storage added that the funds will allow the group to continue their program of serving meals to at-risk population, and expand their scope with a mobile food truck.

Councilmember Ceperley moved to approve the Resolution. Councilmember Hoover seconded. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Reishman declared Resolution No. 629-22 approved.

- d. Resolution No. 630-22 – Authorizing the Mayor or City Manager to grant American Rescue Plan Act (“ARPA”) funds to WV Food and Farm Coalition in the total amount of \$989,676 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

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

That the Mayor or City Manager is authorized to grant American Rescue Plan Act (“ARPA”) funds to WV Food and Farm Coalition in the total amount of \$989,676 and to execute appropriate agreements establishing the terms and conditions imposed upon the recipient, including ongoing duties for reporting on expenditure and programmatic activities and binding covenants to spend funds in accordance with the purposes for which such funds were granted.

The grant is approved in full or in part based upon information submitted to the City in the grant recipient’s City of Charleston ARPA grant application, attached hereto as Exhibit A. The City Manager is directed to withhold grant funding to the grant recipient should the City Manager determine that the grant recipient has failed to adhere to the obligations established in the agreement or fails to adhere to applicable local, state, or federal law.

Storage added that the funds will continue and expand the Snap Stretch Goal Program, increase the number of participating food retailers, the acquisition of a grocery store as a community operated entity.

Councilmember Ceperley moved to approve the Resolution. Councilmember Hoover seconded. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Reishman declared Resolution No. 630-22 approved.

- e. Resolution No. 631-22 – Authorizing the Mayor or City Manager to purchase 70 new single space parking meters, meter housings, and associated accessories form Duncan Parking Technologies, Inc., in the amount of \$43,693.50, to be placed on Court Street as authorized in Bill No. 7937 and at rates authorized in Bill No. 7936.

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

That the Mayor or City Manager is authorized to purchase 70 new single space parking meters, meter housings, and associated batteries, warranties and accessories form Duncan Parking Technologies, Inc., in the amount of \$43,693.50, to be placed on Court Street as authorized in Bill No. 7937 and at rates authorized in Bill No. 7936.

Storage added that the proposed meters will be installed on Court Street, as previously approved by Council.

Councilmember Ceperley moved to approve the Resolution. Councilmember Hoover seconded. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Reishman declared Resolution No. 630-22 approved.

- f. Bill No. 7954 – A Bill and Order relating to the laying of levies on real, personal and public utility property within the City of Charleston, West Virginia, including excess levies previously provided for in the Official Municipal Budget Document for the fiscal year beginning the first day of July, two thousand twenty-two.

WHEREAS, each Municipality is required to hold a Statutory meeting of the Council on the third Tuesday in April each year to make and enter a levy order and rate sheet; and

WHEREAS, written approval of the West Virginia State Tax Commissioner has been received and notice of the Levy Estimate has been duly published as required by law; and

WHEREAS, the levy rate attached hereto is included in the City of Charleston Municipal Budget for July 1, 2022 through June 30, 2023, before City Council for approval at a special meeting of Council held on April 19, 2022, now, therefore

Be it Ordained by the Council of the City of Charleston, West Virginia:

That the City of Charleston, West Virginia does hereby make and enter the levy order and rate sheet attached hereto, incorporated herein, and made a part hereof.

Finance Director, Andy Wood, added that the bill is for the regular and excess levy rates that were previously included in the Municipal Budget.

Councilmember Ceperley confirmed with Wood that the excess levy is at the same rate, and the current levy follows the trajectory of increasing incrementally since 2008, as the State Code allows.

Councilmember Ceperley moved to approve the Resolution. Councilmember Hoover seconded. With members present recorded thereon as voting unanimously in the affirmative, Chairperson Reishman declared Bill No. 7954 approved.

- g. Bill No. Finance Committee Substitute - A BILL to amend and reenact Section 2-138 of the Municipal Code of the City of Charleston, as amended, relating to updating restrictions on certain municipal officers and employees eligibility for certain grant funds; creating exceptions; and creating ~~criminal and other~~ penalties for violation.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Section 2-138 of the Municipal Code of the City of Charleston, as amended, be amended and reenacted to read as follows:

ARTICLE IV. – OFFICERS AND EMPLOYEES.

