

CHARLESTON CITY COUNCIL

Regular Meeting

June 3, 2024

at 7:00 PM



THIS MEETING WILL TAKE PLACE IN PERSON AND CAN BE VIEWED LIVE VIA

<https://charlestonwv.civicclerk.com/web/home.aspx>

Council Chambers, Third Floor
City Hall, 501 Virginia St. E.
Charleston, WV

AGENDA

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. **INTERESTED PUBLIC SPEAKERS MUST REGISTER AT THE CLERK'S HALLWAY TABLE IN PERSON NO EARLIER THAN 15 MINUTES BEFORE THE MEETING STARTS. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)).**
2. Claims 6-3-2024

PROCLAMATIONS

1. 6-3-2024

COMMUNICATIONS

1. 6-3-2024

MISCELLANEOUS RESOLUTIONS

1. Resolution No. 975-24 - Approving Kanawha-Charleston Health Department's Environmental Fees for Permits.

REPORTS OF STANDING COMMITTEES

PLANNING, STREETS AND TRAFFIC

1. Bill No. 8032 – A Bill amending the Zoning Ordinance by eliminating restrictions on firearms sales and

amending the administrative sections relating to the duration of approval process for development projects.

FINANCE

1. Resolution No. 973-24 – Authorizing the Mayor or City Manager to purchase a total of nine Jeep Grand Cherokees from Stephens Auto Group, for Fleet Services.
2. Resolution No. 974-24 - Authorizing the Mayor or City Manager to enter into a Microsoft Enterprise Agreement with Crayon Software Experts LLC to provide various Microsoft software licenses necessary for the ongoing business of the City.
3. Bill No. 8033 - A Bill closing, abandoning, and discontinuing as a public right of way a 10-foot strip of land across lot 6 of the Woodrum Addition that is used as a public walkway.
4. Bill No. 8034 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft alley across block 12 of the JB Walker Addition.

REPORTS OF OFFICERS

1. 6-3-2024

NEW BILLS

1. 6-3-2024

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

REMARKS BY MEMBERS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE JUNE 17, 2024 AT 7:00 PM.

THE AGENDA WAS AMENDED ON 5-30-2024

***Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**

Resolution No. 975-24

Introduced in Council:

June 3, 2024

Introduced by:

Becky Ceperley

Adopted by Council:

Referred to:

Resolution No. 975-24 – Approving Kanawha-Charleston Health Department’s Environmental Fees for Permits, pursuant to West Virginia Code § 16-2-11.

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

Pursuant to West Virginia Code § 16-2-11, the City of Charleston, West Virginia, hereby approves of the Kanawha-Charleston Health Department’s Environmental Fees for Permits, as previously approved by the Kanawha-Charleston Board of Health and the Kanawha County Commission and attached hereto.



www.kchd.wv.org

KANAWHA-CHARLESTON BOARD OF HEALTH

PO Box 927
Charleston, WV 25323-0927
(304) 348-6494



Jeremy Nelson
President

Kanawha County Commission – Board Appointing Authority
Charleston City Council – Board Appointing Authority

On Thursday, May 16, 2024, at a regularly scheduled meeting of the Kanawha-Charleston Board of Health, the matter of adopting a new Environmental Fees for Permits schedule (attached) was brought back before the Kanawha-Charleston Board of Health by Doug Beasley, Director of Operations for the Kanawha-Charleston Health Department.

Mr. Beasley advised that the matter had been brought before the Kanawha-Charleston Board of Health at its previous regularly scheduled meeting on March 21, 2024, and at that time the Board unanimously voted to open a thirty (30) day public comment period regarding the Environmental Fees for Permits.

Mr. Beasley advised that public notice was placed on the Kanawha-Charleston Health Department's web page and notice was placed in the West Virginia State Register (Volume XLI, Issue 13) in accordance with West Virginia State Code 16-2-11(b)(3) and that no public comments were received during said public comment period.

The matter was then opened up to the board for further discussion, at which point Board Member Dr. Art Rubin made a motion before the board to approve the new Environmental Fees for Permits schedule and his motion was seconded by Board Member Jessica Hudson. The motion was voted on by the Kanawha-Charleston Board of Health and passed unanimously.

Mr. Beasley advised that pursuant to West Virginia State Code 16-2-11, the new Environmental Fees for Permits schedule must also be approved by both Board of Health appointing authorities within 30 days of the Kanawha-Charleston Board of Health vote prior to going into effect on July 1, 2024.

The Kanawha-Charleston Board of Health hereby requests approval from the Kanawha County Commission and Charleston City Council in adopting these new Environmental Fees for Permits.

Sincerely,

A blue ink signature of Jeremy Nelson, written in a cursive style.

Jeremy Nelson
President

Kanawha-Charleston Board of Health

**KANAWHA-CHARLESTON HEALTH DEPARTMENT
FEES FOR PERMITS**

General.

1.1. Scope -- This rule establishes the fees for permits issued by the Kanawha-Charleston Board of Health.

1.2. Authority. -- W. Va. Code §16-2-11(a)(9), §16-2-11(b)(3).

1.3. Filing Date. – April 1, 2024.

1.4. Effective Date. – July 1, 2024.

Application and Enforcement.

2.1. Application - This rule applies to the Kanawha-Charleston Board of Health which charges a fee for the issuance of permits that are covered by this rule.

2.2. Enforcement - The enforcement of this rule is vested with the Kanawha-Charleston Health Officer or his or her designee.

Definitions.

3.1. Bed and Breakfast - An establishment providing lodging facilities in the form of sleeping accommodations and at a minimum, a breakfast for a fee.

3.2. Body Piercing Studio - means any room or space where body piercing is practiced or where the business of body piercing or any part thereof is conducted.

3.3. Campground - A tract of land maintained and offered to the public for payment for the location or placement of two or more camping units as defined in the bureau's "General Sanitation" rule, 64CSR18.

3.4. Care Facility – Facilities included, but not limited to, public or private halfway houses, adult day care facilities, residential care facilities (such as juvenile group homes and work release centers), and non-disaster emergency shelters (such as homeless shelters and family violence protection centers). The term does not include health care facilities licensed by the Office of Health Facility Licensure and Certification in the Office of the Inspector General.

3.5. Child Care Center - A facility where care is provided for seven or more children in a 24-hour period. The term does not include facilities excluded in the bureau's "Child Care Centers" rule, 64CSR21.

3.6. Developed Site - A location for placement and hookup of a manufactured home.

3.7. Fixed Expiration Date - An annual date at which time all permits of the same type expire. The fixed expiration date for each of the permits covered by this rule is derived from the state code or the rule which authorizes the issuance of the particular permit.

3.8. Food Service Establishment - Any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; soda fountain; tavern; bar; cocktail lounge; delicatessen; nightclub; roadside stand; industrial feeding establishment; private, public, or non-profit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

3.9. Hotel/Motel - Any temporary or permanent buildings or structures which are maintained, offered, or used as sleeping quarters for pay.

3.10. Individual Sewage Disposal System - A system for the collection, treatment and disposal of sewage which serves a single dwelling or establishment.

3.11. Industrial Campground – A campground for the location or placement of two or more camping units as defined in 64CSR18, and to be occupied by workers employed for an industrial purpose and intended for long term stays of over 60 days.

3.12. Innovative Alternative Type Sewage System - A method of sewage disposal for a single-family dwelling or establishment for which design standards have been prepared and listed in the West Virginia Bureau for Public Health rule, "Sewage Treatment and Collection System Design Standards," 64CSR47, as an innovative or alternative system.

3.13. Labor Camp - A labor camp includes any lumber, mining, agricultural, construction, or other industrial camp where 10 or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents, cabins, buildings, or other similar enclosures.

3.14. Mass Gathering - Any group of 250 or more persons assembled together for a meeting, festival, social gathering, concert or other similar purpose. The term shall not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people. The term shall not include assembly in any outdoor venue ordinarily used and equipped for such events. For the purposes of this rule, "equipped" means supplied with adequate sanitary facilities for the intended use.

3.15. Mobile Food Establishment (includes Reciprocity Permit) - A food establishment that is mobile by means of mechanical, electrical, manual, or otherwise propelled vehicle operating on land or water that complies with 64CSR17 Food Establishment Rule - FDA Food Code Mobile Food Establishment Matrix recommendations based on the menu of food items provided.

3.16. Manufactured Home Community - Any site, area, tract, or parcel of land upon which four or more manufactured homes, used or occupied for dwelling purposes, are parked, either free of charge or for a monetary consideration.

3.17. Organized Camp - Any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group living experience for children or adults, or where one or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation, provided, that

this definition shall not be construed to include a hunting, fishing, or other camp privately owned and used exclusively for the personal pleasure of the owner.

3.18. Potentially Hazardous Food or Drink (time/temperature control for safety food) - Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

3.19. Recreational Water Facility - A body of water, under the control of a person, which has been modified, improved, constructed or installed for the purpose of public swimming or bathing. It includes, but is not limited to, bathing beaches; swimming, wading, and diving pools; water slides, spray pools, lazy rivers, and wave pools; spas, hot tubs, therapeutic pools, hydrotherapy pools and whirlpools. A recreational water facility does not include a private residential swimming pool defined in subsection 2.10 of the bureau's "Recreational Water Facilities" rule, 64CSR16.

3.20. Retail Food Store - Any place, structure, premise, vehicle, or any part thereof in which food is sold retail, offered for retail sale, or served not to be consumed on the premises. For the purpose of this rule, the term "retail food store" does not include establishments which handle only pre-packed non-potentially-hazardous foods; roadside markets that offer only fresh fruits or fresh vegetables; or the delicatessen operation of a retail food store.

3.21. Sewage Tank Cleaner - Any person engaged in the collection, removal, transportation or disposal of sewage.

3.22. School - a public or private organization that provides instruction for the teaching of children. The term includes early childhood/ primary education centers, middle school/junior high education centers, adolescent/high school education centers and vocational education centers. The term does not include child care centers as defined in the bureau's "Child Care Centers" rule, 64CSR21.

3.23. Subdivision - A tract of land which has been divided into two or more lots, tracts, parcels, plats, sites, areas, units, interests, or other division for the purpose of dwelling or establishment development and including the division of land by deed, metes and bounds description, lease, map, plat, or other instrument, or by act of construction.

3.24. Tattoo studio - means any room or space where tattooing is practiced or where the business of tattooing or any part thereof is conducted

3.25. Temporary Food Service Establishment - A food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration and required by W. Va. Code §16-6-3, to have a permit.

3.26. Vending Machine - A machine designed for the dispensing of potentially hazardous food or drink to the public by a self-service method.

3.27. Water Well - Any excavation or penetration in the ground, whether drilled, bored, cored, driven, or jetted for a water supply, for the exploration for water, or for removal of water to dewater construction sites.

3.28. Water Well (Heat Exchange) - Any well constructed to use the heat exchange properties of either groundwater or of geologic material penetrated by the well.

Option to Charge for Permits; Procedure and Implementation of Permit Fee Schedule.

4.1. The Kanawha-Charleston Board of Health shall charge a fee for the issuance of permits covered by this rule.

4.2. The Kanawha-Charleston Board of Health shall follow the following procedures prior to implementation of a Permit Fee Schedule:

- 4.2.1 Present proposed fee schedule to the board of health for initial review and approval.
- 4.2.2 After the local board of health's approval of a proposed schedule of fees, the board shall place notice in the State Register and on the organization's web page setting forth a notice of proposed action, including the text of the new local health department rule or the amendment and the date, time, and place for receipt of public comment [§16-2-11(b)(3)(C)], provide the notice to the board's appointing authority with a request for publication on the authority's website and in its public offices, place a one-time Class II Legal Advertisement in the local newspaper and allow for a 30-day comment period.
- 4.2.3 Upon completion of the 30-day comment period, the board of health shall meet and review any public comments received prior to final approval of the fee schedule.
- 4.2.4 Once all public comments have been considered, the board shall vote on final approval of the proposed permit fee schedule and implementation date.
- 4.2.5 The Board of Health shall notify the appointing authority and request approval of the proposed fee schedule and provide the following information:
 - (a) A copy of the proposed fee schedule;
 - (b) A copy of the posted notice of the proposed fees and a description of the public notice process;
 - (c) A copy of comments received on the proposed fees; and
 - (d) A response to the comments.
- 4.2.6 With approval from the appointing authority, the board of health shall implement the Fees for Permit Schedule.
- 4.2.7 A copy of the final approved Fees for Permit Schedule shall be filed with the county clerk.

Permits and Fees.

5.1 The list of permits and corresponding fees are listed in Table 1 attached below.

Table 1

Permit		Permit Fee Guideline	Expiration Date (Annually)
Bed and Breakfast		\$72.00	6/30
Campground			6/30
	Fee per site	\$7.00	
	Minimum fee	\$70.00	
Care Facility		\$72.00	6/30
Child Care Center			12/31
	Number of Children		
	Family Day Care Facility (7-12)	\$72.00	
	Day Care Center (13-25)	\$150.00	
	Day Care Center (26 and over)	\$222.00	
Food Service Establishment			6/30
	Seating Capacity		
	0 – 20	\$150.00	
	21 – 50	\$300.00	
	51 – 80	\$450.00	
	81 and over	\$600.00	
*	If the facility has a liquor license from the West Virginia Alcoholic Beverage Control Administration – an additional \$150 fee shall be added to each seating capacity amount.	\$150.00	
Hotel/Motel			6/30
	Number of Rooms		
	0 – 20	\$150.00	
	21 – 50	\$300.00	
	51 – 80	\$450.00	
	81 and over	\$600.00	
Individual Sewage Disposal Systems and Innovative Alternative Type Sewage Systems			1 year from date of issue
	Type of System		
	Conventional Single-Family Dwelling	\$222.00	
	All other types of system	\$450.00	
Industrial Campground		\$120.00	6/30

Permit	Permit Fee Guideline	Expiration Date (Annually)
Labor Camp	\$150.00	6/30
Mass Gathering		End of Event
\$72.00 per event	\$72.00	
Mobile Food Establishment	\$150.00	6/30
Manufactured Home Community		12/31
Number of Lots		
Up to 10 units	\$150.00	
11 to 20 units	\$180.00	
21 to 30 units	\$270.00	
More than 30 units	\$330.00	
Organized Camp	\$108.00	6/30
Recreational Water Facility	\$150.00	12/31
Retail Food Store		6/30
Fee per checkout	\$72.00	
Schools (Facility)		6/30
Fee per site	\$72.00	
Subdivision		N/A
Number of Lots		
Fee per lot	\$14.00	
Minimum Fee	\$140.00	
Temporary Food Service Establishment (maximum 14 days per event)		Noted on permit
Fee per unit	\$72.00	
In-State Vendor Temporary Food Service Establishment (non-potentially hazardous food only)		1 year from date of issue
Fee per unit	\$72.00	
Vending Machine		6/30
Fee per machine per site	\$72.00	
Maximum Fee per site	\$432.00	
Water Well	\$150.00	1 year from

Permit	Permit Fee Guideline	Expiration Date (Annually)
The following permit fees are set by WV Legislative Code or Rule and cannot be changed		
Body Piercing [WV Rule 64CSR80]	\$200.00	6/30
Tattoo Studio [WV Code §16-38-6(e)]	\$200.00	6/30
Sewage Tank Cleaner [WV Rule 64CSR9]	\$16.00	1 year from date of issue
Statewide Mobile Food Permit/Reciprocity...In process with current Legislative Session [WV Code §16-2-18]	TBD	6/30
Water Well (Heat Exchange) [WV Rule 64CSR19]		1 year from date of issue
1 to 50 ton heat pump system	\$150.00	
Prorating of Fixed Expiration Date Permit Fees		
	# of Months from Fixed Expiration Date	% Annual Fee to be Paid
	< 3 months	25%. of annual fee
	3 months to < 6 months	50%. of annual fee
	6 months to < 9 months	75%. of annual fee
	9 months to < 12 months	100%. of annual fee
*	The fee charged for an annual permit with a fixed expiration date.	
**	Proration of fees does not apply to fees set by WV Code or Rule	
Late Fee for Expired Permits		
*	A late fee of 25 percent for all expired permits listed and will be applied to the permit fee schedule. Payment must be received within 10 days of the expiration date to avoid the late fee assessment.	
**	Late fee does not apply to fees set by WV Code or Rule	



www.kcid.wv.org

KANAWHA-CHARLESTON BOARD OF HEALTH

PO Box 927
Charleston, WV 25323-0927
(304) 348-6494



Jeremy Nelson
President

PUBLIC NOTICE

March 21, 2024

The Kanawha-Charleston Health Department is providing for public review a list of its Public Health Fees for Permit. Please post for 30 days from today's date of March 21, 2024. Please direct any comments to the following address:

Jeremy Nelson, President
Kanawha-Charleston Board of Health
PO Box 927
Charleston, WV 25323

A handwritten signature in blue ink, consisting of several loops, is written over a horizontal line.

