The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
www.morgantownwv.gov

Office of the City Clerk

AGENDA

MORGANTOWN CITY COUNCIL
SPECIAL MEETING
***City Hall – September 29,* 2020**
6:30 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting is not permitted. This meeting will take place via WebEx at https://cityofmorgantown.my.webex.com/meet/cityofmorgantown using the meeting number 793 734 477. The meeting will be broadcast live on Morgantown 15 and live-streamed via the City of Morgantown website at https://morgantownwv.viebit.com/. The public can also listen live by calling 408-418-9388 and using the access code 793 734 477.

If members of the public wish to comment on a particular issue or public hearing, they should fill out the public comment sign-up form on our website which can be found at: http://bit.ly/MCC092920. Additionally, the public can submit written comments via email to the City Clerk at cwade@morgantownwv.gov.

1. CALL TO ORDER:

2. ROLL CALL BY CITY CLERK:

3. PUBLIC HEARING:

A. AN ORDINANCE RATIFYING PROPERTY ACQUISITIONS FOR THE CITY'S COMBINED UTILITY BOARD

4. UNFINISHED BUSINESS:

A. Consideration of **APPROVAL** of **(SECOND READING)** of **AN ORDINANCE RATIFYING PROPERTY ACQUISITIONS FOR THE CITY'S COMBINED UTILITY BOARD** *(First reading 9/15/2020)*

5. NEW BUSINESS:

A. Consideration of **APPROVAL** of **A SUPPLEMENTAL PARAMETERS RESOLUTION OF CITY COUNCIL WHICH WOULD (I) PROVIDE PRINCIPAL AMOUNTS, DATES, MATURITY DATES, REDEMPTION PROVISIONS, INTEREST RATES, INTEREST AND PRINCIPAL PAYMENT DATES, SALES PRICES AND OTHER TERMS OF THE CITY'S COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2020 A (TAX EXEMPT) (THE "SERIES 2020 A BONDS") FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A (DIRECT PAYMENT BUILD AMERICA BONDS) (THE "SERIES 2010 A BONDS"); (II) APPROVE THE FORMS OF CERTAIN DOCUMENTS IN CONNECTION WITH THE REFUNDING OF THE SERIES 2010 A BONDS AND THE ISSUANCE OF THE SERIES 2020 A BONDS; (III) DESIGNATE A REGISTRAR AND PAYING AGENT; AND (IV) MAKE OTHER PROVISIONS AS TO THE SERIES 2020 A BONDS.**

B. Bid Award- 8th Street Sidewalk Project (TIF)

C. Bid Award – White Avenue Slip Repair

6. ADJOURNMENT:

For accommodations please contact us at 304-288-7072

Ordinance No. 2020-____

AN ORDINANCE RATIFYING PROPERTY ACQUISITIONS FOR THE CITY'S COMBINED UTILITY SYSTEM

The City of Morgantown hereby ordains that all prior acquisitions of real estate for the City's Combined Utility System established pursuant to Article 169 and Part 9 of the City Code, whether initiated by The City of Morgantown or by the board established by Article 169, are ratified and approved.

This ordinance is effective upon adoption.

FIRST READING: _____

SECOND READING: _____

ADOPTED: _____

FILED: _____

_____
Mayor

_____
City Clerk

The City of Morgantown

Combined Utility System Refunding Revenue Bonds, Series 2020 A

SUPPLEMENTAL PARAMETERS RESOLUTION

SUPPLEMENTAL RESOLUTION PROVIDING PARAMETERS AS TO THE PRINCIPAL AMOUNTS, DATES, MATURITY DATES, REDEMPTION PROVISIONS, INTEREST RATES, INTEREST AND PRINCIPAL PAYMENT DATES AND OTHER TERMS OF THE COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2020 A OF THE CITY OF MORGANTOWN; AUTHORIZING AND APPROVING THE SALE AND DELIVERY OF SUCH BONDS TO THE ORIGINAL PURCHASER; AUTHORIZING AND APPROVING A BOND PURCHASE AGREEMENT, A REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT, A TAX CERTIFICATE, A TAX COMPLIANCE POLICY, AND OTHER INSTRUMENTS RELATING TO THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY AND/OR MUNICIPAL BOND DEBT SERVICE RESERVE INSURANCE POLICY AND AMENDMENT AND/OR MODIFICATION OF THE ORDINANCE TO COMPLY THEREWITH; APPOINTING A REGISTRAR, PAYING AGENT AND DISSEMINATION AGENT FOR SUCH BONDS; APPROVING A CONFORMED ORDINANCE; AND MAKING OTHER PROVISIONS AS TO THE BONDS.