DIVISION 1. – GENERALLY.

Sec. 2-138. - Standards of conduct of city officers and employees for federal grants; penalties.

(a) No municipal officer or employee for the city shall accept or receive directly or indirectly from any person known by such officer or employee to be interested in any bid, contract or purchase, by rebate, gift or otherwise, any money or other thing of value whatsoever or any promise, obligation or contract for future reward or compensation when such contract is to be funded in whole or in part by any federal grant funds. Any contract or purchase funded solely by nonfederal funds shall be governed by the provisions of W. Va. Code ch. 61, art. 5A (W. Va. Code § 61-5A-1 et seq.) relating to bribery and corrupt practices.

~~(b) No Municipal Officer, employees of the Mayor's office or heads of departments, their immediate family members or business in which such person has a direct financial benefit can financially benefit either directly or indirectly from funding from the city of Charleston. No municipal officer, or employees in the Mayor's office, heads of departments, immediate family members spouses of such persons, or business in which any such person has a direct financial benefit shall accept or receive any grant, incentives, or funding from the city or administered through the city, unless receiving such grant, incentives, or funding is based in part upon the person's low- or moderate-income status, as defined by the United States Department of Housing and Urban Development. This prohibition includes prohibiting direct financial payments with the proceeds of city grants, grants, land or property to the any municipal officer, employees on in the Mayor's office, heads of departments, spouses of such persons, or business in which any such person has a direct financial benefit from third parties that first received city grant funding in order to fund their own programs. It is not a violation of this subsection if the individual receiving the financial benefit has previously obtained an opinion from the West Virginia Ethics Commission permitting the individual to receive the financial benefit. For the purposes of this subsection, terms used herein shall have the same definition as contained in W. Va. Code § 6B-1-3.~~

(c) Any person violating subsection (a) ~~or (b)~~ of this section relating to federal funds ~~or city administered grants~~ shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 30 days or by both fine and imprisonment. In addition to the criminal penalty, such officer or employee shall be subject to such disciplinary action as may be appropriate; and any such contract or purchase entered into ~~or grant awarded~~ shall be null and void.

~~(d) Any person violating subsection (b) of this section relating to city grants shall be subject to such disciplinary action as may be appropriate; and any such grant awarded shall be~~

| null and void.

City Attorney, Kevin Baker, added that the Committee Substitute that passed out of the Ordinance and Rules Committee stated that Municipal Officers, employees of the Mayor's Office, Department Heads and their immediate families and businesses in which they have a direct financial benefit may not receive a grant from the City or administered by the City, nor receive direct financial payments or proceeds from those grants. It is not a violation of an opinion is sought from the WV Ethics Commission. The proposed Finance Committee Substitute would replace immediate family member with spouse, and removes the misdemeanor penalties.

Councilmember Reishman added that the new version makes the bill less broad,

Councilmember Ceperley asked how the bill differs from State Code. Baker replied that the Ethics Act applies to all City employees and elected officials. He thought the bill originated from the Ethics opinion that authorized a Councilmember to receive a grant from the City's small business grant program. The bill would prohibit that unless such an opinion was granted beforehand.

Councilmember Hoover added that the Finance Committee Substitute was better, but she still felt like the bill was very broad, and did not like the intent of the bill. Councilmember Ceperley added that the bill is not necessary. Councilmember Hoover added that she thought the bill would prohibit people who had small businesses from running for office.

Councilmember Robinson confirmed that the child of a Department Head, etc. could then take a summer job with an entity that received a grant from the City, etc. It would be considered direct financial gain if someone listed in the bill owned a company that is hired by the recipient of such grants, and would be prohibited.

Councilmember Adams moved to approve the Finance Committee Substitute of the Bill. Councilmember Hoover seconded. With members present recorded thereon as voting unanimously in the majority as affirmative, with 2 recognized Nays from Ceperley and Reishman, Chairperson Reishman declared Bill No. 7928 Finance Committee Substitute approved.

Councilmember Robinson motioned to adjourn the meeting.
Meeting adjourned.