Jeremy Nelson

President-Kanawha-Charleston Board of Health

A handwritten date "21 March 2024" in blue ink is written over a horizontal line.

Date



WEST VIRGINIA REGISTER

Published by the Office of the
Secretary of State

Volume XLI

Issue 13

March 29, 2024

A Weekly Publication

Administrative Law Division

Mac Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770
(304) 558-6000
sos.wv.gov

CONTENTS

Chronological Index

Rule Monitor

Notices

- a. **Legislative Rules**
- b. **Interpretive Rules**
- c. **Procedural Rules**
- d. **Emergency Rules**
- e. **LRMRC and LOCEA**

Legislative Interims

Orders

Ethics Commission Opinions

Grievances Report

Office of Tax Appeal Decisions

Governor's Executive Orders

Attorney General Opinions

Other Documents or Information Filed

**This week's publication includes documents submitted
by the following agencies:**

Administration

Auditor

Funeral Service Examiners

Greenbrier County Health Dept.

Harrison-Clarksburg Health Department

Health

Health Care Authority

Highways

Insurance Commission

Kanawha-Charleston Board of Health

CHRONOLOGICAL INDEX

CHRONOLOGICAL INDEX, VOLUME XLI ISSUE 13			
NO RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION

NO EMERGENCY RULES FILED THIS WEEK			
AGENCY/RULE	RULE NAME	AUTHORITY	EFFECTIVE DATE
			COMMENT END DATE



Mac Warner
Secretary of State
State of West Virginia

OFFICE OF THE SECRETARY OF STATE
State of West Virginia
Charleston, West Virginia, 25304

STATE OF WEST VIRGINIA
DEPARTMENT OF REVENUE
HARRIS BUILDING
CHARLESTON, WEST VIRGINIA 25304
606-341-2200

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1	Agency Name, (Title and Series Number)
Column	2	Rule Title, Price and Type
Column	3	Date Notice of Public Hearing or Comment Period Filed
Column	4	Date of Public Hearing or Last Date Comments Will Be Received
Column	5	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6	Date Agency Approved Legislative Rules Filed.
Column	7	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8	Legislative Action
Column	9	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10	Date Rule is Effective

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

<u>TITLE NUMBER</u>	<u>NAME OF AGENCY</u>
TITLE 1	ACCOUNTANCY
TITLE 2	ARCHITECTS
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 4	CHIROPRACTIC EXAMINERS
TITLE 5	DENTISTRY
TITLE 6	FUNERAL SERVICE EXAMINERS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 19	REGISTERED NURSES
TITLE 20	SANITARIANS
TITLE 22	FORESTRY
TITLE 24	OSTEOPATHIC MEDICINE
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE 30	RESPIRATORY CARE
TITLE 31	DIETITIANS
TITLE 32	ACUPUNCTURE
TITLE 33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE 35	OIL AND GAS
TITLE 36	COAL MINE HEALTH AND SAFETY
TITLE 38	MINING AND RECLAMATION
TITLE 42	LABOR
TITLE 45	AIR QUALITY
TITLE 47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE 53	PUBLIC ENERGY AUTHORITY
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 71	HEALTH FACILITIES
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 87	FIRE COMMISSION
TITLE 89	PUBLIC DEFENDER SERVICES
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 103	FIRE MARSHAL
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 114	INSURANCE COMMISSION
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 145	DEVELOPMENT OFFICE
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 155	AUDITOR
TITLE 157	HIGHWAYS
TITLE 164	SCHOOL BUILDING AUTHORITY
TITLE 174	REAL ESTATE COMMISSION
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY COMMISSION
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 220	MULTIMODAL TRANSPORTATION FACILITIES

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/10/2023	6/30/2023		7/24/2023	Approved 8/9/2023	Bundled HB 4110		
Acupuncture (32-03)	Application for Licensure to Practice Acupuncture Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/22/2023	Bundled HB 4110		
Administration (148-12) Sunset Provision	General Administration of Records Management and Preservation Legislative				3/27/2024				
Administration (148-13) Sunset Provision	Retention and Disposal Scheduling Legislative				3/27/2024				
Administration (148-14) Sunset Provision	Management of Records Maintained by the Records Center Legislative				3/27/2024				
Administration (148-23)	Exemptions From Management Services Provided by the Fleet Management Division Legislative	3/22/2024	4/26/2024						
Administration (148-24) Sunset Provision	Financial Services Reporting Legislative				3/11/2024				
Agriculture (61-04B)	Frozen Desserts and Imitation Frozen Desserts Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023 11/16/2023	Bundled HB 4110		
Agriculture (61-12A)	Certified Pesticide Applicator Rules Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/27/2023 11/3/2023	Bundled HB 4110		
Agriculture (61-12B)	Licensing of Pesticide Business Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Agriculture (61-19) Sunset Provision	WV Manufacture Grade Milk Legislative								
Agriculture (61-20) Sunset Provision	Employment Reference and Inquiries and Background Checks Legislative								

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-23B)	WV Shellfish Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Agriculture (61-30)	Hemp Products Legislative	6/28/2023	7/28/2023	6/28/2023 Effective 8/9/2023	7/28/2023	Recommends Rejection 10/24/2023	Bundled HB 4110		
THE ABOVE RULE WAS DISAPPROVED BY THE LEGISLATURE, HB4110 §64-9-3(e), EFFECTIVE MARCH 9, 2024									
Agriculture (61-37) Sunset Provision	Agritourism Legislative				12/15/2022	Approved 8/7/2023	Bundled HB 4110		
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Operations Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2		
Air Quality (45-02)	Control of Particulate Matter Air Pollution from the Combustion of Fuel in Indirect Heat Exchangers Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2		
Air Quality (45-03)	Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2		
Air Quality (45-05)	Control of Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2		
Air Quality (45-06)	Control of Air Pollution from Combustion of Refuse Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2		
Air Quality (45-07)	Control of Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023	Bundled SB 2		
Air Quality (45-10)	Control of Air Pollution from the Emission of Sulfur Oxides Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023	Bundled SB 2		
Air Quality (45-21)	Control of Air Pollution from the Emission of Volatile Organic Compounds Legislative	5/31/2023	7/6/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 2		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023	Bundled SB 2		
Air Quality (45-44, repeal)	Control of Greenhouse Gas Emissions from Existing Coal- Fired Electric Utility Generating Units Legislative	5/31/2023	7/6/2023		7/28/2023	Approved 9/10/2023	Bundled SB 2		
Auditor (155-06) Sunset Provision	Local Government Purchasing Card Program Legislative				3/22/2024				
Auditor (155-12)	Rules for Private Trust Companies Legislative	10/25/2023	11/27/2023	10/25/2023 Approved 10/31/2023					
Auditor (155-13)	Procedure to Register to Bid at Public Auctions Procedural	2/1/2024	3/4/2024					3/6/2024	4/8/2024
Barbers and Cosmetologists (3-01)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Nail Technicians, Aestheticians, and Hair Stylists Legislative	4/12/2023	5/31/2023		6/14/2023	Modified & Approved 8/7/2023 Filed 8/11/2023	Bundled HB 4110		
Barbers and Cosmetologists (3-15)	Application For Waiver Of Initial Licensing Fees For Certain Individuals Legislative	4/7/2023	5/15/2023		6/14/2023	Modified & Approved 8/7/2023 Filed 8/24/2023	Bundled HB 4110		
Barbers and Cosmetologists (3-16)	Cosmetology Apprenticeship Legislative	4/10/2023	5/31/2023		6/14/2023	Modified & Approved 8/7/2023 Filed 8/21/2023	Bundled HB 4110		
Coal Mine Health and Safety (36-57)	Rule Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	12/11/2023	1/10/2024					2/1/2024	4/1/2024

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Conservation Agency (63-03) Sunset Provision	State Conservation Committee Grant Program Legislative				10/30/2023				
Counseling (27-01)	Licensing Rule Legislative	9/5/2023	10/5/2023	8/31/2023 Effective 10/12/2023	10/6/2023	Modified & Approved 10/30/2023 Filed 11/15/2023	Bundled HB 4110		
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	9/5/2023	10/5/2023	8/31/2023 Effective 10/12/2023	10/6/2023	Modified & Approved 10/30/2023 Filed 11/15/2023	Bundled HB 4110		
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 10/4/2023	Bundled SB 36		
Crime Delinquency and Correction (149-03)	Protocol for Law Enforcement Response to Domestic Violence Legislative	6/26/2023	7/26/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 10/4/2023	Bundled SB 36		
Crime Delinquency and Correction (149-11)	Sexual Assault Forensic Examinations Legislative	8/8/2023	9/8/2023		9/8/2023	Modified & Approved 10/24/2023 Filed 11/9/2023	Bundled SB 36		
Dentistry (5-10)	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative	4/19/2023	5/22/2023		7/25/2023	Modified & Approved 9/10/2023 Filed 9/18/2023	Bundled HB 4110		
Dietitians (31-01)	Licensure And Renewal Requirements Legislative	3/14/2023	4/14/2023		4/25/2023	Modified & Approved 8/7/2023 Filed 9/11/2023	Bundled HB 4110		
Dietitians (31-05)	Continuing Professional Education Requirements Legislative	3/14/2023	4/14/2023		4/25/2023	Modified & Approved 8/7/2023 Filed 9/11/2023	Bundled HB 4110		
Dietitians (31-07)	Telehealth Practice; Requirements; Definitions Legislative	6/21/2023	7/21/2023		7/28/2023	Approved 8/7/2023	Bundled HB 4110		
Economic Development, WV Dept. of (145-19)	Rule Governing the Operations of Motorsports Complexes and Events Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 11/13/2023	Bundled HB 4110		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-042)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	12/13/2023	2/12/2024						
Education (126-044BB)	West Virginia College-and Career- Readiness Standards for Mathematics (Policy 2520.2B) Legislative Exempt	4/13/2023	5/15/2023					8/29/2023	7/1/2024
Education (126-044M)	WV College - and Career- Readiness Programs of Study/Standards for Career Technical Education (2520.13) Legislative Exempt	9/13/2023	10/16/2023					11/8/2023	7/1/2024
Election Commission (146-01)	Corporate and Membership Organization Political Activity Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/25/2023	Bundled HB 4110		
Election Commission (146-03)	Regulation of Campaign Finance Legislative	7/27/2023	8/28/2023		9/13/2023	Modified & Approved 10/24/2023 Filed 11/17/2023	Bundled HB 4110		
Election Commission (146-07)	Application and Approval Process for Secretary of State Expenditures from the County Assistance Voting Equipment Fund Legislative	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/25/2023	Bundled HB 4110		
Emergency Management (170-02)	Industrial Accident Rapid Response Rule Legislative	6/26/2023	7/26/2023		7/27/2023	Approved 9/10/2023	Bundled SB 36		
Environmental Protection Secretary's Office (60-12)	Administration of Drinking Water Treatment Revolving Fund and Safe Drinking Water Set-Asides Legislative	6/28/2023	7/28/2023	6/29/2023 Effective 8/10/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled SB 2		
Environmental Protection Secretary's Office (60-13)	Design Build Program Procedural	10/27/2023	11/28/2023						
Family Protection Services Board (191-02)	Domestic Violence Program Licensure Standards Legislative	5/30/2023	6/29/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 31		
Fire Commission (87-01)	Fire Code Legislative	6/16/2023	7/17/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/4/2023	Bundled SB 36		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-06)	Certification and Evaluation of Local Fire Departments Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36		
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36		
Fire Marshal (103-01)	Certification of Electrical Inspectors Legislative	6/23/2023	7/24/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 10/4/2023	Bundled SB 36		
Fire Marshal (103-03)	Supervision of Fire Protection Work Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36		
Fire Marshal (103-05)	Electrician Licensing Rules Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36		
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Bldg Code Officials, Bldg Code Inspectors and Plans Examiners Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36		
Fire Marshal (103-07)	Certification of Home Inspectors Legislative	6/23/2023	7/24/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36		
Forestry (22-02)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 11/13/2023	Bundled HB 4086		
Forestry (22-03)	Sediment Control During Timber- Harvesting Operations-Logger Certification Legislative	6/26/2023	7/27/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 11/13/2023	Bundled HB 4086		
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative							3/28/2024	3/28/2024