WHEREAS, The City of Morgantown (the "Issuer") in the County of Monongalia, State of West Virginia, is a municipal corporation and political subdivision of said State, the governing body of which is its Council (the "Governing Body");

WHEREAS, the Governing Body has duly and officially enacted on _____, 2020, an Ordinance entitled:

AN ORDINANCE AUTHORIZING THE REFUNDING OF THE CITY OF MORGANTOWN'S OUTSTANDING COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A (DIRECT PAYMENT BUILD AMERICA BONDS), AND PAYING COSTS OF ISSSUANCE AND RELATED COSTS, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN $40,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REFUNDING REVENUE

BONDS, SERIES 2020 A (TAX EXEMPT); PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT, A TAX CERTIFICATE, AN ESCROW AGREEMENT, A TAX COMPLIANCE POLICY AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meaning set forth in the Conformed Ordinance attached as Exhibit A (the "Series 2020 A Ordinance") when used herein;

WHEREAS, the Series 2020 A Ordinance provided for the issuance by the Issuer of its Combined Utility System Refunding Revenue Bonds, Series 2020 A (Tax-Exempt) in an aggregate principal amount not to exceed $40,000,000, in accordance with Chapter 8, Article 20 of the West Virginia Code of 1931, as amended (the "Act") for the purposes of refunding the Issuer's Series 2010 A Bonds, as defined in the Series 2020 A Ordinance;

WHEREAS, the Series 2020 A Ordinance further provided that the exact dates, amounts, maturities, interest rates, redemption provisions, purchase price and other terms of the Series 2020 A Bonds should be established by Supplemental Resolution, that a Registrar, Paying Agent and Dissemination Agent be designated, that a Bond Purchase Agreement, a Registrar Agreement, a Tax Certificate and an Official Statement be approved and that other matters pertaining to the Bonds be provided for by a Supplemental Resolution of the Governing Body, that additional covenants and provisions relating to the Series 2020 A Bonds be provided for therein, and as may be required by any Bond Insurer as a condition to insuring such Series 2020 A Bonds and/or providing a Municipal Bond Debt Service Reserve Insurance Policy for such Series 2020 A Bonds and that other matters pertaining to the Series 2020 A Bonds be provided for by a Supplemental Resolution of this Governing Body;

WHEREAS, the Series 2020 A Bonds are proposed to be purchased by Crews & Associates, Inc. (the "Original Purchaser"), pursuant to a Bond Purchase Agreement between the Original Purchaser and the Issuer, to be dated the date of execution thereof (the "Bond Purchase Agreement");

WHEREAS, the Governing Body has determined that, in order to obtain the best possible terms for the Series 2020 A Bonds, the Mayor and City Manager shall be empowered and authorized to execute the Bond Purchase Agreement, within the parameters set forth herein, at such time as the Mayor and City Manager shall determine most advantageous to the Issuer, or not at all, and the Mayor and City Manager shall be authorized to acquire a Municipal Bond Insurance Policy and/or Municipal Bond Debt Service Reserve Insurance Policy if either, or both, is determined by the Mayor and City Manager to be financially advantageous to the Issuer; and

WHEREAS, the Governing Body deems it essential and desirable that this supplemental parameters resolution (the "Series 2020 A Supplemental Parameters Resolution") be adopted, that the Bond Purchase Agreement, the Tax Certificate, and the Registrar Agreement hereinafter provided for be entered into by the Issuer, that the Official Statement relating to the Series 2020 A Bonds, hereinafter described, be approved, that the Mayor and City Manager be authorized to enter into the Bond Purchase Agreement within the parameters hereby approved by the Governing Body, and that other matters relating to the Series 2020 A Bonds be herein provided for all in accordance with the Series 2020 A Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MORGANTOWN:

SECTION 1. The Conformed Ordinance attached hereto as **Exhibit A** is approved.

SECTION 2. Pursuant to the Series 2020 A Ordinance and the Act, this Series 2020 A Supplemental Parameters Resolution is adopted and there are hereby authorized and ordered to be issued the Series 2020 A Bonds. The Series 2020 A Bonds shall be issued in the aggregate principal amount not to exceed $40,000,000, bear interest at a rate not to exceed 8.0% per annum, payable semiannually, shall mature no later than thirty (30) years from the date of issuance, and shall be subject to such redemption provisions, all as shall subsequently be approved by the Mayor and City Manager pursuant to the execution and delivery by the Mayor and City Manager of a Certificate of Determinations with respect to the Series 2020 A Bonds, dated the date of the Bond Purchase Agreement, the form of which is attached hereto as **EXHIBIT B** and approved hereby (the "Series 2020 A Certificate of Determinations"). The Series 2020 A Bonds shall be substantially in the form set forth in the Ordinance, provided however, that the specific terms of the Series 2020 A Bonds shall be as determined by the Mayor and City Manager at the time of the execution of the Bond Purchase Agreement and as approved by the Mayor and City Manager in the Certificate of Determinations.

