$3,275,000
THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENT REFUNDING REVENUE BONDS, SERIES 2009 A

Date of Closing: December 17, 2009

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3.	Supplemental Resolution
4.	Tax and Non-Arbitrage Certificate
5.	Cross Receipt
6.	Specimen Bond
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7.	Charter of The City of Charleston (the "Issuer")
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17. Official Statement

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20. Certificate of Underwriters

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24. Reliance Opinion of Jackson Kelly PLLC, Bond Counsel

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27. Opinion of Steptoe & Johnson PLLC, Underwriters' Counsel

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$1,180,000
CHARLESTON BUILDING COMMISSION
PUBLIC SAFETY CENTER LEASE-REVENUE REFUNDING BONDS
SERIES 2009A

$1,325,000
CHARLESTON BUILDING COMMISSION
CIVIC CENTER LEASE-REVENUE REFUNDING BONDS
SERIES 2009B
$3,275,000

THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENT REFUNDING REVENUE BONDS,
SERIES 2009 A

December 15, 2009

Pre-Closing Attendance List

Name	Association	Telephone	Fax	E-Mail
Ryan White	Jackson Kelly	304 340-1283	304 340-1225	srwhite@jacksonkelly.com
John Stump	Steptoe & Johnson PLLC	304.353.8196	304.353.8181	john.stump@steptoejohnson.com
Greg Isaacs	Crews & Associates, Inc.	304.344.1733	304-344-1812	gisaacs@crewsfs.com
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State of West Virginia

Certificate

I, Natalie E. Tennant, Secretary of State of the State of West Virginia, hereby certify that

THIS IS A TRUE COPY OF CHAPTER 8, ARTICLE 12 OF THE WEST VIRGINIA CODE, AND CHAPTER 8, ARTICLE 12 OF THE 2009 SUPPLEMENT TO THE WEST VIRGINIA CODE, AS INDICATED BY THE RECORDS OF THIS OFFICE.

Given under my hand and the Great Seal of the State of West Virginia on

December 15, 2009

Natalie E. Tennant

Secretary of State

ARTICLE 12

GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES

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8-12-20. Repealed.

PART I—GENERAL CORPORATE POWERS OF MUNICIPALITIES

§ 8-12-1. General corporate powers of all municipalities

Except as otherwise provided in this chapter, every municipality shall have plenary power and authority:

(1) To have and use a common seal;

(2) To contract and be contracted with;

(3) To institute, maintain and defend any civil action or other proceeding in any court;

(4) To take, purchase, hold and lease as lessee (on an annual fiscal year basis where tax revenues are to be used to make the rental payments required under any such lease, with or without an option to renew such lease each year for another such period), for any municipal purpose, real or personal property within or without the corporate limits of the municipality, and to acquire by condemnation real or personal property within or without the corporate limits of the municipality for the purposes set forth in and in accordance with the provisions of chapter fifty-four of this code, subject, however, to any limitations or qualifications set forth in this chapter eight; and

(5) To take by gift, donation, grant, bequest or devise and to hold and administer, real or personal property within or without the corporate limits of the municipality, absolutely, in trust or otherwise, for any public, charitable or municipal purpose, and to do all things necessary, useful, convenient or incidental to carry out the purpose of such gift, donation, grant, bequest, devise or trust, and to manage, sell, lease or otherwise dispose of the same in accordance with such terms and conditions as may be prescribed by the donor, grantor or testator and accepted by the municipality.

Acts 1937, c. 56; Acts 1969, c. 86.

Library References

Key Numbers

Municipal Corporations ⇐57.
Westlaw Key Number Search: 268k57.

Encyclopedias

C.J.S. Municipal Corporations §§ 104, 106, 108, 110 to 115, 117 to 118, 122, 137 to 138, 143, 145 to 146.

Forms

25 Am. Jur. Pleading and Practice Forms Waterworks and Water Companies § 2.

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1. Municipal powers

A public service commission had no power to require city owning and operating water plant to furnish water to private utility operating water plant in adjoining municipality. Code 1937, 8–12–1. Benwood-McMechen Water Co. v. City of Wheeling, 1939, 4 S.E.2d 300, 121 W.Va. 373. Municipal Corporations ⟹ 277

Every town and village in this state, incorporated under the provisions of Code, c. 47, or to which they apply, is a municipal corporation, possessing all the powers incident to such corporations at common law not changed, abolished, or prohibited by statute. Richards v. Town of Clarksburg, 1887, 4 S.E. 774, 30 W.Va. 491. Municipal Corporations ⟹ 57

The corporate power of every municipal corporation incorporated under the provisions of Code, c. 47, or to which they apply, can only be exercised by the common council thereof, or under its authority, except where otherwise provided by law. Richards v. Town of Clarksburg, 1887, 4 S.E. 774, 30 W.Va. 491. Municipal Corporations ⟹ 61

2. Contracts

Where city and private utility entered into contract by which city agreed to sell water to private utility for an indefinite period, city could not abruptly terminate contract and discontinue services thereunder, but private utility was entitled to reasonable time to adjust its affairs to give public the services to which they were entitled. Code 1937, 8–12–1. Benwood-McMechen Water Co. v. City of Wheeling, 1939, 4 S.E.2d 300, 121 W.Va. 373. Municipal Corporations ⟹ 277