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE APPROVED	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-04)	Public Water Systems Operators Legislative	5/17/2023	6/16/2023	10/26/2023 Approved 11/6/2023	7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17	3/27/2024	3/27/2024
Health (64-05)	Wastewater Systems and Operators Legislative	5/17/2023	6/16/2023	10/26/2023 Approved 11/6/2023	7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17	3/27/2024	3/27/2024
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/5/2023	7/5/2023		7/13/2023	Modified & Approved 10/30/2023 Filed 11/7/2023	Bundled SB 17		
Health (64-12)	Hospital Licensure Legislative	6/5/2023	7/5/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17		
Health (64-14) Sunset Provision	Assisted Living Residences Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023	Bundled SB 17		
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	5/17/2023	6/16/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17	3/27/2024	3/27/2024
Health (64-30, repeal)	Fees for Permits Legislative	5/17/2023	6/16/2023		7/21/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17		
Health (64-51)	Fees for Services Legislative	5/17/2023	6/16/2023		7/21/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17	3/28/2024	4/28/2024
Health (64-84)	Medical Examiner Requirements for Postmortem Inquires Legislative	5/17/2023	6/16/2023	12/12/2023 Effective 1/23/2023	7/13/2023	Modified & Approved 10/30/2023 Filed 11/7/2023	Bundled SB 17	3/28/2024	3/28/2024
Health (64-91) Sunset Provision	Newborn Screening System Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/22/2023	Bundled SB 17		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-116)	Distribution of Funds from Emergency Medical Services Salary Enhancement Fund Legislative	5/17/2023	6/16/2023	5/18/2023 Approved 5/18/2023 Amendment 11/7/2023 Effective 12/19/2023	7/18/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17	3/28/2024	3/28/2024
Health (64-123, formerly 69-10)	West Virginia Clearance for Access: Registry and Employment Screening Legislative	6/9/2023	7/10/2023		7/19/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 17		
Health and Human Resources (69-08) Sunset Provision	Chronic Pain Management Clinic Licensure Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023	Bundled SB 17		
Health and Human Resources (69-12) Sunset Provision	Medication Assisted Treatment- Office-Based Medication-Assisted Treatment Legislative				2/16/2023	Modified & Approved 8/7/2023 Filed 8/21/2023	Bundled SB 17		
Health Care Authority (65-06) Sunset Provision	Cooperative Agreement Approval and Compliance Legislative				10/5/2022	Approved 8/7/2023	Bundled SB 17		
Health Care Authority (65-09) Sunset Provision	Critical Access Hospitals Legislative				12/5/2023				
Health Care Authority (65-32)	Certificate of Need Legislative	5/17/2023	6/16/2023		7/21/2023	Approved 10/24/2023	Bundled SB 17		
Higher Education Policy Commission (133-05)	Guidelines for Governing Boards in Empolying and Evaluating Presidents Legislative	6/21/2023	7/21/2023		7/25/2023	Approved 9/12/2023	SB547 HB5050	2/29/2024	3/29/2024
Higher Education Policy Commission (133-06)	Higher Education Adult-Part Time Student (HEAPS) Grant Program Legislative	6/21/2023	7/21/2023		7/24/2023	Modified & Approved 9/12/2023 Filed 9/12/2023	SB547 HB5050	2/29/2024	3/29/2024
Higher Education Policy Commission (133-07)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/21/2023	7/21/2023		7/26/2023	Approved 9/12/2023	SB547 HB5050	2/29/2024	3/29/2024
Higher Education Policy Commission (133-19)	Dual Enrollment Pilot Program Legislative	6/21/2023	7/21/2023	6/21/2023 Approved 6/27/2023	7/28/2023	Approved 9/12/2023	SB547 HB5050	2/29/2024	3/29/2024

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-28)	WV Engineering, Science and Technology Scholarship Program Legislative	6/21/2023	7/21/2023		7/24/2023	Approved 9/12/2023	SB547 HB5050	2/29/2024	3/29/2024
Higher Education Policy Commission (133-42)	WV Higher Education Grant Program Legislative	6/21/2023	7/21/2023		7/24/2023	Approved 9/12/2023	SB547 HB5050	2/29/2024	3/29/2024
Higher Education Policy Commission (133-58)	Nursing Scholarship Program Legislative	6/21/2023	7/21/2023		7/24/2023	Approved 9/12/2023	SB547 HB5050	2/29/2024	3/29/2024
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/22/2023	7/24/2023		7/31/2023	Modified & Approved 9/10/2023 Filed 11/7/2023	Bundled SB 60	3/28/2024	3/28/2024
Highways (157-05)	Traffic and Safety Rules Legislative	6/15/2023	7/17/2023		7/26/2023	Modified & Approved 9/10/2023 Filed 11/8/2023	Bundled SB 60	3/27/2024	3/27/2024
Human Services (67-01, formerly 69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/6/2023	7/6/2023		7/18/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 31		
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative								
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	5/30/2023	6/29/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 31		
Insurance Comm. (114-24) Sunset Provision	Medicare Supplement Insurance Legislative				3/13/2024				
Insurance Comm. (114-27) Sunset Provision	Aids Regulations Legislative				3/29/2023	Approved 8/7/2023	Bundled SB 50	3/27/2024	4/1/2024
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/2/2023	7/5/2023		7/12/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled SB 50	3/27/2024	4/1/2024
Insurance Comm. (114-103)	Ball Bondsmen in Criminal Cases Legislative	6/2/2023	7/5/2023		7/11/2023	Authorized as Modified w/Certain Amendments 9/12/2023 Filed 9/14/2023	Bundled SB 50	3/27/2024	4/1/2024

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-08)	Minimum Wage, Maximum Hours, and Overtime Compensation Legislative	5/4/2023	6/5/2023		6/6/2023	Modified & Approved 9/10/2023 Filed 9/19/2023	Bundled HB 4086		
Labor (42-21A)	Licensing of Elevator Mechanics, Accessibility Technicians, and Limited Technicians and Registration of Elevator Mechanic Apprentices Legislative	6/23/2023	7/26/2023		7/27/2023	Approved 9/10/2023	Bundled HB 4086		
Massage Therapy Licensure Bd. (194-01)	General Provision Legislative	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/22/2023	Bundled HB 4110		
Massage Therapy Licensure Bd. (194-04)	Schedule of Fees Legislative	6/28/2023	7/28/2023	6/27/2023 Effective 8/8/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/22/2023	Bundled HB 4110		
Massage Therapy Licensure Bd. (194-07)	Establishment Licensure Legislative	6/28/2023	7/28/2023	6/27/2023 Effective 8/8/2023	7/28/2023	Approved 9/10/2023	Bundled HB 4110		
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-01)	West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/21/2023	7/22/2023		7/24/2023	Modified & Approved 10/30/2023 Filed 11/6/2023	Bundled HB 4110		
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 10/30/2023 Filed 11/1/2023	Bundled HB 4110		
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 10/30/2023 Filed 11/1/2023	Bundled HB 4110		
Medicine (11-12) Sunset Provision	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative				11/21/2022	Approved 8/7/2023	Bundled HB 4110		
Miners Health Safety and Training (56-02)	Rule Governing Safety Provisions for Clearing Crews Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/14/2023	Bundled HB 4086		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners Health Safety and Training (56-04)	Rule Governing Protective Clothing and Equipment Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4086		
Miners Health Safety and Training (56-10)	Rule Governing Reporting Requirements for Independent Contractors Legislative	6/21/2023	7/21/2023		7/27/2023	Approved 9/10/2023	Bundled HB 4086		
Miners Health Safety and Training (56-12)	Rule Governing Assessing Health and Safety Violation Penalties Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4086		
Miners Health Safety and Training (56-14)	Rule Pertaining to the Office of Miners' Health, Safety and Training Application Process for the WV Innovative Mine Safety Technology Tax Credit Act Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4086		
Miners Health Safety and Training (56-18)	Rule for Governing the Program for the Sharing of Information Between Employers Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4086		
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/21/2023	7/21/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4086		
Miners Health Safety and Training (56-22) Sunset Provision	Rules Governing the Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors Legislative				11/7/2023				
Miners Health Safety and Training (56-23) Sunset Provision	Operating Diesel Equipment in Underground Mines in WV Legislative				7/27/2023	Approved 8/7/2023	Bundled HB 4086		
Motor Vehicles (91-03)	Motor Vehicle Tiling and Registration Legislative	6/23/2023	7/23/2023	6/27/2023 Effective 8/8/2023	7/26/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 60		
Motor Vehicles (91-06)	Dealer Licensing Legislative	6/23/2023	7/23/2023		7/26/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 60		
Motor Vehicles (91-10)	Handicapped Parking Permits Legislative	6/6/2023	7/7/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/7/2023	Bundled SB 60		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Motor Vehicles (91-15) Sunset Provision	Safety and Treatment Program Legislative								
Motor Vehicles (91-24) Sunset Provision	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative								
Multimodal Transportation Facilities (220-01)	Valuation of Used Rolling Stock and Equipment Legislative	6/28/2023	7/28/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/29/2023	Bundled SB 60			
Natural Resources (58-11)	Hunting, Fishing, and Other Outfitters and Guides Legislative	6/26/2023	7/27/2023	7/27/2023	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4086			
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/26/2023	7/27/2023	7/27/2023	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4086			
Natural Resources (58-16) Sunset Provision	Transporting and Selling Wildlife Pelts and Parts Legislative								
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/26/2023	7/27/2023	7/27/2023	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4086			
Natural Resources (58-25) Sunset Provision	Boating Rule Legislative								
Natural Resources (58-26) Sunset Provision	Special Boating Rule Legislative								
Natural Resources (58-32) Sunset Provision	Public Use of Campgrounds in WV State Parks and State Forests and Campsites in State Rail Trails under the DNR Legislative								
Natural Resources (58-34) Sunset Provision	Special Projects and Grants for WV State Parks, State Forests, and State Rail Trails Under the DNR Legislative								
Natural Resources (58-36) Sunset Provision	Cabwyinggo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative			7/20/2023	Approved 8/7/2023	Bundled HB 4086			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-47) Sunset Provision	Prohibitions When Hunting and Trapping Legislative								
Natural Resources (58-61) Sunset Provision	Special Fishing Rule Legislative								
Natural Resources (58-62) Sunset Provision	Catching and Selling Baitfish Legislative								
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/26/2023	7/26/2023	6/26/2023 Effective 8/7/2023	7/27/2023	Modified & Approved 10/24/2023 Filed 11/14/2023	Bundled HB 4086		
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	5/8/2023	6/8/2023		6/9/2023	Approved 8/7/2023	Bundled HB 4110		
Occupational Therapy (13-07) Sunset Provision	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative				1/10/2024				
Occupational Therapy (13-08) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative				1/10/2024				
Optometry (14-01)	Rules of the WV Board of Optometry Legislative	6/28/2023	7/27/2023		7/28/2023	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4110		
Optometry (14-10)	Continuing Education Legislative	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 10/24/2023 Filed 11/15/2023	Bundled HB 4110		
Optometry (14-11)	Injectable Pharmaceuticals by Injection Certificate Legislative	6/28/2023	7/28/2023		7/31/2023	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4110		
Optometry (14-14)	Eyelid Procedures Legislative	6/28/2023	7/27/2023		7/28/2023	Modified & Approved 11/1/2023 Filed 11/15/2023	Bundled HB 4110		
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/26/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4110		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/26/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4110		
Osteopathic Medicine (24-08) Sunset Provision	Waiver of Initial Licensing Fees for Certain Initial License Applicants Legislative				11/15/2023				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Pharmacy (15-03)	Continuing Education for Licensure for Pharmacists Legislative	6/27/2023	7/27/2023		7/28/2023	Approved 9/10/2023	Bundled HB 4110		
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/27/2023	7/27/2023		7/28/2023	Approved 9/10/2023	Bundled HB 4110		
Pharmacy (15-12)	Immunizations Administered by Pharmacists, Pharmacy Interns, and Pharmacy Technicians Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/29/2023	7/28/2023	6/27/2023 Approved 6/29/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/27/2023	7/27/2023	6/27/2023 Approved 6/29/2023	7/28/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled HB 4110		
Pharmacy (15-17) Sunset Provision	The Substitution of Biological Pharmaceuticals Legislative				7/20/2023	Approved 8/7/2023	Bundled HB 4110		
Physical Therapy (16-09) Sunset Provision	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative				1/9/2024				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/7/2023	7/7/2023		7/31/2023	Modified & Approved 9/10/2023 Filed 10/3/2023	Bundled HB 4110		
Psychologists (17-02)	Organization and Procedures of the Board of Examiners of Psychologists Procedural	2/15/2024	3/15/2024						

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Psychologists (17-04)	Disciplinary and Complaint Procedures for Psychologists Legislative	6/15/2023	7/17/2023		7/25/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4110		
Psychologists (17-05)	Contested Case Hearing Procedure Legislative	6/15/2023	7/17/2023		7/25/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled HB 4110		
Psychologists (17-07) Sunset Provision	Consideration of Prior Criminal Convictions in Initial Licensure Determinations and Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative								
Public Energy Authority (53-05)	Rule to Petition the Public Energy Authority for Approval of Decommissioning or Deconstruction Activities Related to Any Coal, Oil, or Natural Gas Fueled Power Plant Legislative	6/23/2023	7/23/2023	6/14/2023 Approved 6/27/2023	9/7/2023	Authorize with Certain Amendments 11/1/2023	Bundled HB 4086		
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/5/2023	7/6/2023		7/26/2023	Authorized w/Certain Amendments 9/10/2023 Filed 9/25/2023	Bundled SB 50		
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	6/12/2023	7/14/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/27/2023	Bundled HB 4110		
Real Estate Commission (174-02)	Schedule of Fees Legislative	6/12/2023	7/14/2023		7/28/2023	Approved 9/10/2023	Bundled HB 4110		
Real Estate Commission (174-03)	Real Estate Courses, Course Providers and Instructors Legislative	6/13/2023	7/14/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/27/2023	Bundled HB 4110		
Registered Nurses, WV Board of (19-01)	Policies, Standards and Criteria for the Evaluation, Approval and National Nursing Accreditation of Prelicensure Nursing Education Programs Legislative	6/14/2023	7/14/2023	5/31/2023 Approved 6/27/2023	8/1/2023	Modified & Approved 10/24/2023 Filed 11/16/2023	Bundled HB 4110		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Registered Nurses, WV Board of (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct	6/14/2023	7/14/2023		7/26/2023	Modified & Approved 10/30/2023 Filed 11/16/2023	Bundled HB 4110		
	Legislative								
Registered Nurses, WV Board of (19-07)	Advanced Practice Registered Nurse Licensure Requirements	6/14/2023	7/14/2023		7/26/2023	Approved 10/24/2023	Bundled HB 4110		
	Legislative								
Registered Nurses, WV Board of (19-12)	Fees for Services Rendered by the Board	6/14/2023	7/14/2023	5/31/2023 Approved 6/27/2023	7/26/2023	Approved 10/24/2023	Bundled HB 4110		
	Legislative								
Respiratory Care (30-09)	Student Temporary Permit - Amended	4/28/2023	6/1/2023		6/8/2023	Modified & Approved 8/7/2023 Filed 9/28/2023	Bundled HB 4110		
	Legislative								
Respiratory Care (30-10)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations				2/27/2024				
	Legislative								
Respiratory Care (30-11)	Telehealth Practice; Requirements; Definitions	9/26/2023	10/30/2023		1/26/2024				
	Legislative								
Secretary of State (153-14)	Guidelines to the Use of Nicknames and Other Designations on the Ballot	6/28/2023	7/28/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/25/2023	Bundled HB 4110		
	Legislative								
Secretary of State (153-25, repeal)	Combined Voter Registration and Driver Licensing Fund	6/28/2023	7/28/2023		7/28/2023	Approved 9/10/2023	Bundled HB 4110		
	Legislative								
Secretary of State (153-55)	Minimum Standards for Election Administration, Infrastructure, and Security	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 10/25/2023	Bundled HB 4110		
	Legislative								
State Police (81-08)	WV State Police Member Grievance Procedure	6/23/2023	7/23/2023		7/27/2023	Approved 9/10/2023	Bundled SB 36		
	Legislative								
State Police (81-19)	Motor Vehicle Inspection	6/23/2023	7/23/2023		7/27/2023	Modified & Approved 9/10/2023 Filed 9/26/2023	Bundled SB 36		
	Legislative								
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer				3/11/2024				
	Legislative								
Sunset Provision									