SECTION 3. The Bond Purchase Agreement by and between the Original Purchaser and the Issuer, substantially in the form submitted to this meeting, and the execution and delivery (in multiple counterparts) by the Mayor and City Manager thereof shall be and the same are hereby authorized, approved, and directed. The Mayor and City Manager shall execute and deliver the Bond Purchase Agreement with such changes, insertions and omissions as may be approved by the Mayor and City Manager. The execution of the Bond Purchase Agreement by the Mayor and City Manager shall be conclusive evidence of any approval required by this Section, and authorization of any action required by the Bond Purchase Agreement relating to the issuance and sale of the Series 2020 A Bonds, including the payment of all necessary fees and expenses in connection therewith.

SECTION 4. Proceeds of the Bonds shall be expended solely for the purposes set forth in the Series 2020 A Ordinance.

SECTION 5. A. The Tax Certificate, to be dated the date of execution and delivery of the Bonds (the "Tax Certificate"), and executed and delivered by the Issuer, in the

form to be approved by the Mayor and City Manager, and the execution and delivery (in multiple counterparts) by the Mayor and City Manager thereof, shall be and the same are hereby authorized, approved and directed. The execution of the Tax Certificate by the Mayor and City Manager shall be conclusive evidence of any approval required by this Section.

B. The Issuer hereby approves the Tax Compliance Policy attached hereto as **EXHIBIT C**.

SECTION 6. The Issuer hereby approves the execution and delivery by the Board of the Continuing Disclosure Agreement, to be dated the date of execution and delivery of the Series 2020 A Bonds (the "Disclosure Agreement"), by and between the Board and Digital Assurance Certification, LLC.

SECTION 7. The distribution by the Original Purchaser of a Preliminary Official Statement (which is a "deemed final" official statement in accordance with SEC Rule 15c2-12), substantially in the form attached hereto as **EXHIBIT D** and submitted to this meeting is hereby ratified and approved. The certificate of the Issuer relating to compliance with SEC Rule 15c2-12 and the execution and delivery thereof by the Mayor and City Manager is hereby approved. The Official Statement to be substantially in the form of the Preliminary Official Statement (with such changes, insertions and omissions as may be necessary or advisable in the opinion of the Mayor and City Manager) and the distribution of counterparts or copies thereof by the Original Purchaser are hereby approved. The Mayor and City Manager shall execute and deliver the Official Statement with such changes, insertions and omissions as may be approved. The execution of the Official Statement by the Mayor and City Manager shall be conclusive evidence of any approval required by this Section.

SECTION 8. The Registrar Agreement by and between the Issuer and the Registrar designated herein, substantially in the form to be approved by the Mayor and City Manager, and the execution and delivery (in multiple counterparts) by the Mayor and City Manager thereof, shall be and the same are hereby authorized, approved and directed. The execution of the Registrar Agreement by the Mayor and City Manager shall be conclusive evidence of any approval required by this Section.

SECTION 9. The firm of Steptoe & Johnson PLLC, Bridgeport, West Virginia, is hereby appointed bond counsel and disclosure counsel to the Issuer in connection with the issuance of the Series 2020 A Bonds.

SECTION 10. The Issuer hereby appoints and designates the West Virginia Municipal Bond Commission, Charleston, West Virginia, as the Paying Agent for the Series 2020 A Bonds.

SECTION 11. The Issuer hereby appoints and designates Digital Assurance Certification, LLC, as dissemination agent for the Series 2020 A Bonds.

SECTION 12. The Issuer hereby appoints and designates United Bank, Charleston, West Virginia, as the Registrar for the Series 2020 A Bonds.

SECTION 13. The Issuer does hereby determine that the Municipal Bond Insurance Policy offered by _____ ("_____") to secure the payment of principal of, and interest on, the Series 2020 A Bonds will result in an interest cost savings for the Issuer in excess of the premium to be paid by the Issuer for such Insurance Policy, and accordingly accepts the Municipal Bond Insurance Commitment (the "Series 2020 A Insurance Commitment") dated _____, 2020. The Mayor and City Manager are hereby authorized to execute the Insurance Commitment and deliver the same to _____. Pursuant to the Series 2020 A Insurance Commitment, the covenants and provisions which are required by _____ as a condition precedent to issuance of its Municipal Bond Insurance Policy for the Series 2020 A Bonds are attached hereto as **EXHIBIT F** and incorporated herein by reference as part hereof, such covenants and provisions to be supplemental and amendatory of, and controlling with respect to the Series 2020 A Ordinance and applicable to the Series 2020 A Bonds.

