

THE CITY OF CHARLES TOWN

AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS, AND IMPROVEMENTS TO THE EXISTING PUBLIC SANITARY SEWERAGE SYSTEM OF THE CITY OF CHARLES TOWN.

THE COUNCIL OF THE CITY OF CHARLES TOWN HEREBY ORDAINS:

Section 1. Authority for this Ordinance. This Ordinance (together with any ordinance, order, or resolution supplemental hereto or amendatory hereof) is enacted pursuant to the provisions of Chapter 24, Article 2 of the West Virginia Code of 1931, as amended (collectively, the “Act”).

Section 2. Findings. It is hereby found, determined, and declared:

A. The City of Charles Town (the “City”) is a municipal corporation and political subdivision of the State of West Virginia. The City, through the Charles Town Utility Board (the “Board”), provides sewerage service within the corporate boundaries of the City, the corporate boundaries of the City of Ranson (“Ranson”) and in certain unincorporated areas of Jefferson County, West Virginia (collectively, the “City’s Sewer Service Territory”).

B. The City, through the Board, presently owns and operates a public sanitary sewerage collection and treatment system. The Council of the City deems it necessary and desirable for the health and welfare of the inhabitants located within the City’s Sewer Service Territory that the City acquire, construct, and equip certain extensions, additions, betterments, and improvements to the existing public sewerage collection and treatment system of the City, consisting of:

(i) 2022 Collection System Project. The intent of this project is to reduce sewer flow in the Old Town Ranson gravity sewer system and address various necessary infrastructure improvements within the sanitary sewerage collection system. The project includes improvements to the Burr East Pump Station, the Moose Lodge Pump Station, the Jett’s Farm Pump Station and force main, and the Flowing Springs Pump Station. Also included in the Project is the decommissioning of the Forrest Avenue and 11th Street Pump Stations, construction of the Lakeland Place Pump Station, extension of the Clarence Drive Pump Station force main through Jefferson Memorial Park, and upgrade of the Evitt’s Run gravity line. Collectively all of the above discussed additions, betterments, and improvements, together with all appurtenant facilities, are referred to as the “2022 Collection System Project.”

(ii) Charles Town Wastewater Treatment Plant Renewal and Replacement Project. This project focuses on essential upgrades to the existing main wastewater treatment plant facilities and equipment. The project includes upgrades to the Influent Screening, Influent Pump Station and Metering Manhole, Sequencing Batch Reactors, Ultraviolet Disinfection System, Solids Digestion and Dewatering System, Effluent Pump

Station, and Electrical System. Collectively all of the above discussed additions, betterments, and improvements, together with all appurtenant facilities, are referred to as the “WWTP Renewal and Replacement Project” and, together with the “2022 Collection System Project,” the “Projects.”

The existing sanitary sewerage collection and treatment system of the City, the 2022 Collection System Project, the WWTP Renewal and Replacement Project, and any further extensions, additions, betterments and improvements thereto are herein called the “Sewer System.” The 2022 Collection System Project shall be constructed in accordance with the plans and specifications prepared by the consulting engineers, RK&K Engineers, which plans and specifications are available from the Board. The WWTP Renewal and Replacement Project shall be constructed in accordance with the plans and specifications prepared by the consulting engineers, Gwin Dobson & Foreman Inc., which plans and specifications are available from the Board.

The City also owns a potable water treatment, storage and distribution system which, through the Board, serves customers within the corporate limits of the City, the corporate limits of Ranson and unincorporated areas of Jefferson County (as presently existing and with such additions, betterments and improvements constructed in the future, the “Water System”).

C. The Project is in the best interests of the citizens living within the City’s Sewer Service Territory. Thus, it is in the best interests of the City to authorize the acquisition, construction and equipping of the Project.