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-15C) Sunset Provision	Consumer Sales and Service Tax and Use Tax- Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se Exemption Legislative				3/11/2024				
Tax (110-15K) Sunset Provision	Aircraft Operated Under A Fractional Ownership Program Legislative				3/28/2023	Approved 8/7/2023	Bundled SB 50		
Tax (110-21B) Sunset Provision	Citizen Tax Credit for Property Taxes Paid Legislative				12/30/2022	Modified & Approved 8/7/2023 Filed 8/21/2023	Bundled SB 50		
Tax (110-21G)	Income Tax Paid at the Entity Level by Electing Pass-Through Entities Legislative	6/8/2023	7/10/2023		7/28/2023	Approved 10/24/2023	Bundled SB 50		
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/8/2023	7/10/2023		7/25/2023	Approved 10/24/2023	Bundled SB 50		
Tax (110-49) Sunset Provision	Administration of Tax on Purchases of Wine and Liquor Inside and Outside of Municipalities Legislative				12/30/2022	Modified & Approved 8/7/2023 Filed 8/21/2023	Bundled SB 50		
Tax (110-50C) Sunset Provision	Exchange of Information Pursuant to Written Agreement Legislative				3/11/2024				
Tax (110-99)	Privilege Tax on Sales of Hemp- Derived Cannabinoid and Kratom Products Legislative	6/8/2023	7/10/2023		7/25/2023	Approved 10/24/2023	Bundled SB 50		
Treasurer (112-05)	Enforcement of the Uniform Unclaimed Property Act Legislative	6/27/2023	7/27/2023		7/28/2023	Modified & Approved 10/24/2023 Filed 11/2/2023	Bundled HB 4110		
Treasurer (112-17)	Exempt Purchasing Procedural	3/14/2024	4/15/2024						
Treasurer (112-18)	Hope Scholarship Program Legislative	3/6/2024	4/5/2024	2/7/2024 Effective 3/20/2024					
Treasurer (112-20)	Jumpstart Savings Program Legislative	6/9/2023	7/10/2023		7/13/2023	Modified & Approved 10/24/2023 Filed 11/2/2023	Bundled HB 4110		

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Waste Mgmt. Division of Water and Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/12/2023	7/18/2023		7/24/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled SB 2		
Water Resources Division of Water and Waste Mgmt. (47-13)	Underground Injection Control Legislative	6/12/2023	7/18/2023		7/28/2023	Modified & Approved 9/10/2023 Filed 9/15/2023	Bundled SB 2		



NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE

AGENCY: Administration
TITLE-SERIES: 148-12
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: General Administration of Records Management and Preservation
PRIMARY CONTACT
NAME: Jennelle Jones
ADDRESS: 1900 Kanawha Blvd E
West Virginia Office Of Technology
Charleston, WV 25305
EMAIL: jennelle.h.jones@wv.gov
PHONE NUMBER: 304-352-4941

CITE STATUTORY AUTHORITY: W. Va. Code §5A-8-1 through §5A-8-20.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code Chapter 5A, Article 8 pertains to the Public Record Management and Preservation Act. W. Va. Code Section 5A-8-8 states the Department of Administration's "administrator shall promulgate such rules and regulations concerning the management and selection and preservation of essential state records as are necessary or proper to effectuate the purpose of this article."

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

LEGISLATIVE NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE

AGENCY: Administration
TITLE-SERIES: 148-13
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 148-13 Retention and Disposal Scheduling

PRIMARY CONTACT

NAME: Jennelle Jones
ADDRESS: 1900 Kanawha Blvd E
West Virginia Office Of Technology
Charleston, WV 25305
EMAIL: jennelle.h.jones@wv.gov
PHONE NUMBER: 304-352-4941

CITE STATUTORY AUTHORITY: W. Va. Code §5A-8-1 through §5A-8-20.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code Chapter 5A, Article 8 pertains to the Public Record Management and Preservation Act. W. Va. Code Section 5A-8-8 states the Department of Administration's "administrator shall promulgate such rules and regulations concerning the management and selection and preservation of essential state records as are necessary or proper to effectuate the purpose of this article."

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No



eFILED

3/27/2024 8:33:56 AM
Office of West Virginia
Secretary Of State

eFILED

3/22/2024 1:43:25 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE

AGENCY: Administration TITLE-SERIES: 148-14
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 148-14 Management of Records Maintained by the Records Center

PRIMARY CONTACT

NAME: Jennelle Jones
ADDRESS: 1900 Kanawha Blvd E
Charleston, WV 25305
EMAIL: jennelle.h.jones@wv.gov
PHONE NUMBER: 304-352-4941

CITE STATUTORY AUTHORITY: W. Va. Code §5A-8-1 through §5A-8-20.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code Chapter 5A, Article 8 pertains to the Public Record Management and Preservation Act. W. Va. Code Section 5A-8-8 states the Department of Administration's "administrator shall promulgate such rules and regulations concerning the management and selection and preservation of essential state records as are necessary or proper to effectuate the purpose of this article."

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFILED FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Auditor TITLE-SERIES: 155-06
RULE TYPE: Legislative CITE STATUTORY AUTHORITY: 6-9-2a
RULE NAME: 155-06 Local Government Purchasing Card Program

PLEASE SELECT A SUNSET PROVISION OPTION:

☒ EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

☐ LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS ☐ INCORPORATED BY REFERENCE ☐

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

The rule provides general definitions for the program; the scope of applicable local governments eligible for the program; enumerates the powers of the director of operations and the director of the chief inspector division; provides for administrative penalties for minor infractions of the rule; lists payment methods and itemized claims for payment; and reiterates the criminal statutory penalties for misuse of the PCard.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

To extend the rule for an additional five years to provide continuity with the local government PCard program, while maintaining uniformity with the state government PCard program.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

Rebates earned by local government PCard program participants have a substantial positive impact on revenues of local governments. However, this rule sets forth various powers and duties of the State Auditors Office as program administrator, which do not directly effect or correlate with the rebates earned through participation in the program.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

Rebates earned by local government PCard program participants have a substantial positive impact on revenues of local governments. However, this rule sets forth various powers and duties of the State Auditors Office as program administrator, which do not directly effect or correlate with the rebates earned through participation in the program.



LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE

AGENCY: Auditor TITLE-SERIES: 155-06
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 155-06 Local Government Purchasing Card Program
PRIMARY CONTACT
NAME: Vincent Smith
ADDRESS: 1900 Kanawha Blvd E
Bldg 1 Room W 100
Charleston, WV 25305
EMAIL: vincent.smith@wvsao.gov
PHONE NUMBER: 304-558-2251

CITE STATUTORY AUTHORITY: 6-9-2a

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

6-9-2a empowers the State Auditor to authorize and administer a local government purchasing card (PCard) program. This rule outlines general powers and duties of the State Auditor to administer the program.

The rule provides general definitions for the program; the scope of applicable local governments eligible for the program; enumerates the powers of the director of operations and the director of the chief inspector division; provides for administrative penalties for minor infractions of the rule; lists payment methods and itemized claims for payment; and reiterates the criminal statutory penalties for misuse of the PCard.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Funeral Service Examiners TITLE-SERIES: 8-01
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: FUNERAL DIRECTOR, EMBALMER, APPRENTICE, COURTESY CARD HOLDERS AND FUNERAL ESTABLISHMENT REQUIREMENTS
CITE STATUTORY AUTHORITY: §30-6-6 et. seq.
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) HB4110
Section § 64-9-10 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 28, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2033

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Grady M Bowyer -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

3/27/2024 1:51:05 PM

Office of West Virginia
Secretary Of State



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

3/27/2024 1:52:33 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-04
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Public Water Systems Operators
CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4(a)(4) and §16-1-9a(b)(4)(B)
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill SB 17)
Section N/A Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 27, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Virginia M Payne -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-05
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Wastewater Systems and Operators
CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4(a)(4) and §16-1-9a(b)(4)(B)
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill SB 17)
Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 27, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Virginia M Payne -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

3/27/2024 3:01:48 PM

Office of West Virginia
Secretary Of State



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

3/28/2024 1:11:16 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-15
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Cross-Connection Control and Backflow Prevention
CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4 and §16-1-9a
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) SB 17
Section §64-5-1 Passed On 3/19/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 27, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Virginia M Payne -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-51
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Fees for Services
CITE STATUTORY AUTHORITY: W. Va. Code §16-1-4
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) SB 17
Section §64-5-1 Passed On 3/19/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 28, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Virginia M Payne -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-84
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Medical Examiner Requirements for Postmortem Inquiries
CITE STATUTORY AUTHORITY: W. Va. Code §61-12-3(f) and §61-12-16
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill SB 17)
Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:
March 28, 2024

This rule shall terminate and have no further force or effect from the following date:
August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Virginia M Payne -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-116
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: Distribution of Funds from Emergency Medical Services Salary Enhancement Fund
CITE STATUTORY AUTHORITY: W. Va. Code §16-4C-25
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill SB 17)
Section §64-5-1 Passed On 3/9/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:
March 28, 2024

This rule shall terminate and have no further force or effect from the following date:
August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Virginia M Payne -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Highways TITLE-SERIES: 157-03
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: CONSTRUCTION AND RECONSTRUCTION OF STATE ROADS
CITE STATUTORY AUTHORITY: W. Va. Code §§17-2A-8(1) and (2) and 17-4-19
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) SB60
Section §64-8-2 Passed On 3/8/2024 12:00:00 AM
This rule is filed with the Secretary of State. This rule becomes effective on the following date:
March 28, 2024
This rule shall terminate and have no further force or effect from the following date:
August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Rita A Pauley -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Highways TITLE-SERIES: 157-05
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: TRAFFIC AND SAFETY RULES
CITE STATUTORY AUTHORITY: W. Va. Code §§17-2A-8 and 12 and 17C-17, et seq.
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) SB 60
Section §64-8-2 Passed On 3/8/2024 12:00:00 AM
This rule is filed with the Secretary of State. This rule becomes effective on the following date:
March 27, 2024
This rule shall terminate and have no further force or effect from the following date:
August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jonathan W Schaffer -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Insurance Commission TITLE-SERIES: 114-27
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: AIDS REGULATIONS
CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10 and 16-3C-2(i)
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) Senate Bill 50
Section §64-7-3(a) Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:
April 1, 2024

This rule shall terminate and have no further force or effect from the following date:
August 01, 2029

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Anoop Bhasin -- By my signature, I certify that I am the person authorized to file legislative rules,
in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Insurance Commission TITLE-SERIES: 114-100
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: HEALTH BENEFIT PLAN NETWORK ACCESS
AND ADEQUACY
CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10 and 33-55-9
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) Senate Bill 50
Section §64-7-3(b) Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:
April 1, 2024

This rule shall terminate and have no further force or effect from the following date:
August 01, 2034

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Anoop Bhasin -- By my signature, I certify that I am the person authorized to file legislative rules,
in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

3/27/2024 1:48:52 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Insurance Commission TITLE-SERIES: 114-103
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: BAIL BONDSMEN IN CRIMINAL CASES
CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10 and 51-10-8
The above rule has been authorized by the West Virginia Legislature.
Authorization is cited in (house or senate bill number) Senate Bill 50
Section §64-7-3(c) Passed On 3/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2024

This rule shall terminate and have no further force or effect from the following date:

August 01, 2034

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Anoop Bhasin -- By my signature, I certify that I am the person authorized to file legislative rules,
in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
23-2-12849-PC	Health Care Authority	Hospice of Huntington, Inc.	3/13/2024
23-2-12849-PC	Health Care Authority	d/b/a Tri-State LifeCare	3/13/2024
23-2-12848-PC	Health Care Authority	Hospice of Huntington, Inc.	3/13/2024
23-2-12848-PC	Health Care Authority	dba Tri-State LifeCare	3/13/2024
23-1C-158163	Insurance Commission	Donovan Isho	3/19/2024

GREENBRIER COUNTY HEALTH DEPARTMENT

9109 SENECA TRAIL, SOUTH
RONCEVERTE, WV, 24970
PUBLIC HEALTH NURSING (304) 645-1787
ENVIRONMENTAL HEALTH (304) 645-1539



Legal Notice

Please take notice that the Greenbrier County Board of Health, during the March 13, 2024, Board of Health Meeting, approved a Greenbrier County Health Department Fees for Permits Rule and revisions to the environmental fees for permits and the environmental fees for services. The fees are to be used for the purpose of conducting the public health programs for which the fees are collected, and no portion of these fees will be used for any purpose outside the authority of the Greenbrier County Board of Health. There will be a 30-day comment period beginning April 1, 2024 and ending April 30, 2024. Copies of the regulation can be obtained at the Greenbrier County Health Department during normal business hours Monday through Friday 8:30am to 4:30pm. Please send any written comments via email to nikki.b.dolan@wv.gov or via mail to Greenbrier County Health Department, Attn: Nikki, 9109 Seneca Trail, South, Ronceverte, WV 24970.



OTHER

Harrison-Clarksburg Health Department

330 W. Main Street
Clarksburg, WV 26301
Phone: 304-623-9308
Fax: 304-623-9364

LEGAL SECTION/CLASSIFIED-PRESS RELEASE

Harrison-Clarksburg Board of Health
330 W. Main Street
Clarksburg, WV 26301

Point of Contact (POC): Joseph C. Bundy, MPA, Executive Director
Harrison-Clarksburg Health Department
Phone: (304) 623-9308

For Immediate Release:

Fees for Permits Revision:

Please take notice that the Harrison-Clarksburg Board of Health during the March 21, 2024 regularly scheduled meeting approved a revision to the Fees for Permit Schedule to take effect immediately upon approval by their appointing authorities and posted. The fees will be utilized for the purpose of conducting the public health programs for which the fees are collected and no portion of these fees will be used for any purpose outside the authority of the Harrison-Clarksburg Board of Health. There will be a (30) day comment period beginning March 21, 2024 and ending April 21, 2024. Copies of the regulation can be obtained at the Harrison-Clarksburg Health Department during normal business hours Monday through Friday 8:00A.M. to 4:00P.M.

WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED

100 Dee Drive
Charleston, West Virginia 25311-1600

March 25, 2024

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **March 22, 2024**.

CERTIFICATE OF NEED APPLICATION RECEIVED

March 11, 2024- Thomas Memorial Hospital and THS Physician Partners, Inc., CON File #24-3-12926-P, for the development of an ambulatory health care facility in Charleston, Kanawha County, WV through the acquisition of the assets of a physician office and the employment or contracting of the physician staff; capital expenditure, \$667,000.