SECTION 14. The Issuer does hereby determine that the Municipal Bond Debt Service Reserve Insurance Policy offered by _____ ("_____") to fund the Series 2020 A Bonds Reserve Account will result in a cost savings for the Issuer in excess of the premium to be paid by the Issuer for such Municipal Bond Debt Service Reserve Insurance Policy, and accordingly accepts the Municipal Bond Debt Service Reserve Insurance Commitment (the "Series 2020 A Reserve Commitment") dated _____, 2020. The Mayor and City Manager are hereby authorized to execute the Reserve Commitment and deliver the same to _____. Pursuant to the Series 2020 A Reserve Commitment, the covenants and provisions which are required by _____ as a condition precedent to issuance of its Municipal Bond Debt Service Reserve Insurance Policy to fund the Series 2020 A Bonds Reserve Account are attached hereto as **EXHIBIT G** and incorporated herein by reference as part hereof, such covenants and provisions to be supplemental and amendatory of, and controlling with respect to the Series 2020 A Ordinance and applicable to the Series 2020 A Bonds.

SECTION 15. The Mayor, City Manager and City Clerk are hereby authorized and directed to execute and deliver such other documents and certificates, required or desirable in connection with the Series 2020 A Bonds, to the end that the Series 2020 A Bonds may be delivered on a timely basis to the Original Purchaser pursuant to the Bond Purchase Agreement.

SECTION 16. The notice addresses for the Paying Agent, Registrar and Dissemination Agent shall be as follows:

PAYING AGENT
West Virginia Municipal Bond Commission
900 Pennsylvania Avenue, Suite 1117
Charleston, West Virginia 25301
Attention: Executive Director

REGISTRAR
United Bank
500 Virginia Street, East

Charleston, West Virginia 25301
ATTN: Corporate Trust Department

DISSEMINATION AGENT
Digital Assurance Certification, LLC
390 North Orange Avenue
Suite 1750
Orlando, Florida 32801-1674

SECTION 17. The refunding of the Series 2010 A Bonds with the Proceeds of the Series 2020 A Bonds and issuance of the Series 2020 A Bonds is in the public interest, serves a public purpose of the Issuer and will promote the health, welfare and safety of the residents of the Issuer and other customers of the Combined Utility System.

SECTION 18. The Issuer hereby covenants and agrees that it will not permit at any time or times any of the proceeds of the Series 2020 A Bonds or any other funds of the Issuer to be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause any of the Series 2020 A Bonds to be an "arbitrage bond" as defined in Section 148 of the Code, and the regulations promulgated pursuant thereto. The Mayor and City Manager of the Issuer are authorized and directed to execute and deliver such further instruments or agreements as shall be required to provide further assurances of the Issuer's compliance with this covenant.

SECTION 19. The Mayor, City Manager and City Clerk, and all other appropriate officers and employees of the Issuer, are hereby authorized, empowered and directed to do any and all things proper and necessary to cause the Series 2020 A Bonds to be duly and properly issued by the Issuer and delivered to the Original Purchaser as herein authorized and to otherwise facilitate the transaction contemplated by this Series 2020 A Supplemental Parameters Resolution, and no further authority shall be necessary to authorize any such officers or employees to give such further assurance and do such further acts as may be legally required.

[Remainder of Page Intentionally Blank]

SECTION 20. This Series 2020 A Supplemental Parameters Resolution shall be effective immediately following adoption hereof.

Adopted this ___ day of _____, 2020.

THE CITY OF MORGANTOWN

By: _____

[SEAL] Its Mayor

By: _____

Its City Manager

Attest:

_____

City Clerk

CERTIFICATION

Certified a true copy of a Series 2020 A Supplemental Parameters Resolution duly adopted by the Council of THE CITY OF MORGANTOWN on _____, 2020, which Series 2020 A Supplemental Parameters Resolution has not been repealed, rescinded, modified, amended or revoked, as of the date hereof.

