

ADJOURNED SESSION OF THE COUNTY COMMISSION OF BROOKE COUNTY,  
WEST VIRGINIA, HELD TUESDAY, JANUARY 4, 2022

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The County Commission of Brooke County, West Virginia met in adjourned session this 4<sup>th</sup> day of January, 2022 at 10:30 a.m. at the Courthouse.

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Present: Andrew J. Thomas, President  
Stacey Wise, Commissioner  
Tim Ennis, Commissioner  
Kimberly M. Barbetta, Clerk

The Commission held their preliminaries before the meeting including a prayer and the pledge of allegiance.

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Commission Stacey Wise made a motion, seconded by Commission Tim Ennis and unanimously passed to approve the minutes of the meetings held on December 28, 2021.

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A copy of the following correspondences was given to each of the Commissioner's for their review:

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This being the first regular meeting for the month of January, 2022 fiduciary matters were presented to the Commission for approval after having been cared for in the absence of the Commission by the County Clerk. The meeting will remain open until the end of the regular meeting and if no objections are filed will close at the end of the regular meeting. Commissioner Andrew J. Thomas abstained.

Commissioner Ennis made a motion, seconded by Commissioner Wise and unanimously passed to approved to appoint Commissioner Andrew J. Thomas as President of the Commission for the 2022 year.

Commissioner Wise made a motion, seconded by Commissioner Thomas and unanimously passed to appoint Commissioner Timothy R. Ennis as the President PRO-TEM for the 2022 year.

Commissioner Wise made a motion, seconded by Commissioner Ennis and unanimously passed to appoint each commissioner to the various boards listed below:

EMS BOARD	Tim Ennis
SENIOR CITIZENS BOARD	Andrew J. Thomas
PLANNING COMMISSION BOARD	Tim Ennis
BOARD OF HEALTH	Stacey Wise
EXTENSION SERVICE BOARD	Stacey Wise
PARKS & RECREATION BOARD	Andrew J. Thomas
MUSEUM BOARD	Tim Ennis
LIBRARY BOARD	Tim Ennis
BHJ BOARD	Andrew J. Thomas
WORKFORCE INVESTMENT BOARD	Stacey Wise
LOCAL EMERGENCY PLANNING BOARD	Andrew J. Thomas, Stacey Wise & Tim Ennis
BUSINESS DEVELOPMENT BOARD	Andrew J. Thomas
HOME CONSORTIUM BOARD	Stacey Wise
CONVENTION & VISITORS BOARD	Stacey Wise
COMMUNITY CORRECTIONS BOARD	Tim Ennis

The BHJ & BDC have joined together and will be making application for a Proposed Broadband Network. Tentatively five (5) Counties will be part of this network. Hancock, Brooke, Ohio, Marshall and Wetzel. Great things come when we work together.

Commissioner Ennis made a motion, seconded by Stacey Wise and unanimously passed to adopt the "2022 HOLIDAY SCHEDULE".

Commissioner Wise made a motion, seconded by Commissioner Ennis and unanimously passed to accept the resignation letter of Larry Wallbrown, Director of Facilities, his last day will be January 15, 2022.

An informational letter from CME Engineering - giving notification that application has been made to the WV DEP for Phase 2 and Phase 3 Bond Release on Permit # S-2003-4, Increments 1-9 of the Cross Creek Surface Mine location. This information will be kept on the Public Shelf in the County Clerk's Office.

Commissioner Ennis made a motion, seconded by Commissioner Wise and unanimously passed to approve the renewal support contract with Global Science & Technology, Inc. This annual contract includes Cybersecurity V-scan service. (\$1,320 monthly) Beginning date January 1, 2022.

Commissioner Ennis made a motion, seconded by Commissioner Wise and unanimously passed to approve the following order:

IN THE COUNTY COMMISSION OF BROOKE COUNTY, WEST VIRGINIA

IN RE: THE ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF PROPERTY OWNED BY THE BROOKE COUNTY BUILDING COMMISSION LOCATED AT 630 MAIN STREET, WELLSBURG, WEST VIRGINIA, FOR USE AS A NEW BROOKE COUNTY COURTHOUSE ANNEX AND RELATED FACILITIES BY THE COUNTY COMMISSION OF BROOKE COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT BETWEEN THE BROOKE COUNTY BUILDING COMMISSION, AS LESSOR, AND THE COUNTY COMMISSION OF BROOKE COUNTY, WEST VIRGINIA, AS LESSEE, AND A BOND PURCHASE AGREEMENT AMONG THE COUNTY COMMISSION OF BROOKE COUNTY, SAID BUILDING COMMISSION AND THE UNDERWRITER FOR THE LEASE REVENUE BONDS TO BE ISSUED BY THE BUILDING COMMISSION TO FINANCE SAID ACQUISITION, CONSTRUCTION, RENOVATION, IMPROVEMENT, FURNISHING AND EQUIPPING AND TO EFFECTUATE SUCH ISSUANCE; AND AUTHORIZING OTHER NECESSARY ACTIONS IN CONNECTION WITH THE FOREGOING.