PROJECTS EXEMPT FROM REVIEW

March 18, 2024- Hometown Care, CON File #24-7-12870-X, for the establishment of a 3-bed licensed residential home to provide services to members of the IDIW Program. The location will be 63 New Era Village, Belington, Barbour County, WV 26250.

CERTIFICATE OF NEED APPROVAL ISSUED

March 18, 2024- Hospice of Huntington, Inc. d/b/a Tri-State LifeCare, CON #23-2-12849-PC, **AMENDED DECISION**, for the provision of providing Medicaid in-home personal care services or caregiving services to residents in Cabell and Mason Counties in West Virginia; capital expenditure \$5,000.

March 18, 2024- Wheeling Hospital, CON File #23-10-12852-P, for the development of an ambulatory health care facility in Wheeling, Ohio County, West Virginia through the employment of two otolaryngologist (ear, nose and throat or "ENT") physicians, Jeremy Tiu, M.D. and Christopher Tiu, M.D. and the acquisition of the assets of their practice; capital expenditure \$515,000.00.

March 21, 2024- Hospice of Huntington, Inc., d/b/a Tri-State LifeCare, CON File #23-2-12849-PC, for the provision of providing Medicaid in-home personal care services or caregiving services to residents in Lincoln and Wayne counties in West Virginia; capital expenditure \$5,000.00.

OTHER

DECISION ON SUBSTANTIAL CHANGE ISSUED

March 21, 2024- Berkeley Medical Center, CON File #23-9-12756-P, for the development of BMC's developing provider based services at fifteen (15) private physician practice locations in Berkeley, Jefferson, and Morgan counties in West Virginia.

The Authority determines that the change in location in the project does not constitute a substantial change to the project as defined in W. Va. Code St. R. § 65-32-14.

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed:

March 18, 2024- Berkeley Medical Center, CON File #23-9-12827-A, for acquiring the membership interests of GenesisCare USA and becoming the sole member of Ambergris, LLC; capital expenditure \$3,020,268.00.

March 21, 2024- Summersville Regional Medical Center, CON File #23-4-12721-P, for the development of an ambulatory health care facility through the acquisition of a physician practice located in Summersville, Nicholas County, West Virginia; capital expenditure \$78,167.00.

Further information may be obtained on any of the above-referenced projects by contacting Timothy Adkins, Director, Certificate of Need Division.



www.kchd.org

FILED
WV SECRETARY OF STATE
16 MARCH 25, 2024 12:41 PM
KANAWHA-CHARLESTON BOARD OF HEALTH
PO Box 927
Charleston, WV 25323-0927
(304) 348-6494



Jeremy Nelson
President

OTHER

PUBLIC NOTICE

March 21, 2024

The Kanawha-Charleston Health Department is providing for public review a list of its Public Health Fees for Permit. Please post for 30 days from today's date of March 21, 2024. Please direct any comments to the following address:

Jeremy Nelson, President
Kanawha-Charleston Board of Health
PO Box 927
Charleston, WV 25323

Jeremy Nelson

President-Kanawha-Charleston Board of Health

Date

21 March 2024



www.kchd.org

KANAWHA-CHARLESTON HEALTH DEPARTMENT
108 Lee Street, East / PO Box 927
Charleston, WV 25323-0927
(304) 344-KCHD (5343)



Steven Eberhart, DO, MBA
Executive Director/Health Officer

To: Kanawha-Charleston Board of Health

From: Doug Beasley, Director of Operations
Interim Environmental Health Director

Date: March 18, 2024

Re: This rule establishes the fees for permits issued by the Kanawha-Charleston Board of Health

Background

All of us engaged in public health must constantly strive to efficiently and effectively use our limited funds to provide effective public health services. The operational expenses incurred within Environmental Health Services have continued to rise while revenue opportunities remain limited or restricted. One source for securing additional revenue is to adjust our permit fees. Authority, W. Va. Code 16-2-11(a)(9), 16-2-11(b)(3).

Recommendation

It is recommended that the attached Environmental Fees for Permits in Environmental Health be instated.

KANAWHA-CHARLESTON HEALTH DEPARTMENT
FEES FOR PERMITS

General.

1.1. Scope -- This rule establishes the fees for permits issued by the Kanawha-Charleston Board of Health.

1.2. Authority. -- W. Va. Code §16-2-11(a)(9), §16-2-11(b)(3).

1.3. Filing Date. -- March 21, 2024.

1.4. Effective Date. -- TBD

Application and Enforcement.

2.1. Application - This rule applies to the Kanawha-Charleston Board of Health which charges a fee for the issuance of permits that are covered by this rule.

2.2. Enforcement - The enforcement of this rule is vested with the Kanawha-Charleston Health Officer or his or her designee.

Definitions.

3.1. Bed and Breakfast - An establishment providing lodging facilities in the form of sleeping accommodation and at a minimum, a breakfast for a fee.

3.2. Body Piercing Studio - means any room or space where body piercing is practiced or where the business of body piercing or any part thereof is conducted.

3.3. Campground - A tract of land maintained and offered to the public for payment for the location or placement of two or more camping units as defined in the bureau's "General Sanitation" rule, 64CSR18.

3.4. Care Facility - Facilities included, but not limited to, public or private halfway houses, adult day care facilities, residential care facilities (such as juvenile group homes and work release centers), and non disaster emergency shelters (such as homeless shelters and family violence protection centers). The term does not include health care facilities licensed by the Office of Health Facility Licensure and Certification in the Office of the Inspector General.

3.5. Child Care Center - A facility where care is provided for seven or more children in a 24-hour period. The term does not include facilities excluded in the bureau's "Child Care Centers" rule, 64CSR21.

3.6. Developed Site - A location for placement and hookup of a manufactured home.

3.7. Fixed Expiration Date - An annual date at which time all permits of the same type expire. The fixed expiration date for each of the permits covered by this rule is derived from the state code or the rule which authorizes the issuance of the particular permit.

1

OTHER

3.8. Food Service Establishment - Any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; soda fountain; tavern; bar; cocktail lounge; delicatessen; nightclub; roadside stand; industrial feeding establishment; private, public, or non-profit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

3.9. Hotel/Motel - Any temporary or permanent buildings or structures which are maintained, offered, or used as sleeping quarters for pay.

3.10. Individual Sewage Disposal System - A system for the collection, treatment and disposal of sewage which serves a single dwelling or establishment.

3.11. Industrial Campground -- A campground for the location or placement of two or more camping units as defined in 64CSR18, and to be occupied by workers employed for an Industrial purpose and intended for long term stays of over 60 days.

3.12. Innovative Alternative Type Sewage System - A method of sewage disposal for a single-family dwelling or establishment for which design standards have been prepared and listed in the West Virginia Bureau for Public Health rule, "Sewage Treatment and Collection System Design Standards," 64CSR47, as an Innovative or alternative system.

3.13. Labor Camp - A labor camp includes any lumber, mining, agricultural, construction, or other industrial camp where 10 or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents, cabins, buildings, or other similar enclosures.

3.14. Mass Gathering - Any group of 250 or more persons assembled together for a meeting, festival, social gathering, concert or other similar purpose. The term shall not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people. The term shall not include assembly in any outdoor venue ordinarily used and equipped for such events. For the purposes of this rule, "equipped" means supplied with adequate sanitary facilities for the intended use.

3.15. Mobile Food Establishment (includes Reciprocity Permit) - A food establishment that is mobile by means of mechanical, electrical, manual, or otherwise propelled vehicle operating on land or water that complies with 64CSR17 Food Establishment Rule - FDA Food Code Mobile Food Establishment Matrix recommendations based on the menu of food items provided.

3.16. Manufactured Home Community - Any site, area, tract, or parcel of land upon which four or more manufactured homes, used or occupied for dwelling purposes, are parked, either free of charge or for a monetary consideration.

3.17. Organized Camp - Any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group living experience for children or adults, or where one or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation, provided, that

2

OTHER

this definition shall not be construed to include a hunting, fishing, or other camp privately owned and used exclusively for the personal pleasure of the owner.

3.18. Potentially Hazardous Food or Drink (time/temperature control for safety food) - Any food that consists in whole or in part of milk or milk products; eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

3.19. Recreational Water Facility - A body of water, under the control of a person, which has been modified, improved, constructed or installed for the purpose of public swimming or bathing. It includes, but is not limited to, bathing beaches; swimming, wading, and diving pools; water slides; spray pools, lazy rivers, and wave pools; spas, hot tubs, therapeutic pools, hydrotherapy pools, and whirlpools. A recreational water facility does not include a private residential swimming pool defined in subsection 2.10 of the bureau's "Recreational Water Facilities" rule, 64CSR16.

3.20. Retail Food Store - Any place, structure, premise, vehicle, or any part thereof in which food is sold retail, offered for retail sale, or served not to be consumed on the premises. For the purpose of this rule, the term "retail food store" does not include establishments which handle only pre-packed non-potentially-hazardous foods; roadside markets that offer only fresh fruits or fresh vegetables; or the delicatessen operation of a retail food store.

3.21. Sewage Tank Cleaner - Any person engaged in the collection, removal, transportation or disposal of sewage.

3.22. School - a public or private organization that provides instruction for the teaching of children. The term includes early childhood/ primary education centers, middle school/junior high education centers, adolescent/high school education centers and vocational education centers. The term does not include child care centers as defined in the bureau's "Child Care Centers" rule, 64CSR21.

3.23. Subdivision - A tract of land which has been divided into two or more lots, tracts, parcels, plats, sites, areas, units, interests, or other division for the purpose of dwelling or establishment development and including the division of land by deed, metes and bounds description, lease, map, plat, or other instrument, or by act of construction.

3.24. Tattoo studio - means any room or space where tattooing is practiced or where the business of tattooing or any part thereof is conducted

3.25. Temporary Food Service Establishment - A food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration and required by W. Va. Code §16-6-3, to have a permit.

3.26. Vending Machine - A machine designed for the dispensing of potentially hazardous food or drink to the public by a self-service method.

3.27. Water Well - Any excavation or penetration in the ground, whether drilled, bored, cored, driven, or jetted for a water supply, for the exploration for water, or for removal of water to dewater construction sites.

3

3.28. Water Well (Heat Exchange) - Any well constructed to use the heat exchange properties of either groundwater or of geologic material penetrated by the well.

Option to Charge for Permits; Procedure and Implementation of Permit Fee Schedule.

4.1. The Kanawha-Charleston Board of Health shall charge a fee for the issuance of permits covered by this rule.

4.2. The Kanawha-Charleston Board of Health shall follow the following procedures prior to implementation of a Permit Fee Schedule:

4.2.1 Present proposed fee schedule to the board of health for initial review and approval.

4.2.2 After the local board of health's approval of a proposed schedule of fees, the board shall place notice in the State Register and on the organization's web page setting forth a notice of proposed action, including the text of the new local health department rule or the amendment and the date, time, and place for receipt of public comment (§16-2-11(b)(3)(C)); provide the notice to the board's appointing authority with a request for publication on the authority's website and in its public offices; place a one-time Class II Legal Advertisement in the local newspaper and allow for a 30-day comment period.

4.2.3 Upon completion of the 30-day comment period, the board of health shall meet and review any public comments received prior to final approval of the fee schedule.

4.2.4 Once all public comments have been considered, the board shall vote on final approval of the proposed permit fee schedule and implementation date.

4.2.5 The Board of Health shall notify the appointing authority and request approval of the proposed fee schedule and provide the following information:

- (a) A copy of the proposed fee schedule;
- (b) A copy of the posted notice of the proposed fees and a description of the public notice process;
- (c) A copy of comments received on the proposed fees; and
- (d) A response to the comments.

4.2.6 With approval from the appointing authority, the board of health shall implement the Fees for Permit Schedule.

4.2.7 A copy of the final approved Fees for Permit Schedule shall be filed with the county clerk.

Permits and Fees.

5.1 The list of permits and corresponding fees are listed in Table 1 attached below.

4

Bill No. 8032

Introduced in Council:

May 20, 2024

Adopted by Council:

Introduced by:

Mary Beth Hoover

Referred to:

**Municipal Planning Commission
Planning, Streets and Traffic**

Bill No. 8032 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by eliminating restrictions on firearms sales and amending the administrative sections relating to the duration of approval process for development projects.

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

The Zoning Ordinance for the City of Charleston, West Virginia, effective January 1, 2006, is hereby amended as follows:

Sec. 2-020 Definitions of Terms

Firearms Sales Establishment. ~~An establishment primarily engaged in the sale of fire arms, ammunition and ammunition components, and hunting or shooting equipment.~~

Sec. 3-050 Permitted Land Uses

LAND USE	R-2	R-4	R-6	R-8	R-10	R-O	C-4	C-8	C-10	C-12	CBD	UCD	CVD	PMC	I-2	I-4	PUD	SUPP.
Firearms Sales Establishments									P	P	P							

Sec. 30-050 Expiration of Conditional Use Permit

In the case where a Conditional Use Permit has not been used within twelve (12) months after the granting thereof, then without further action it shall be null and void. This may be extended ~~to eighteen (18) months~~ upon prior written request of the Board. The word “used” shall mean that the approved Conditional Use Permit has been activated as evidenced by permits, construction, or required licenses.

Sec. 31-030 Procedures for Variance Approval

Applications for variance approval shall be considered in accordance with the following procedures.

- D. Notice of the Board hearing on the application for variance approval shall be published in a local newspaper of general circulation at least ~~thirty (30)~~ fifteen (15) days prior to the hearing. The Planning Director shall notify the owners of record most recently provided by the Kanawha County Tax Assessor of properties located within 100 feet of the affected property no later than ten (10) days prior to the public hearing. The Planning Director shall also cause a sign to be posted and maintained on the subject property notifying area property owners and residents that a request for a variance for the property has been made.

Resolution No. 973-24

Introduced in Council:

June 3, 2024

Adopted by Council:

Introduced by:

Joseph Jenkins

Referred to:

Finance

1 Resolution No. 973-24 – Authorizing the Mayor or City Manager to purchase a total of nine Jeep
2 Grand Cherokees from Stephens Auto Group, for Fleet Services, at a total cost of \$363,060 or
3 \$40,340 per vehicle pursuant to a competitive bid process.

4

5 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 a total of nine Jeep Grand Cherokees
8 from Stephens Auto Group, for Fleet Services, at a total cost of \$363,060 or \$40,340 per vehicle
9 pursuant to a competitive bid process.

Selection was successfully advertised.

Status: Advertised | Bids: 0

Update Attachment Withdraw Advertisement More

Attachment List
Downloadable attachments that you provide for the order, as part of the solicitation.

Bid Bond
A bid bond form that provides surety verification.

Build Your Own
This is a custom Build Your Own component.

Envelopes
The information supplied in this component will be used to generate the bid should the bid be opened.

Item List
A list of bidable items. You define the quantity, description and units.