D. The City intends to finance all or a portion of the cost of each of the Projects through the issuance of one or more series of its combined waterworks and sewerage system revenue bonds secured by the gross revenues of the City’s Combined Waterworks and Sewerage System pursuant to West Virginia Code Section 8-20-1 *et seq.* The City anticipates that all or a portion of such Combined Waterworks and Sewerage System Revenue Bonds issued for the purpose of financing a portion of the costs of the 2022 Collection System Project will be purchased by the West Virginia Water Development Authority on behalf of the West Virginia Department of Environmental Protection Clean Water State Revolving Fund (the “CWSRF”). The City anticipates that all or a portion of such Combined Waterworks and Sewerage System Revenue Bonds issued for the purpose of financing a portion of the costs of the WWTP Renewal and Replacement Project will be purchased by the CWSRF.

E. The City estimates the total cost for the (i) 2022 Collection System Project as \$5,000,000, and (ii) WWTP Renewal and Replacement Project as \$8,000,000. These estimates may change based on the construction bids received and other factors.

E. The City has complied with all requirements of West Virginia law relating to the authorization of the design, acquisition, construction and operation of the Projects and the Sewer System.

Section 3. Rates and Charges. The City has taken all action required by the Act to establish and impose adequate rates and charges for the Sewer System. The current

schedule of rates and charges for the services and facilities of the Sewer System are currently set forth in the sewer rate ordinance of the City enacted May 3, 2021, which rates and charges are incorporated herein by reference as a part hereof. The City has taken all action required by the Act to establish and impose adequate rates and charges for the Water System. The current schedule of rates and charges for the services and facilities of the Water System set forth in the water rate ordinance of the City enacted January 6, 2020, which rates and charges are incorporated herein by reference as a part hereof.

Section 4. Amendment or Modification. This Ordinance may be amended or supplemented in any way by a supplemental resolution without any requirement of a further public hearing. No material modification or amendment of this Ordinance, or of any ordinance, resolution, or order amendatory or supplemental hereto, that would materially alter the scope of the Project shall be made without the notice required by the Act.

Section 5. Severability of Invalid Provisions. If any section, paragraph, clause or provision of this Ordinance should be held invalid by any court of competent jurisdiction, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance or any supplemental resolution.

Section 6. Headings, Etc. The headings and catchlines of the articles, sections and subsections of this Ordinance are for convenience of reference only and shall not affect in any way the meaning or interpretation of any provision hereof.

Section 7. Conflicting Provisions Repealed. All ordinances, orders or resolutions and or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8. Covenant of Due Procedure, Etc. The City covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in the adoption of this Ordinance do exist, have happened, have been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and that the Mayor, the Clerk and members of the City's governing body were at all times when any actions in connection with this Ordinance occurred and are duly elected or appointed to such office.

Section 9. Statutory Notice and Public Hearing. During the calendar months immediately prior to the calendar months in which the public hearings for this Ordinance will occur, the Board shall provide the customers of the Sewer System notice of the City's intent to pursue an acquisition, construction and equipping of projects that are not in the ordinary course of business as required by the Act. After the first reading of this Ordinance, public notice of a public hearing on this Ordinance shall be published once in a newspaper of general circulation in the City's Sewer Service Territory, stating that any person interested may appear before the Council of the City upon a date certain, and present protests. At such public hearing, all objections and suggestions shall be heard and the Council of the City, following such public hearing, shall take such action as it shall deem proper.

Section 10. Public Meeting for CWSRF. The aforementioned public hearing shall also constitute a public meeting on the Projects as required to qualify for funding pursuant to the CWSRF. In order to meet the requirement of a public meeting, the Board and the consulting engineer for each of the Projects shall make short presentations regarding each such Project and members of the public shall have an opportunity to ask questions and provide comments on the Projects. The statutorily required notice to customers and legal advertisement provided for in Section 9 hereof shall include notice of the public meeting to occur in conjunction with the public hearing.

Section 11. Effective Date. As provided in the Act, this Ordinance shall take effect immediately following enactment.

Passed on First Reading: December 6, 2021

Public Hearing: January 3, 2022

Public Hearing: February 7, 2022

Passed on Second Reading
Following Public Hearings: February 7, 2022

THE CITY OF CHARLES TOWN

Mayor

CERTIFICATION

Certified a true copy of an Ordinance duly enacted by the Council of THE CITY OF CHARLES TOWN on the 7th day of February 2022.

[SEAL]

Clerk