By: _____
City Clerk

EXHIBIT A – SERIES 2020 A SUPPLEMENTAL PARAMETERS RESOLUTION

CONFORMED ORDINANCE

EXHIBIT B – SERIES 2020 A SUPPLEMENTAL PARAMETERS RESOLUTION

FORM OF CERTIFICATE OF DETERMINATIONS

The City of Morgantown
Combined Utility System Refunding Revenue Bonds, Series 2020 A (Tax Exempt)

CERTIFICATE OF DETERMINATIONS

The undersigned, Ron Dulaney, Jr., Mayor, and _____, City Manager of The City of Morgantown (the "Issuer"), in accordance with the Series 2020 A Supplemental Parameters Resolution adopted by the Governing Body of the Issuer on _____, 2020 (the "Series 2020 A Supplemental Parameters Resolution"), with respect to the Issuer's Combined Utility System Refunding Revenue Bonds, Series 2020 A (Tax Exempt) (the "Series 2020 A Bonds"), hereby find and determine this ____ day of _____, 2020, as follows:

1. The Series 2020 A Bonds shall be dated _____, 2020 shall bear interest on _____ 1 and _____ 1 of each year commencing _____, 2020.

2. The Series 2020 A Bonds shall be issued in the aggregate principal amount of $_____. The interest rates on the Series 2020 A Bonds do not exceed 8.0%, being the maximum interest rate authorized by the Series 2020 A Ordinance.

3. The Series 2020 A Bonds shall mature in the amounts and on the dates and shall be subject to mandatory sinking fund redemption in the amounts and on the dates set forth on **Schedule 1** attached hereto and incorporated herein.

4. The Series 2020 A Bonds shall bear interest at the rates and produce the yields set forth on **Schedule 1** attached hereto and incorporated herein.

5. The Series 2020 A Bonds shall [not] be subject to [optional and/or mandatory] redemption [as set forth on **Schedule 2** attached hereto and incorporated herein.]

6. The Series 2020 A Bonds shall be sold to Crews & Associates, Inc. (the "Underwriter"), pursuant to the terms of the Bond Purchase Agreement by and between the Underwriter and the Issuer, at an aggregate purchase price of $_____ (representing par value less an Underwriter's discount of $_____ and [less/plus] a net original issue [discount/premium] of $_____).

The undersigned hereby certifies that the foregoing terms and conditions of the Series 2020 A Bonds are within the parameters prescribed by the Series 2020 A Supplemental

Parameters Resolution, and the Series 2020 A Bonds may be issued with such terms and conditions as authorized by the Series 2020 A Supplemental Parameters Resolution.

WITNESS our signatures the day and year first written above.

THE CITY OF MORGANTOWN

By: _____
Its Mayor

By: _____
Its City Manager

SCHEDULE 1 – CERTIFICATE OF DETERMINATIONS

SERIES 2020 A BOND TERMS

Bond No.	Maturity Date (__ 1)	Principal Amount	Interest Rate	Price or Yield

SCHEDULE 2 – CERTIFICATE OF DETERMINATIONS

REDEMPTION PROVISIONS:

SERIES 2020 A BONDS

[to be inserted after pricing]

EXHIBIT C – SERIES 2020 A SUPPLEMENTAL PARAMETERS RESOLUTION

TAX COMPLIANCE POLICY

THE CITY OF MORGANTOWN (WEST VIRGINIA)

Purpose

Governmental issuers of tax-exempt and tax-credit bonds must comply with certain federal tax rules pertaining to expenditure of proceeds for qualified costs, rate of expenditure, use of bond financed property, investment of proceeds in compliance with arbitrage rules, and retention of records. The following policies are intended to establish compliance by The City of Morgantown, West Virginia (the "*Issuer*"), as the issuer, with these rules in connection with the issuance of the Issuer's Combined Utility System Refunding Revenue Bonds, Series 2020 A (the "*Bonds*"). It is understood and agreed by the Issuer, and the Issuer has covenanted to take all actions necessary to maintain the Bonds as tax-exempt state and local bonds.

Tax Requirements Associated with Sale and Issuance of Bonds

Review and retention of tax documents related to the sale and issuance of Bonds will be supervised by the City Manager or his or her designee (the "*Oversight Officer*").

- Form 8038-G (tax exempt bonds) will be reviewed and filed not later than the 15th day of the 2nd calendar month following the quarter in which the bonds were issued. Filing of appropriate version or versions of Form 8038-G will be confirmed with bond counsel.

Expenditure of Proceeds for Governmental Costs

Expenditure of bond proceeds will be reviewed by the Oversight Officer.

- Bond proceeds will be disbursed pursuant to the Bond Ordinance, and will be a written order of an Authorized Officer, stating the date, amount and purpose of the disbursement.

- Requisitions must identify the financed property in conformity with the Tax and Non-Arbitrage Certificate executed by the Issuer at closing, including any certifications as to the character and average economic life of the bond-financed property.

- Requisitions for costs that were paid prior to the issuance of the bonds are, in general, limited to costs paid subsequent to, or not more than 60 days prior to, the date a "declaration of intent" to reimburse the costs was adopted by the Issuer. If

proceeds are used for reimbursement, a copy of the declaration will be obtained and included in the records for the Bonds, if not already part of the bond transcript.