General Info

Click here to disable Q & A notifications for this solicitation

Number
2024-26 Ford Explorer SUV Vehicles

Deadline
05/26/2024 10:00 AM EDT

Auto Advertise

Description
Summary
The City of Charleston on behalf of its Fleet Department is seeking bids for the purchase of Ford Explorer SUV vehicles (or equal). The following should be an outline of service components and installation requirements. The completed vehicles should be turn-key, including all vendor provided equipment and materials, and fully operable at delivery per the bid specification.

Allow zero unit prices and labor?
Yes

Allow negative unit prices and labor?
Yes

Allow Electronic Signatures?
Yes

Allow vendors to ask questions?
Yes

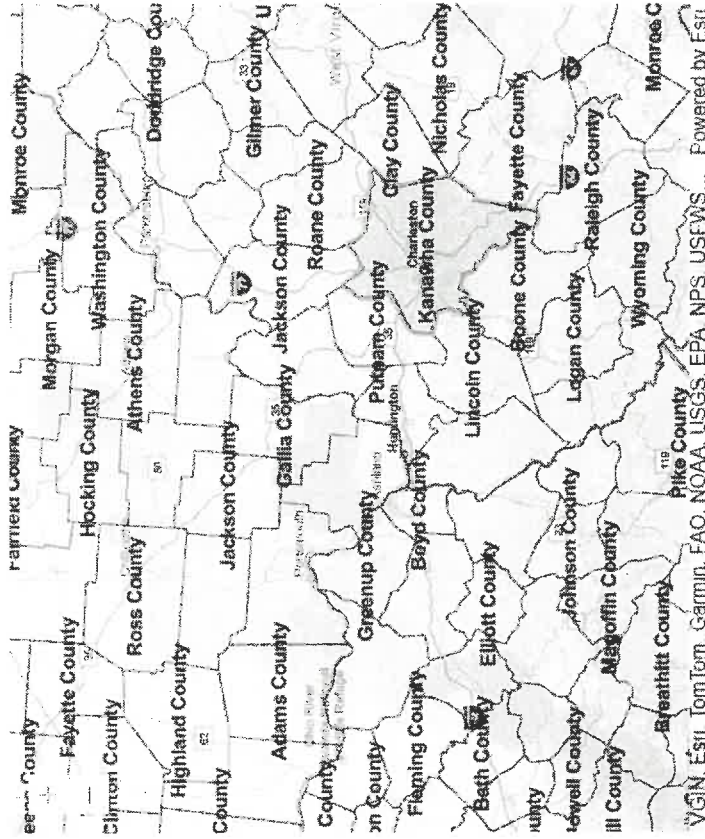
Restricted?
No

Mark solicitation as an RFP?
No

Edit

1

7



Journal

+

4.3

Q & A

Deadline

05/21/2024 03:00 PM EDT

Remarks

No questions have been asked

ATTACHMENT LIST

Order	Name	Description
1	2024 Ford Explorer.pdf (104 KB)	
2	INFORMATION FOR BIDDERS-Ford Explorer SUV Vehicles.pdf (170 KB)	
3	Terms and Conditions.pdf (149 KB)	
4	Purchasing Affidavit.pdf (272 KB)	
5	Local Vendor Purchasing Affidavit - City of Charleston.pdf (137 KB)	OPTIONAL

5 Attachments

ADDENDUM ACKNOWLEDGMENT

Click "+" to add addenda. If no addendum, type "N/A"

Addendum Number:

Date of Acknowledgment:

EXCEPTIONS AND DEVIATIONS

Optional Vendor is not required to complete

Bidder shall fully describe every variance, exception and/or deviation. Please include with your bid form. Additional sheets may be used if required.

Enter exceptions and deviations below:

BID AND PROPOSAL FORM (1 OF 3)

I agree to supply the materials and perform the services as detailed in this solicitation, including accepting the terms and conditions associated with it.

Accepted

I acknowledge that I have read the solicitation carefully and agree to its terms.*

BID AND PROPOSAL FORM (2 OF 3)

Search for Item Code or Description

Order	Description	Quantity	Alternate	Optional	Fixed (Unit Price)	Unit Price
-------	-------------	----------	-----------	----------	--------------------	------------

Alternates are not included in bid total.

1 2024 Ford Explorer SUV (white)

9.00

x

x

x

x

1 item

Jeep Grand Cherokee

\$40,340.00

X9

Total \$363,060.00

■ BID AND PROPOSAL FORM (3 OF 3)

Edit More

Local Vendor Preference -- By checking this box and signing below, I hereby certify and attest I have read the Local Vendor Preference statement found on the "Information for Bidders" document attached to this solicitation.*

Business & Occupation Tax -- By checking this box and signing below, I hereby certify and attest I have read the Business & Occupation Tax statement found on the "Information for Bidders" document attached to this solicitation.*

Equal Employment Opportunities -- I acknowledge and agree that in the performance of any City contract, the vendor will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, sexual orientation, gender identity, disability, or national origin.*

Authorized Bidder's Signature: *M.W. Ballard* Title: *Fleet Manager*

Date: *5-21-24*

Company Name: *Stephens Auto Center*

Address: *PO Box 278 Danville, WV 25053*

Telephone Number: *304-369-2411* Fax Number: *304-369-2490*

Email Address: *mballard@stephensauto.com*

LIST OF STOCKHOLDERS

Provide a list of all stockholders by name and address owning 5% or more of the bidder's current stock must be submitted with the bid. In the case of partnerships or sole proprietorships, those receiving a 5% or more share of the company's net profit must be listed.

If attaching PDF copy of List of Stockholders, type "Attached" in the fields below

Click "+" to add Stockholders. If none, type "N/A."

Stockholder Name:	Stockholder Address:
Richard Stephens	115 Potterfield Dr. 25314 Charleston, WV
Mike Ballard	141 Franklin Ave 25130 Madison, WV
Paula Ballard	141 Franklin Ave 25130 Madison, WV
Chase Barton	140 Ingersoll Dr. 25901 Oak Hill, WV

VENDOR PROTESTS

In the event that any vendor desires to protest City's selection, such vendor (hereinafter "Protestor") shall submit its protest in writing, which must be received by City within seven (7) calendar days of after City Council approves of the award. Provided that the City Manager reserves the right to extend the time for submission of the protest if he determines it is reasonable under the circumstances.

The written protest must be submitted to the **City Manager's Office, Attention: Benjamin Mishoe 501 Virginia Street East, Room 101; Charleston, WV 25301.**

Only vendors who have submitted a timely and responsive proposal may protest City's selection. No protest may be filed if the RFP is withdrawn or if all proposals received in response to the RFP are rejected.

Protests shall include the following information:

1. The Protestor's name, address, telephone number, and fax number;
2. The solicitation number;
3. A detailed statement of the legal and/or factual grounds for the protest;
4. Copies of all relevant and supporting documentation, if necessary; and
5. A statement as to the form of resolution or relief sought.

FAILURE TO SUBMIT THIS INFORMATION SHALL BE GROUNDS FOR REJECTION OF THE PROTEST.

The City Manager may refuse to review any protests when the matter involved is the subject of litigation before a court of competent jurisdiction, if the merits have previously been decided by a court of competent jurisdiction, or if it has been decided by the City Manager in a previous protest.

At the time of submitting the written protest, Protestor shall submit a certified check in the amount of one thousand dollars (\$1,000.00) or bond equal to five percent (5%) of the price of the selected proposal, whichever is greater. In the event the proposal being protested is for contracted services, an estimated average of the contract value will be determined in order to calculate the five percent (5%) bond value. This bonding requirement is designed to protect against frivolous claims and unnecessary expenditures of public funds and to allow City to offset any and all costs, fees, expenses or damages of any kind whatsoever incurred by City as the result of an unsuccessful protest.

In the event the protest is unsuccessful, the certified check or bond will be used by City to recoup any and all costs, fees, expenses or damages of any kind whatsoever incurred by City and related in any way to the unsuccessful protest. Costs, fees, expenses, and damages shall include, but shall not be limited to, increased costs of labor, materials or services resulting from any delay, professional fees, including, but not limited to, attorney fees, and all costs, fees or expenses of any kind whatsoever related in any way to the unsuccessful protest. By signing this document, Protestor waives the right to receive any money retained by City as set forth herein. If there are any funds remaining after City has recouped amounts as permitted herein, the remaining funds will be returned to Protestor. In the event Protestor is successful, the full amount of the certified check or bond will be returned to Protestor.

Upon receipt of a timely written protest, City shall provide notice of the protest to vendor selected as the successful bidder (hereinafter "Selected Vendor") and provide Selected Vendor with a copy of the written protest and any documents related thereto. **Selected Vendor will have two (2) business days to file a written response to the protest.** A hearing may be held within five (5) business days of the **date of receipt of the written response to the protest by Selected Vendor**, provided that, City may, in its sole discretion, set the date of the hearing beyond the five (5) day time period specified herein if deemed necessary or convenient to do so by City. If a hearing is held, both Protestor and Selected Vendor will have an opportunity to appear and present evidence and testimony in support of their positions. The hearing will be held before the City Manager or his designee. The department head of the department seeking the RFP and the City Attorney shall be in attendance.

A decision will be made by City within five (5) business days of the hearing. Upon a decision having been made, both Protestor and Selected Vendor will be notified in writing of City's decision. In the event City's selection is reversed, City will reevaluate all proposals which were originally and timely submitted in accordance with state and city laws and regulations. During the reevaluation, issues addressed during the protest proceedings may be considered.

Once a written protest is filed, no work will be performed by Selected Vendor until such time as City has rendered a final decision on the protest, provided that, if City, in its sole discretion, determines time is of the essence regarding receipt of the goods or completion of the services to be performed, City may permit Selected Vendor to proceed pursuant to its proposal and any Agreement with City, until/unless the protest is successful.

By submitting a proposal, each vendor agrees that the procedure outlined herein is the exclusive remedy available to challenge/protest the award of a contract to a successful bidder. The decision of the city manager is final and is not appealable. Each vendor further agrees that, in the event any qualified vendor fails to submit a written protest and certified check or bond within the time period specified, that vendor thereby forever waives its right to any further claim, action, or remedy, including, but not limited to, the right to bring an action before any administrative agency or any court of competent jurisdiction.

Vendor Signature: 

Date: **5-21-24**

Required Document List

Edit More

Name	Description	Omission Terms
Cashier's Check, Certified Check or Paper Bid Bond	Please upload a copy of Bidder's Cashier's Che	I am verifying my bid bond electronically
List of Stockholders	Please upload a copy of Bidder's List of Stockh...	I have no Stockholders or have provided my Lis...
Additional Upload Space	Upload additional documents.	I do not need to upload additional documents.
3 Required Documents		

Intent

The City of Charleston desires to purchase of new **2024 Ford Explorers (or equal)**. No further equipment is being sought by the City of Charleston.

MANDATORY SPECIFICATIONS

The details contained in the following specifications are not designed to exclude any vendor from bidding but are offered as a means of describing the needs of the City of Charleston. The vehicles provided in the bid must be manufacturer specific to Ford (or equal) and equipped with the listed options including.

The details contained in the following specifications are not designed to exclude any manufacturer from bidding but are offered as a means of describing the needs of the City of Charleston. Where brand names are used, the words "or equal" are assumed to follow. All specifications are minimum requirements unless otherwise stated. Any deviations from the stated specifications must be described in detail. The merit of such deviations will be considered with regard to the City of Charleston's intended use.

1. 2024 Ford Explorer (or equal) *Jeep Grand Cherokee*
2. Colors: white ✓
3. Interior: Cloth ✓
4. Model/Engine: 3.0L V6 Engine Direct Injection AWD *3.6*
5. Transmission: 10 speed Auto Transmission ✓
6. All other standard equipment included per Ford manufacturer. ✓
7. Warranty: Manufacturer's warranty shall apply. ✓

INFORMATION FOR BIDDERS

- **Local Vendor Preference**

A local vendor may qualify for a competitive advantage applied to its bid when certain conditions are met. Such as, the vendor has marked on its bid submission that it is requesting to be considered a local vendor for bid evaluation purposes; the vendor provides documentation evidencing that it has the right to conduct business in the State of West Virginia; and the vendor submits an affidavit confirming that it has paid all applicable business taxes to the city or has a non-delinquent payment plan with the city and has had an active and current business and occupation tax account with the city collector during the entire preceding one-year period.

Competitive advantages shall be applied in the following manner:

- (1) A competitive advantage of 4% shall be applied to the local vendor's bid when, prior to applying the competitive advantage, the apparent lowest responsible bidder submits a bid that is greater than \$25,000 but does not exceed \$125,000.
- (2) The competitive advantage of \$5,000 shall be applied to the local vendor's bid when, prior to applying the competitive advantage, the apparent lowest responsible bidder submits a bid that is greater than \$125,000.

- **Business & Occupation Tax**

The City of Charleston broadly imposes a Business & Occupation Privilege Tax for the act or privilege of engaging in business activities within the City of Charleston. Business & Occupation Tax is measured by the application of rates against gross receipts or gross income of the business. All business activities are classified, and the classifications are significant inasmuch as the tax liability varies based on the different rates established for the specific types of business activities.

Individuals or businesses who do not have a physical location or office located in the City of Charleston are also subject to Business & Occupation Tax if they: 1) lease tangible personal property to lessees in Charleston, or 2) perform construction or installation contracts in Charleston or 3) render services in Charleston. Additionally, anyone who sells and/or delivers goods or products in Charleston may also be subject to Business & Occupation Tax.

Business & Occupation Tax should be considered when preparing your bid. If you are uncertain as to your business activity or how your business should properly calculate the tax when preparing your bid, please contact us at botax@cityofcharleston.org.

NOTE: No contract or purchase of materials or equipment will be awarded to a company whose Business & Occupation Tax status is delinquent.

- **Paper Bidding**

Electronic bid submission is preferred, but the City will also accept paper bids.

Receipt and Opening of Bids

Sealed bids will be received by the City Manager until **Tuesday, May 28, 2024, 10:00 a.m.** The bid opening will be held immediately following in the City Manager's office.

Preparation of Bid

Each bid must be submitted in a sealed envelope with the following information marked on the outside: **name of bidder, address, project name, and bid opening date and time.**

For the bid to be considered timely, it must be received by the City Manager's Office located at 501 Virginia Street East, Room 101, Charleston, WV 25301, by the established deadline. Vendors may hand deliver or mail their submissions to the aforementioned address. All documents in bid packet must be signed, dated and notarized where applicable or the bid may be disqualified.

Questions regarding the submission of paper bids should be directed to Jamie Bowles, Purchasing Director, at Jamie.Bowles@cityofcharleston.org or by calling 304-348-8014.

**GENERAL TERMS AND CONDITIONS
FOR
SERVICE AGREEMENTS**

These General Terms and Conditions apply to Service Agreements entered into between the City and Vendor and dominate over any competing terms made a part of the Service Agreement.