#### ORDER

WHEREAS, The Brooke County Building Commission (the "Building Commission") is currently the owner of certain tracts or parcels of land known as Lots 17, 18, 61 and 62, collectively containing 0.37 acres, more or less, located at 630 Main Street, Wellsburg, West Virginia 26070 (together with the Project, as defined below, the "Property"), and The County Commission of Brooke County, West Virginia (the "County") desires to authorize the acquisition, construction, renovation, improvement, furnishing and equipping of the Property as a new Brooke County Courthouse Annex building, including new offices and courtrooms for county, magistrate and/or family courts and the inhabitants thereof (the "Project"); and

WHEREAS, the Building Commission has determined to issue its Lease Revenue Bonds (Brooke County Courthouse Annex Project), Series 2022 (the "Bonds") in the aggregate principal amount not to exceed \$14,000,000 for the purposes of (i) financing costs of the acquisition, construction, renovation, improvement, furnishing and equipping of the Project, and (ii) paying the costs of issuing the Bonds and related costs; and

WHEREAS, the County further desires to lease the Property from the Building Commission in accordance with the terms and provisions of the Lease Agreement between the Building Commission, as Lessor, and the County, as Lessee (the "Lease"), the proposed form of which is attached hereto as Exhibit A; and

WHEREAS, the County also desires to enter into a Bond Purchase Agreement among the Building Commission, the County and Crews & Associates, Inc. (the "Underwriter") relating to the purchase by the Underwriter of the Bonds, the form of which Bond Purchase Agreement will be approved pursuant to a supplemental resolution of the County (the "Bond Purchase Agreement"); and

WHEREAS, the proceeds of the Bonds will be used to finance all or a portion of the costs of the Project and pay the costs of issuing the Bonds, and the balance of such costs of the Project and of issuing the Bonds not paid with proceeds of the Bonds will be paid with other funds of the County lawfully available for such purpose; and

WHEREAS, the County has determined that (i) there is an urgent need by the County for the Project to be financed in whole or in part with the proceeds of the Bonds and to be leased to the County as described herein, and (ii) that the financing structure described herein is the most efficient method to finance the proposed Project.

NOW, THEREFORE, BE IT ORDERED BY THE COUNTY COMMISSION OF BROOKE COUNTY, WEST VIRGINIA THAT:

1. The County shall be, and hereby is, authorized to enter into the Lease with the Building Commission to lease the Property, as acquired, constructed, renovated, improved, furnished and equipped by the Project, from the Building Commission for an amount of rent equal to the scheduled bond payments payable by the Building Commission with respect to the Bonds and which Lease with the Building Commission will require the County to perform certain other duties and obligations and to pay certain costs and expenses relating to such Property and the financing thereof as to be more specifically set out in said Lease as additional consideration for said Lease.

2. The County shall be, and hereby is, authorized to enter into the Bond Purchase Agreement, a form of which may be approved pursuant to a supplemental resolution of the County.

3. The President and Clerk of the County are hereby authorized and directed to execute and deliver on behalf of the County the Lease substantially in the form attached hereto as Exhibit A, with such changes, insertions and omissions as may be approved by the President, such approval to be evidenced by the execution of the Lease by the President.

4. The President, Clerk and other commissioners and officers of the County ( each, an "Authorized Officer") are hereby authorized, and directed to execute and deliver on behalf of the County such agreements, certificates, instruments and other documents, including without limitation an official statement, a continuing disclosure agreement and a tax certificate, in connection with the issuance of the Bonds in such forms as may be approved by any Authorized Officer, the execution of the subject document by such Authorized Officer to be conclusive evidence of such approval. The Clerk of the County is hereby authorized and directed to attest any documents relating to the Bonds that the Clerk reasonably determines should be so attested and to affix the seal of the County thereon. All prior acts taken by an Authorized Officer and the other officers, employees and agents of the County in connection therewith are hereby ratified and affirmed in every respect.

5. Each of the Authorized Officers are hereby authorized and directed to take such other actions as may be reasonably necessary to consummate the foregoing transactions.

Ordered by The County Commission of Brooke County, west Virginia on this the 4<sup>th</sup> day of January, 2022.

Commissioner Ennis made a motion, seconded by Commissioner Wise and unanimously passed to approve a letter from Glenda Brooks, Circuit Clerk, regarding the approval of a Cheryl Ross becoming a temporary part-time employee as of January 1, 2022.

The above correspondence was ordered filed in the County Clerk's Office

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Invoices and vouchers were approved and the following checks were ordered written:

General County Fund	001	CKS - 27106-27122	for \$120,153.35 (VD CK 27120)
E-911 Communications	007	CKS - 2717-2720	for \$27,680.96
Ambulance	025	CKS - 5566-5581	for \$10,956.66
Shelter Levy	030	CKS - 1442-1444	for \$1,066.76

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No further business to come before the Commission a motion was made by Stacey Wise, seconded by Timothy Ennis and unanimously passed to adjourn.

Andrew J. Thomas, President

Teste:

Kimberly M. Barbetta