- Requisitions will be in accordance with expectations to spend or commit 5% of net sale proceeds within 6 months, to spend 85% of net sale proceeds within 3 years, and to proceed with due diligence to complete the project and fully spend the net sale proceeds. Expected expenditure schedules, project timelines, and plans and specifications will be maintained to support expectations. Reasons for failure to meet the expected schedule will be documented and retained in the records for the Bonds.

- If the 18-month spending exception to rebate applies, expenditure of gross proceeds will be monitored against the following schedule for the arbitrage rebate exception for the issue, if applicable:

  15% within 6 months
  60% within 12 months
  100% within 18 months

- If the 2-year spending exception to rebate applies, expenditure of "available construction proceeds" will be monitored against the following schedule for the arbitrage rebate exception for construction issues if applicable:

  10% within 6 months
  45% within 12 months
  75% within 18 months
  100% within 24 months

Expenditure of Proceeds

In addition to the general review of expenditures described above, expenditure of proceeds of the Bonds will be reviewed by the Oversight Officer.

- Reserve funds cannot exceed the least of 10% of bond proceeds, maximum annual debt service, or 125% of average annual debt service. The initial funding of any reserve fund will be measured against this limit.

- Investment earnings on sale proceeds of the Bonds will be tracked and will be requisitioned only for appropriate expenditures.

Use of Bond-Financed Property

Use of bond-financed property when completed and placed in service will be reviewed by the Oversight Officer.

- Average nonexempt use of bond-financed property over the life of the issue cannot exceed 10% of the proceeds.

- Agreements with business users or non-profit organizations for lease or management or services contracts, sponsored research, naming rights or any other potential nonexempt use of bond-financed property will be reviewed prior to execution of any contract to determine if property subject to the Bond Ordinance is bond-financed.

- Agreements with business users or other non-profit organizations for lease or management or services contracts or other private business use involving bond-financed property will be tracked and aggregated with other private business uses for compliance with the 10% limit, as set forth in the Tax Certificate.

- No item of bond-financed property will be sold or transferred to a nonexempt party without advance arrangement of a "remedial action" under the applicable Income Tax Regulations.

Investments and IRS Filings

Investment of bond proceeds in compliance with the arbitrage bond rules and rebate of arbitrage will be supervised by the Oversight Officer.

- Guaranteed investment contracts ("*GIC*") will be purchased only using the three-bid "safe harbor" of applicable Income Tax Regulations, in compliance with fee limitations on GIC brokers in the Income Tax Regulations.

- Other investments will be purchased only in market transactions.

- Calculations of rebate liability will be performed annually by outside consultants.

- Rebate payments will be made with Form 8038-T no later than 60 days after (a) each fifth anniversary of the date of issuance and (b) the final retirement of the issue. Compliance with rebate requirements will be reported to the bond trustee and the issuer.

- Identify date for first rebate payment at time of issuance. Enter in records for the issue.

Records

Management and retention of records related to tax-exempt bond issues will be supervised by the Oversight Officer.

- Records will be retained for the life of the bonds plus any refunding bonds plus three years. Records may be in the form of documents or electronic copies of

documents, appropriately indexed to specific bond issues and compliance functions.

- Retainable records pertaining to the Bonds include transcript of documents executed in connection with the issuance of the bonds (including authorizing resolutions, Bond Ordinance, Form 8038-G, and Tax Certificate) and any amendments, and copies of rebate calculations and records of payments, including Forms 8038-T.

- Retainable records pertaining to expenditures of bond proceeds include requisitions, accounting statements and final allocation of proceeds.

- Retainable records pertaining to use of property include all agreements reviewed for nonexempt use and any reviewed documents relating to unrelated business activity.

- Retainable records pertaining to investments include GIC documents under the Income Tax Regulations, records of purchase and sale of other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.

Amendment

This Tax Compliance Policy may be amended and/or modified by the Mayor and City Manager as required from time to time to ensure ongoing compliance by the Issuer with requirements related to tax-exempt bonds, such as the Bonds. Such amendments and/or modifications shall not require any action by City Council.

Overall Responsibility

Overall administration and coordination of this policy is the responsibility of the Oversight Officer.