1. **DISPUTE RESOLUTION, JURISDICTION AND VENUE** – Any references to arbitration contained in the Agreement are hereby deleted, as is any requirement to waive a jury trial. If any breach, default, or other dispute arises out of this Agreement, the Parties agree that they will exercise good faith and commercially reasonable efforts to resolve said breach, default or other dispute through negotiation and/or mediation. If the parties cannot resolve the matter without litigation, the Parties acknowledge and agree that either the Circuit Court of Kanawha County, West Virginia or the Federal District Court for the Southern District of West Virginia shall have exclusive jurisdiction to resolve the breach, default or other dispute giving rise to the litigation. Any language requiring or permitting disputes under the Agreement to be resolved in any other court is deleted. Vendor acknowledges and agrees that resolution agreements reached through consultation and negotiation, or any other form of dispute resolution, may be subject to approval by City's governing body during a public meeting.
2. **NO INDEMNITY** – Any clause requiring the City to indemnify, defend or hold harmless any party is hereby deleted in its entirety. Any language requiring the City to agree to, or be subject to, any form of equitable relief not authorized by the Constitution or laws of the State of West Virginia is deleted.
3. **GOVERNING LAW** – The Agreement shall be deemed to be executed in the City of Charleston, State of West Virginia, and shall be governed by the laws of the State of West Virginia. This provision replaces any references to any other State's governing law.
4. **TAXES** – Provisions in the Agreement requiring the City to pay taxes are deleted. As a political subdivision of the State, the City is exempt from Federal, State, and local taxes and will not pay taxes for Vendor or any other party, including individuals, nor will the City file any tax returns or reports on behalf of Vendor or any other party.
5. **PAYMENT** – Any references to prepayment are deleted. Payments for goods or services will be in arrears only upon receipt of a proper invoice, detailing the goods or services provided or receipt of the goods or services, whichever is later. Notwithstanding the foregoing, payments for software licenses, subscriptions, or maintenance may be paid monthly or annually in advance.
6. **INTEREST** – Any language imposing any interest or charges due to late payment are deleted.

7. **RECOUPMENT** – Any language in the Agreement waiving the City's right to set-off, counterclaim, recoupment, or other defense is hereby deleted.
8. **FISCAL YEAR FUNDING** – Services performed or goods provided under the Agreement may be continued in succeeding fiscal years for the term of the Agreement, contingent upon funds being appropriated by City Council or otherwise being available for the goods or services. In the event funds are not appropriated or otherwise available for the goods or services, the Agreement shall terminate without penalty on the next occurring June 30. After that date, the Agreement becomes of no effect and is null and void. However, the City agrees to use its best efforts to have the amounts contemplated under the Agreement included in its budget. Non-appropriation or non-funding shall not be considered an event of default.
9. **STATUTE OF LIMITATION** – Any clauses limiting the time in which the City may bring suit against Vendor or any lessor, individual, or other party are deleted.
10. **SIMILAR SERVICES** – Any provisions limiting the City's right to obtain similar services or equipment in the event of default or non-funding during the term of the Agreement are hereby deleted.
11. **ATTORNEY FEES AND OTHER COSTS** – The City shall not be responsible for payment of attorney's fees, costs of collection, or court costs of Vendor or of any lessor, individual or other party. Any different or conflicting provisions in the Agreement are invalid, null and void, and are deleted.
12. **ASSIGNMENT** – Notwithstanding any clause to the contrary, the City reserves the right to assign the Agreement to another City agency, board or commission upon thirty (30) days written notice to the Vendor. Vendor agrees not to assign the Agreement to any person or entity without the City's prior written consent, which will not be unreasonably delayed or denied.
13. **LIMITATION OF LIABILITY** – Any provision limiting the Vendor's liability for direct damages to person or property or limiting the Vendor's liability under a warranty to a certain dollar amount or to the amount of the Agreement is hereby deleted. In addition, any limitation of Vendor's liability is null and void to the extent that it precludes any action for injury to persons or for damages to personal property.
14. **RIGHT TO TERMINATE** – City shall have the right to terminate the Agreement upon thirty (30) days written notice to Vendor.
15. **TERMINATION CHARGES** – Any provision requiring the City to pay a fixed amount or liquidated damages upon termination or cancellation of the Agreement is hereby deleted. The City may only agree to reimburse Vendor for actual costs incurred or losses sustained

during the current fiscal year due to termination by the City prior to the end of any current agreement term.

16. **RENEWAL** – Any reference to automatic renewal, modification, or extension of the Agreement is hereby deleted. The Agreement may be renewed only upon authorized and mutual written agreement of the parties.
17. **INSURANCE** – Any provision requiring the City to insure equipment or property of any kind and name the Vendor as beneficiary or as an additional insured is hereby deleted.
18. **RIGHT TO NOTICE** – Any provision for repossession of equipment without notice is hereby deleted. However, the City does recognize a right of repossession upon default and with notice.
19. **NO WAIVER** – City does not waive and expressly preserves its right to due process and any and all immunities afforded the City under West Virginia State law. Any provision requiring the City to waive any rights, claims or defenses is hereby deleted.
20. **ACCELERATION** – Any reference to acceleration of payments in the event of default or non-funding is hereby deleted.
21. **DELIVERY** – All deliveries under the Agreement will be FOB destination unless the City expressly and knowingly agrees otherwise. Any contrary delivery terms are hereby deleted.
22. **CONFIDENTIAL INFORMATION** – Vendor acknowledges that City is a public entity and is subject to mandatory disclosure of certain information upon request under W.Va. Code § 29B-1-1 *et seq.* (the “Freedom of Information Act”) and W.Va. Code § 6-9A-1 *et seq.* (the “Open Governmental Proceedings Act”). Any provisions regarding confidential treatment or non-disclosure of the terms and conditions of the Agreement are hereby deleted. City contracts are public records under the Freedom of Information Act and public procurement laws. This Agreement and other public records may be disclosed without notice to the Vendor at the City’s sole discretion. Any provision regarding confidentiality or non-disclosure related to contract performance are only effective to the extent they are consistent with the Freedom of Information Act and incorporated into the Agreement through a separately approved and signed non-disclosure agreement.
23. **WARRANTIES** – Any reference to the waiver or exclusion of any specific or general warranties of merchantability or warranties of fitness or any other warranties are hereby deleted.
24. **PRICING ADJUSTMENTS** – To the extent the Agreement contains any provision allowing Vendor to escalate or otherwise increase prices or costs for services as set forth in the Agreement, no such provision shall be valid or enforceable. No prices or costs may be

increased by Vendor until and unless notice of proposed increase is provided to City by Vendor and agreed to in writing by City.

25. **THIRD-PARTY SOFTWARE** – If this Agreement contemplates or requires the use of third-party software, the vendor represents that none of the mandatory click-through, unsigned, or web-linked terms and conditions presented or required before using such third-party software conflict with any term of these General Terms and Conditions or that it has the authority to modify such third-party software's terms and conditions to be subordinate to these General Terms and Conditions. The Vendor shall indemnify and defend the City against all claims resulting from an assertion that such third-party terms and conditions are not in accord with, or subordinate to, these General Terms and Conditions.
26. **AMENDMENTS** – All amendments, modifications, alterations or changes to the Agreement shall be by mutual agreement, in writing, and signed by both parties. Any language to the contrary is deleted. No amendment, modification, alteration or change may be made to these General Terms and Conditions without the authorized and express written approval of the Mayor of the City of Charleston.
27. **LIABILITY OF INDIVIDUALS** – The Parties agree that the Agreement shall be not construed to extend any personal liability to individuals executing or administering the Agreement on behalf of City or Vendor. Notwithstanding, this provision shall not be construed to prevent Vendor or City from taking any and all legal action against any individual who commits fraud related to this Agreement.

CITY OF CHARLESTON PURCHASING AFFIDAVIT

VENDOR OWING A DEBT TO THE STATE OR POLITICAL SUBDIVISION:

West Virginia Code § 5A-3-10a provides that: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars (\$1,000) in the aggregate.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code**. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contracts may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code** and who has not submitted that plan to the appropriate contracting authority in a timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the **West Virginia Code** may take place before their work on the public improvement is begun.

ANTITRUST:

In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted, the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for a price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

LICENSING:

Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, the West Virginia Insurance Commission or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

CONFIDENTIALITY:

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

Under penalty of law for false swearing (**West Virginia Code § 61-5-3**), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

Vendor's Name: Stephens Auto Center

Authorized Signature: M. W. Ballard Date: 5-21-24



CITY OF CHARLESTON, WEST VIRGINIA

LOCAL VENDOR AFFIDAVIT

Pursuant to § 2-480 of the Charleston City Code, a Local Vendor may qualify for a competitive advantage applied to its bid when certain conditions are met. One condition requires the vendor to submit this affidavit confirming that (1) the vendor has paid all applicable business taxes to the City or has a non-delinquent payment plan with the City, and (2) the vendor must state that it has had an active and current business & occupation tax account with the City Collector during the entire one-year period prior to the bid opening.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under the penalty of law for false swearing (W. Va. Code § 61-5-3) that (1) the vendor has paid all applicable business taxes to the City or has a non-delinquent payment plan with the City, and (2) the vendor has had an active and current business & occupation tax account with the City Collector during the entire one-year period prior to the scheduled bid opening for the procurement listed below.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Corporate Name: Stephens Auto Center

Authorized Signature: M. W. Ballard Date: 5-21-24
Michael W. Ballard
(Printed Name and Title)

State of WV

County of Boone, to wit:

Taken, subscribed, and sworn before me this 21st day of May, 2024.



[SEAL]

Tina M Francis
Notary Public

My Commission expires November 16, 2027.

Name of Procurement: _____ Bid Opening Date: _____



CERTIFICATE OF GARAGE INSURANCE

DATE (MM/DD/YYYY)

09/07/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Reschini Agency, Inc. 922 Philadelphia Street P.O. Box 449 Indiana PA 15701	CONTACT NAME: Jeanette Marcus, CISR PHONE (A/C, No, Ext): (724)349-1300 FAX (A/C, No): (724)349-1446 E-MAIL ADDRESS: jmarcus@reschini.com
INSURED Boone Motor Sales, Inc., DBA: Stephens Auto Center PO Box 278 107 Stephens Dr Danville WV 25053	INSURER(S) AFFORDING COVERAGE INSURER A: GuideOne National Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES PROD / CUSTOMER ID: 00004408

CERTIFICATE #: 23-24 Garage Liability REVISION #:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ GARAGE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS USED IN GARAGE BUSINESS	Y	63P100154-02	08/08/2023	08/08/2024	AUTO ONLY (Ea accident) \$ 1,000,000 OTHER THAN AUTO ONLY EA ACCIDENT \$ 1,000,000 AGGREGATE \$ 3,000,000
	☐ GARAGE KEEPERS LIABILITY ☐ LEGAL LIABILITY ☐ DIRECT BASIS ☐ PRIMARY ☐ EXCESS					☒ COMP / OTC SPECIFIED PERILS LOC 7 \$ 500,000 ☒ COLLISION LOC \$ LOC 7 \$ 500,000
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:		63P100154-02	08/08/2023	08/08/2024	EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COM/OP AGG \$ Identity Recovery \$ 25,000
A	☒ UMBRELLA LIAB ☐ EXCESS LIAB DED ☒ RETENTION \$ 10,000		63U400146-02	08/08/2023	08/08/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 10,000,000 PER STATUTE ☐ OTH-ER ☐
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under REMARKS below	Y/N N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Auto Inventory Limit		63P100154-02	08/08/2023	08/08/2024	Blanket Coverage 1,525,000 Deductible 10,000

REMARKS (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

State of West Virginia
2019 Washington Street East

Charleston

WV 25305

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 2010-2015 ACORD CORPORATION. All rights reserved.

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Certification and application is hereby made for Preference in accordance with **West Virginia Code**, §5A-3-37. (Does not apply to construction contracts). **West Virginia Code**, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the **West Virginia Code**. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Vendor Preference, if applicable.

1. ☐ **Application is made for 2.5% vendor preference for the reason checked:**
☐ Bidder is an individual resident vendor and has resided continuously in West Virginia, or bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia, for four (4) years immediately preceding the date of this certification; or,
☒ Bidder is a resident vendor partnership, association, or corporation with at least eighty percent of ownership interest of bidder held by another entity that meets the applicable four year residency requirement; or,
☐ Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,
2. ☒ **Application is made for 2.5% vendor preference for the reason checked:**
☒ Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,
3. ☐ **Application is made for 2.5% vendor preference for the reason checked:**
☐ Bidder is a nonresident vendor that employs a minimum of one hundred state residents, or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and employs a minimum of one hundred state residents, and for purposes of producing or distributing the commodities or completing the project which is the subject of the bidder's bid and continuously over the entire term of the project, on average at least seventy-five percent of the bidder's employees or the bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid; or,
4. ☒ **Application is made for 5% vendor preference for the reason checked:**
☒ Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,
5. ☐ **Application is made for 3.5% vendor preference who is a veteran for the reason checked:**
☐ Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,
6. ☐ **Application is made for 3.5% vendor preference who is a veteran for the reason checked:**
☐ Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.
7. ☐ **Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with West Virginia Code §5A-3-59 and West Virginia Code of State Rules.**
☐ Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.
8. ☐ **Application is made for reciprocal preference.**
☐ Bidder is a West Virginia resident and is requesting reciprocal preference to the extent that it applies.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) rescind the contract or purchase order; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: Stephens Auto Center

Signed: M. W. Ballard

Date: 5-21-24

Title: Fleet Manager

*Check any combination of preference consideration(s) indicated above, which you are entitled to receive.

Resolution No. 974-24

Introduced in Council:

June 3, 2024

Adopted by Council:

Introduced by:

Joseph Jenkins

Referred to:

Finance

Resolution No. 974-24 – Authorizing the Mayor or City Manager to enter into a Microsoft Enterprise Agreement with Crayon Software Experts LLC in the amount of \$118,051.87 per year to provide various Microsoft software licenses necessary for the ongoing business of the City, where the amount will remain fixed for the next three years, and where the vendor and purchase price were determined through a competitively-sourced statewide contract.

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 Microsoft Enterprise Agreement with Crayon Software Experts LLC in the amount of \$118,051.87 per year to provide various Microsoft software licenses necessary for the ongoing business of the City, where the amount will remain fixed for the next three years, and where the vendor and purchase price were determined through a competitively-sourced statewide contract.



INSTRUCTIONS: This form must be submitted to the City Manager's Office for any purchase of materials or supplies costing **\$5,000 or more**. A minimum of **3** quotes is required for this form.

CITY OF CHARLESTON
Purchase Request

Date: _____

To: CITY MANAGER,

I request permission to purchase the following materials and/or supplies: _____

Purchase justification: _____

If approved, the total purchase price will be: _____

(Check One)

- ☐ The price is less than the \$25,000 permitted for purchases without advertising for bids and needing approval from City Council. I have not purposefully split the purchase request to keep the purchase under the \$25,000 threshold and have not favored a particular vendor. I have not shared competitive information with any vendor(s).
- ☐ The proposed vendor is a sole source provider for the materials/supplies requested. (Skip to **ITEM A** on page 2.)

I have contacted the following responsible vendors and have attached their written quotes for the requested item(s): (Minimum of 3 Quotes Required)

- | | | |
|----|-------|-----------------------|
| 1. | _____ | Price Quote: \$ _____ |
| 2. | _____ | Price Quote: \$ _____ |
| 3. | _____ | Price Quote: \$ _____ |
| 4. | _____ | Price Quote: \$ _____ |
| 5. | _____ | Price Quote: \$ _____ |

The apparent low-bid vendor *meeting specifications* is: _____

AND

☐ The low-bid vendor is not delinquent on any financial obligations owed to the City of Charleston according to the City Collector's records, and I recommend authorizing the purchase through the low-bid vendor.

OR

☐ I recommend not contracting with the lowest bidder meeting specifications and instead recommend contracting with _____ because:

Additionally, the recommended vendor is not delinquent on any financial obligations owed to the City of Charleston according to the City Collector's records.

ITEM A (For Sole Source Procurements ONLY)

Explain what is unique about this vendor/brand and why your department must purchase this product:

Identify at least 1 independent third party who has verified the vendor is a sole source for the item(s) requested to be purchased, and submit his/her written opinion regarding the vendor's sole source status:

(Name & Phone Number) _____

REQUESTOR'S DECLARATION

I declare that I have fully complied with the letter and intent of the City Code as it pertains to procurement and have exercised reasonable precaution to procure the item(s) requested above at the lowest price, consistent with good service and quality.

I also declare that I have no personal or business relationship with the listed vendor(s) that would be considered a conflict of interest, except as follows:

(List Actual, Potential, or Perceived Conflicts of Interest)

Request Submitted By: _____ Department: _____

Is this purchase being paid with grant funds? ☐ Yes ☐ No

Funds Approval:  Date: 5/28/2024
Authorized Financial Officer

Account Number: 001-439-00-000-2-216 Council Approval Required

City Manager Approval: _____ Date: _____



Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

State of West Virginia Master Agreement

Order Date: 04-23-2024

CORRECT ORDER NUMBER MUST
APPEAR ON ALL PACKAGES, INVOICES,
AND SHIPPING PAPERS. QUESTIONS
CONCERNING THIS ORDER SHOULD BE
DIRECTED TO THE DEPARTMENT
CONTACT.

Order Number:	CMA 0212 0212 LAR24 1	Procurement Folder:	1395109
Document Name:	LAR24:Statewide Contract for Microsoft Licensing & Services	Reason for Modification:	
Document Description:	LAR24: Statewide Contract for Microsoft Licensing & Services	Award of CRFQ SWC2400000005	
Procurement Type:	Statewide MA (Open End)		
Buyer Name:			
Telephone:			
Email:			
Shipping Method:	Best Way	Effective Start Date:	2024-04-01
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2027-03-31

VENDOR	DEPARTMENT CONTACT																				
Vendor Customer Code: VS0000017790 CRAYON SOFTWARE EXPERTS LLC 12221 MERIT DR STE 1400 DALLAS TX 75251 US Vendor Contact Phone: 469-329-0266 Extension:	Requestor Name: Andrew C Lore Requestor Phone: 304-352-4944 Requestor Email: andrew.c.lore@wv.gov																				
Discount Details:	24 FILE LOCATION _____																				
<table><thead><tr><th></th><th>Discount Allowed</th><th>Discount Percentage</th><th>Discount Days</th></tr></thead><tbody><tr><td>#1</td><td>No</td><td>0.0000</td><td>0</td></tr><tr><td>#2</td><td>No</td><td></td><td></td></tr><tr><td>#3</td><td>No</td><td></td><td></td></tr><tr><td>#4</td><td>No</td><td></td><td></td></tr></tbody></table>			Discount Allowed	Discount Percentage	Discount Days	#1	No	0.0000	0	#2	No			#3	No			#4	No		
		Discount Allowed	Discount Percentage	Discount Days																	
#1		No	0.0000	0																	
#2		No																			
#3	No																				
#4	No																				

INVOICE TO	SHIP TO
ALL STATE AGENCIES VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US	STATE OF WEST VIRGINIA VARIOUS LOCATIONS AS INDICATED BY ORDER No City WV 99999 US

5-2-24 6L

Total Order Amount:

Open End

Purchasing Division's File Copy

TLW 4/23/24

PURCHASING DIVISION AUTHORIZATION
DATE: <i>[Signature]</i> 5/22/24
ELECTRONIC SIGNATURE ON FILE

ATTORNEY GENERAL APPROVAL AS TO FORM
DATE: <i>[Signature]</i>
ELECTRONIC SIGNATURE ON FILE

5/12/24

ENCUMBRANCE CERTIFICATION
DATE: <i>[Signature]</i> 5-7-24
ELECTRONIC SIGNATURE ON FILE

Extended Description:
LAR24 - STATEWIDE CONTRACT FOR MICROSOFT LICENSING AND SERVICES

This Statewide Open-end Contract with Crayon Software Experts, LLC, is to provide Microsoft Licensing and Services to all agencies in the State of West Virginia via the attached Specifications, Terms and conditions, Bid Requirements, Amendment_1 dated 03/21/2024 all incorporated by reference and made apart hereof.

Effective Dates: April 1, 2024 - March 31, 2027

Line	Commodity Code	Manufacturer	Model No	Unit	Unit Price
1	43230000			EA	0.000000
Service From		Service To		Service Contract Amount	
				0.00	

Commodity Line Description: Microsoft Licensing and Services

Extended Description:
Statewide Contract for Microsoft Licensing and Services:
Entire Microsoft Licensing Catalog
Discount Percentage - 19.30%

See attached documentation.

	Document Phase	Document Description	Page 3
LAR24	Draft	LAR24: Statewide Contract for Microsoft Licensing & Services	

ADDITIONAL TERMS AND CONDITIONS

See attached document(s) for additional Terms and Conditions



City of Charleston

Quote Date: 5.24.2024

City of Charleston
Attn: Larry Vernati
larry.vernati@cityofcharleston.org

Agreement Information		
Contract Type	# of Years	Coverage Period
Enterprise	3	7/1/2024-6/30/2027

Quote for EA Renewal

Part#	Product Description	Quantity	Annual Unit Price	Extended Price
Year 1 - Coverage 7/1/2024-6/30/2025				
Enterprise Products - Monthly Subscriptions				
U4S-00002	O365 G1 GCC Sub Per User	300	\$ 98.58	\$ 29,574.00
AAA-11894	O365 G3 GCC Sub Per User	350	\$ 250.13	\$ 87,545.50
Additional Products - Monthly Subscriptions				
SFR-00001	Power Automate GCC Sub Per User	1	\$ 163.13	\$ 163.13
7MS-00001	Project P3 GCC Sub Per User	1	\$ 272.12	\$ 272.12
Additional Products - Licenses and Software Assurance				
359-00961	SQL CAL ALng SA User CAL	5	\$ 37.12	\$ 185.60
228-04433	SQL Server Standard ALng SA	1	\$ 156.56	\$ 156.56
9EM-00270	Win Server Standard Core ALng SA 2L	8	\$ 19.37	\$ 154.96
Year 1 Total				\$ 118,051.87

Part#	Product Description	Quantity	Annual Unit Price	Extended Price
Year 2 - Coverage 7/1/2025-6/30/2026				
Enterprise Products - Monthly Subscriptions				
U4S-00002	O365 G1 GCC Sub Per User	300	\$ 98.58	\$ 29,574.00
AAA-11894	O365 G3 GCC Sub Per User	350	\$ 250.13	\$ 87,545.50
Additional Products - Monthly Subscriptions				
SFR-00001	Power Automate GCC Sub Per User	1	\$ 163.13	\$ 163.13
7MS-00001	Project P3 GCC Sub Per User	1	\$ 272.12	\$ 272.12
Additional Products - Licenses and Software Assurance				
359-00961	SQL CAL ALng SA User CAL	5	\$ 37.12	\$ 185.60
228-04433	SQL Server Standard ALng SA	1	\$ 156.56	\$ 156.56
9EM-00270	Win Server Standard Core ALng SA 2L	8	\$ 19.37	\$ 154.96
Year 2 Total				\$ 118,051.87

Part#	Product Description	Quantity	Annual Unit Price	Extended Price
Year 3 - Coverage 7/1/2026-6/30/2027				
Enterprise Products - Monthly Subscriptions				
U4S-00002	O365 G1 GCC Sub Per User	300	\$ 98.58	\$ 29,574.00
AAA-11894	O365 G3 GCC Sub Per User	350	\$ 250.13	\$ 87,545.50
Additional Products - Monthly Subscriptions				
SFR-00001	Power Automate GCC Sub Per User	1	\$ 163.13	\$ 163.13
7MS-00001	Project P3 GCC Sub Per User	1	\$ 272.12	\$ 272.12
Additional Products - Licenses and Software Assurance				
359-00961	SQL CAL ALng SA User CAL	5	\$ 37.12	\$ 185.60
228-04433	SQL Server Standard ALng SA	1	\$ 156.56	\$ 156.56
9EM-00270	Win Server Standard Core ALng SA 2L	8	\$ 19.37	\$ 154.96
Year 3 Total				\$ 118,051.87

Total Years 1-3	\$ 354,155.61
-----------------	---------------

Pricing is valid through the end of the month of the quote date

All items included in this RFQ are new, unused, not refurbished, with original manufacturer warranty.

Remit to Address:
Crayon Software Experts, LLC
Attn: Finance Manager
12221 Merit Drive, Suite 1400
Dallas, TX 75251
Phone: 469-329-0290
finance.us@crayon.com

Send PO:
sled.us@crayon.com

Bill No. 8033

Introduced in Council:

May 6, 2024

Adopted by Council:

Introduced by:

Jeanine Faegre

Referred to:

**Municipal Planning Commission
Finance Committee
Planning, Streets and Traffic**

Bill No. 8033 - A Bill closing, abandoning, and discontinuing as a public right of way a 10-foot strip of land across lot 6 of the Woodrum Addition that is used as a public walkway, which is located on Tax Map 13, parcel 119.2, Charleston West District, Kanawha County, West Virginia.

BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA

1. A parcel of land being a 10-foot-wide right-of-way, as shown on map entitled “Exchange of Lands Between The City of Charleston and Gay Marie Watson” dated July 1986, as recorded in Deed Book 2135 at page 275 of the Kanawha County Public Registry, situate in the municipality of the City of Charleston, South Annex District, Kanawha County, West Virginia, and attached hereto as Exhibit A. The right of way is more particularly described as follows:

BEGINNING in the southerly right-of-way line of Lower Chester Road; thence leaving said southerly right-of-way line of Lower Cheater Road and running in a direction towards Washington Street, West S 06°11'59.9" E 12.04 feet to a point; thence S 05 °26'31.08" W 78.265 feet to a point; thence S 80°27'2.3 W 46.604 feet to a point; thence N 87 °10'20" W 71.46 feet to a point; thence N 82 °15' W 16 feet to a point; and being the center line of a 10 foot strip of land across lot 6 of the Woodrum Addition, and having an area of approximately 2247 square feet.

2. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying from the City of Charleston, a West Virginia public body, to Jerry Lacy Jr, all rights, title and interest in and to said real property as described in Section 1 above, for the consideration One Hundred Dollars and no cents (\$100.00).

3. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Bill No. 8034

Introduced in Council:

May 6, 2024

Introduced by:

Michael Ferrell

Adopted by Council:

Referred to:

**Municipal Planning Commission
Planning, Streets and Traffic Committee
Finance Committee**

Bill No. 8034 - A Bill closing, abandoning, and discontinuing as a public right-of-way a 10 ft alley across block 12 of the JB Walker Addition, adjacent to Tax Map 25 Parcels 366, 367, 368, 375, 376, 377 Charleston West District, Kanawha County, West Virginia.

BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA

1. The public right-of-way located between Lots 20, 19 and 18, Block 12, and along Lots 10, 9, 8, and 7 situate in Charleston West District, Kanawha County, West Virginia, as show on the map entitled "PLAT SHOWING A PROPOSED ABANDONEMENT OF PART OF A 10' ALLEY IN BLOCK 12, J.B. WALKER ADDITION TO WEST CHARLESTON IN THE CITY OF CHARLESTON KANAWHA COUNTY, WEST VIRGINIA PREPARED FOR RANDOLPH STREET BAPTIST CHURCH SCALE: 1"= 30' MARCH 2, 2024," prepared by William R. Gunnoe, dated March 2, 2024, and attached hereto as Exhibit A. The alley is more particularly described as follows:

BEGINNING at a point at the intersection of two ten foot wide alleys at the easternmost corner of Lot 20, Block 12 of the J.B. Walker Addition to West Charleston as presently owned by Fleming Commercial Properties, LLC in Deed Book 2816, Page 445, thence N35-00 W 120.00 feet, running with the said alley and Lots 20, 19 and 18 of Block 12 to a point at the common corner of Lots 17 and 18 of said Block 12; thence N55-00E 10.00 feet, leaving the said Lots 17 and 18 and crossing the said 10 foot alley to a point at the corner of Lots 10 and 9 of said Block 12 as owned by Fundamental Baptist Church in Deed Book 266, Page 87; thence S35-00E 120.00 feet, leaving the said Lot 10 and running with the said alley along Lots 9, 8 and 7 to a point at the intersection of the aforementioned two 10 foot alleys, also a corner of property owned by Randolph Street Baptist Church in Deed Book 979, Page 399 and Deed Book 1143, Page 39; thence S55-00W 10.00 feet, leaving the said Lot 7 and running across the said alley to the point of beginning, containing in all approximately 1,200 square feet.

2. The City of Charleston hereby reserves a sanitary and storm sewer easement for the full width and length of the above-described right of way for the purpose of construction, maintenance, repair and removal of sanitary and storm sewer lines. No person shall construct improvements or take any other actions which would interfere with this easement, or alter the

present surface profile or contour of the subject right of way by more than one (1) foot without written permission of the City Engineer and the Charleston Sanitary Board.

3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute, acknowledge and deliver a proper deed conveying to Randolph Street Baptist Church and their successors, all rights, title and interest in and to said real property as described above for the consideration of Three Thousand Six Hundred Dollars and no cents (\$3,600.00).

1 **Bill No. 8035**

2 Passed by Council:

3 Introduced in Council

4 **June 3, 2024**

5 Introduced by:

Referred to

6 Jeanine Faegre

Planning, Streets and Traffic

7
8 **Bill No. 8035** - A Bill to create a NO PARKING ANYTIME zone on the westerly side of
9 Daughtery Street from Marianna Street to Price Street and amending the Traffic Control
10 Map and Traffic Control File, established by the code of the City of Charleston, West
11 Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2,
12 Article 4, Chapter 114, to conform therewith.

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

14 Section 1. A Bill to create a NO PARKING ANYTIME zone on the westerly side of
15 Daughtery Street from Marianna Street to Price Street

16 Section 2. The Traffic Control Map and Traffic Control File, established by the code
17 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic
18 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are
19 amended, to conform to this Ordinance.

20 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby
21 repealed to the extent of said inconsistency.