THE CITY OF MORGANTOWN, WEST VIRGINIA

_____
By: Mayor
Date:

_____
By: City Manager
Date:

EXHIBIT D – SERIES 2020 A SUPPLEMENTAL PARAMETERS RESOLUTION

FORM OF PRELIMINARY OFFICIAL STATEMENT

See Attached

EXHIBIT F – SERIES 2020 A SUPPLEMENTAL PARAMETERS RESOLUTION

PROVISIONS RELATING TO MUNICIPAL BOND INSURANCE

Municipal Bond Insurance Commitment

[insert]

EXHIBIT G – SERIES 2020 A SUPPLEMENTAL PARAMETERS RESOLUTION

PROVISIONS RELATING TO MUNICIPAL BOND DEBT SERVICE RESERVE INSURANCE POLICY

Municipal Bond Debt Service Reserve Insurance Commitment

[insert]

The City of Morgantown

Office of the City Engineer

Memorandum

To: Emily Muzzarelli, Interim City Manager

From: Damien Davis, City Engineer

Date: September 23, 2020

Re: Bid Results for 8th Street Sidewalk Project (Bid Call 2021-05)

Ms. Muzzarelli,

The bid opening for the 8th Street Sidewalk Project that was scheduled for Thursday, September 24th has been rescheduled to Monday, September 28th. It was rescheduled at the request of several contractors to give them more time to finalize their bid packages. The Engineering Department issued responses and clarifications to several questions asked by contractors wishing to bid on the project. As a result, several contractors needed additional time to adjust their submissions.

Due to the rescheduling of the bid opening, we will not have bid results in time for the Council packets to go out this week. We will provide the results and our recommendation first thing Tuesday, September 29th. We would like to keep this on Council's agenda as it is important to keep this project moving due to the deadline to expend the TIF funds by December 23rd. This project has a tight timeline and everyday counts.

The City of Morgantown

Office of the City Engineer

Memorandum

To: Emily Muzzarelli, Interim City Manager

From: Damien Davis, City Engineer

Date: September 23, 2020

Re: Bid Results for White Avenue Slide Remediation Project (Bid Call 2021-02)

Ms. Muzzarelli,

Bids were opened at 2:30pm on September 17, 2020 for the White Avenue Slide Remediation Project (Bid Call 2021-02). This project, designed by GAI Consultants, consist of approximately 100ft of pile and lagging wall along with roadway and drainage repairs caused by a slip along White Avenue that has resulted in the road being closed for more than a year. The bid opening had the following results. A more detailed summary of the bid results is attached:

1.	Rock Forge Bridge Co., LLC	$151,017.00
2.	Beaver Excavating Company	$207,513.85
3.	Costal Drilling East, LLC	$279,222.48
4.	Anderson Excavating, LLC	$437,754.00

All bidders were determined to be qualified, competent, and established in our area with a good reputation for quality work. For this reason, the lowest bidder is recommended; Rock Forge Bridge Company, LLC at $151,017.00. In addition, attached is a list of roadway, bridge, and piling projects that Rock Forge has been awarded in the past year from the WVDOH for your reference to show they are experienced with this type of work. We will have a 90-day construction schedule and will use GAI Consultants for Construction Administration and Inspection. Construction is estimated to begin in mid-October and be complete by mid-January.

gai consultants

CITY OF MORGANTOWN
WHITE AVENUE SLIDE REMEDIATION PROJECT
BID COMPARISON

SUMMARY OF QUANTITIES				ENGINEER'S COST ESTIMATE		ROCK FORGE BRIDGE CO., LLC		THE BEAVER EXCAVATING COMPANY		COASTAL DRILLING EAST, LLC		ANDERSON EXCAVATING, LLC	
ITEM NO.	DESCRIPTION	QUANTITY		UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
		UNIT	TOTAL										
201001-000	CLEARING AND GRUBBING	LS	1	$15,000.00	$15,000.00	$2,047.00	$2,047.00	$9,549.81	$9,549.81	$5,550.00	$5,550.00	$13,800.00	$13,800.00
204001-000	MOBILIZATION	LS	1	$15,000.00	$15,000.00	$30,300.00	$30,300.00	$8,692.00	$8,692.00	$43,512.00	$43,512.00	$37,500.00	$37,500.00
207001-001	UNCLASSIFIED EXCAVATION	CY	55	$20.00	$1,100.00	$65.00	$3,575.00	$214.55	$11,800.25	$73.00	$4,015.00	$80.00	$4,400.00
207002-000	SUBGRADE	CY	47	$60.00	$2,820.00	$30.00	$1,410.00	$46.37	$2,179.39	$75.00	$3,525.00	$41.00	$1,927.00
207034-000	FABRIC FOR SEPARATION	SY	282	$1.50	$423.00	$2.00	$564.00	$4.45	$1,254.90	$12.50	$3,525.00	$3.00	$846.00
211001-000	UNCLASSIFIED BORROW EXCAVATION	CY	22	$15.00	$330.00	$75.00	$1,650.00	$65.68	$1,444.96	$72.00	$1,584.00	$54.00	$1,188.00
307001-000	AGGREGATE BASE COURSE, CLASS 1	CY	43	$60.00	$2,580.00	$30.00	$1,290.00	$67.59	$2,906.37	$39.39	$1,693.77	$41.00	$1,763.00
307005-001	AGGREGATE BASE COURSE, STONE OR GRAVEL, CLASS 10	TN	33	$40.00	$1,320.00	$48.00	$1,584.00	$47.21	$1,557.93	$35.10	$1,158.30	$40.00	$1,320.00
401001-020	MARSHALL ASPHALT BASE CRSE, SG, TY I	TN	40	$90.00	$3,600.00	$145.00	$5,800.00	$185.50	$7,420.00	$240.00	$9,600.00	$172.00	$6,880.00
401001-023	MARSHALL ASPHALT BASE CRSE, SG, TY II	TN	24	$100.00	$2,400.00	$220.00	$5,280.00	$243.80	$5,851.20	$285.00	$6,840.00	$172.00	$4,128.00
606029-001	FREE DRAINING BASE TRENCH	LF	112	$20.00	$2,240.00	$41.00	$4,592.00	$14.83	$1,660.96	$93.46	$10,467.52	$25.00	$2,800.00
606030-001	OUTLET PIPE, 6 INCH	LF	30	$35.00	$1,050.00	$77.00	$2,310.00	$22.27	$668.10	$48.50	$1,455.00	$10.00	$300.00
607001-001	TYPE 1 GUARDRAIL, CLASS I, 31" HEIGHT	LF	225	$20.00	$4,500.00	$31.00	$6,975.00	$25.98	$5,845.50	$35.69	$8,030.25	$34.00	$7,650.00
614001-150	W14X74 STEEL PILE	LF	696	$100.00	$69,600.00	$97.00	$67,512.00	$169.89	$118,243.44	$165.23	$115,000.08	$415.50	$289,188.00
614003-001	CONCRETE LAGGING, THICKNESS 8"	SF	896	$25.00	$22,400.00	$18.00	$16,128.00	$31.74	$28,439.04	$70.61	$63,266.56	$71.50	$64,064.00
TOTALS					**$144,363.00**		**$151,017.00**		**$207,513.85**		**$279,222.48**		**$437,754.00**
CONTINGENCY				**10%**	**$14,436.30**								
TOTAL ESTIMATED PROJECT COST (ROUNDED)					**$159,000.00**								

ROCK FORGE BRIDGE CO., LLC				
PROJECTS AWARDED FROM WVDOH IN PAST YEAR				
Contract ID	Description	County	Bid	Award Date
2019000212	CO 15 @ MP 6.59 FOC	WETZEL	$170,135.00	10/11/2019
2019000083	CO 2/4 MP 0.30 FOC	MARSHALL	$213,937.00	10/10/2019
2019000082	CO 2/4 MP 0.22 FOC	MARSHALL	$116,335.00	10/10/2019
2019000155	CO 74 MP 15.77 FOC	MARSHALL	$145,760.00	10/10/2019
2019000144	CO 74 MP 2.79 FOC	MARSHALL	$159,500.00	11/21/2019
2019000146	CO 74 MP 3.10 FOC	MARSHALL	$212,375.00	11/21/2019
2018001392	Crum Slide MP 49.54	WAYNE	$182,480.00	12/16/2019
2018000194	WOODVILLE BRIDGE	LINCOLN	$807,112.00	1/27/2020
1506205	GARY BRIDGE	MCDOWELL	$1,527,500.00	3/3/2020
2018001399	US 52 Slide MP 50.61	WAYNE	$315,925.00	2/25/2020
2019000877	WALKERSVILLE-ARNOLD RD	LEWIS	$370,950.00	2/25/2020
2019001100	Horseshoe Run Extension	TUCKER	$111,945.00	2/25/2020
2019001093	Auvil Rd	TUCKER	$333,200.00	2/25/2020
1801710	Potts Chapel Pony Truss Bridge	MASON	$412,880.00	2/25/2020
1610501	SUGAR CREEK BRIDGE	BARBOUR	$607,350.00	2/25/2020
1735503	Moore Run Plate Arch	POCAHONTAS	$1,185,280.00	2/27/2020
2018000132	KIRK BRIDGE	MINGO	$646,385.00	2/25/2020
2019000733	FORT SPRING-RONCEVERTE RD	GREENBRIER	$425,715.00	2/25/2020
213340	COL RUBY BRADLEY BRIDGE	ROANE	$5,800,000.00	
2020000302	Prichard Rd	CABELL	$194,985.00	