A contract by which city owning and operating water plant agreed to supply water to private utility operating water plant in adjoining municipality was confined to the two utilities and did not extend to the public served by each. Code 1937, 8–12–1. Benwood-McMechen Water Co. v. City of Wheeling, 1939, 4 S.E.2d 300, 121 W.Va. 373. Municipal Corporations ⟹ 277

An agreement between a city which owned and operated a water plant and a private utility operating water plant in adjoining municipality by which city agreed to sell water to private utility for indefinite period was terminable by either party after reasonable notice and service thereunder could be discontinued after date on which termination became effective. Code 1937, 8–12–1. Benwood-McMechen Water Co. v. City of Wheeling, 1939, 4 S.E.2d 300, 121 W.Va. 373. Municipal Corporations ⟹ 277

On notice by city of termination of contract by which city agreed to furnish water for indefinite period to private utility operating water plant in adjoining municipality, question of what constituted reasonable time to which private utility was entitled to adjust affairs before termination of service was question which public service commission could properly determine. Code 1937 8–12–1. Benwood-McMechen Water Co. v. City of Wheeling, 1939, 4 S.E.2d 300, 121 W.Va. 373. Municipal Corporations ⟹ 277

A city owning and operating a water plant and a private utility operating water plant in adjoining municipalities had right to make contract by which city agreed to supply water to the private utility. Code 1937, 8–12–1. Benwood-McMechen Water Co. v. City of Wheeling, 1939, 4 S.E.2d 300, 121 W.Va. 373. Municipal Corporations ⟹ 277

A city owning municipal water plant and private utility operating water plant in adjoining municipalities acted in same capacity in entering into contract by which city agreed to furnish water to private utility, as if business in which they were engaged was not affected by public interest. Code 1937, 8–12–1. Benwood-McMechen Water Co. v. City of Wheeling, 1939, 4 S.E.2d 300, 121 W.Va. 373. Municipal Corporations ⟹ 277

3. Indebtedness

State Constitution's prohibition against incurring excessive debt by municipal corporations was not violated by Charleston Building Commission's proposal to finance acquisition of building to be leased to state through issuance of bonds or certificates of participation. Const. Art. 10, § 8; Code, 8–33–5. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 864(3)

4. Bonds

Charleston Building Commission has authority to issue bonds or certificates of participation to finance its acquisition and renovation of building that it intends to lease to state. Code, 8–33–4(h–j). State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 906

Building that was to be acquired and owned by Charleston Building Commission but leased to state was a "municipal public work" for purposes of revenue bond financing statutes. Code, 8–16–1. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 911

PART II—HOME RULE POWERS FOR CITIES

§ 8-12-2. Home rule powers for all cities

(a) In accordance with the provisions of the "Municipal Home Rule Amendment" to the Constitution of this State, and in addition to the powers and authority granted by (i) such Constitution, (ii) other provisions of this chapter, (iii) other general law, and (iv) any existing charter, any city shall have plenary power and authority by charter provision not inconsistent or in conflict with such Constitution, other provisions of this chapter or other general law, or by ordinance not inconsistent or in conflict with such Constitution, other provisions of this chapter, other general law or any existing charter, to provide for the government, regulation and control of the city's municipal affairs, including, but not limited to, the following:

(1) The creation or discontinuance of departments of the city's government and the prescription, modification or repeal of their powers and duties;

(2) The transaction of the city's business;

(3) The incurring of the city's obligations;

(4) The presentation, ascertainment, disposition and discharge of claims against the city;

(5) The acquisition, care, management and use of the city's streets, avenues, roads, alleys, ways and property;

(6) The levy, assessment, collection and administration of such taxes and such special assessments for benefits conferred, as have been or may be specifically authorized by the legislature;

(7) The operation and maintenance of passenger transportation services and facilities, if authorized by the public service commission, and if so authorized, such transportation system may be operated without the corporate limits of such city, but may not be operated within the corporate limits of another municipality without the consent of the governing body thereof;

(8) The furnishing of all local public services;

(9) The government, protection, order, conduct, safety and health of persons or property therein;

(10) The adoption and enforcement of local police, sanitary and other similar regulations; and

(11) The imposition and enforcement of penalties for the violation of any of the provisions of its charter or of any of its ordinances.

(b) By charter provision, a civil service system may be provided for all or any class of city employees in addition to those classes for which a civil service system is made mandatory by general law.

(c) Any city is hereby authorized and empowered to require, for the purpose of inquiring into and investigating matters of concern to the city or its inhabitants, the attendance and testimony of witnesses and the production of

evidence. In case of the failure or refusal of a witness to appear and testify or to produce evidence, the governing body may invoke the aid of the circuit court of the county in which the city or the major portion of the territory thereof is located. Upon proper showing, the circuit court shall issue an order requiring the witness to appear and give testimony and produce evidence concerning the matter in question. A person who fails or refuses to obey the order of the circuit court may be punished by the court as for contempt. A claim that any such testimony or evidence may tend to incriminate the person giving the testimony or evidence shall not excuse the witness, but such testimony or evidence shall not be used against the witness in any criminal prosecution.

(d) Any city is hereby authorized and empowered to provide for a sealer of weights and measures who shall exercise his powers in accordance with the provisions of article one, chapter forty-seven of this code.

Acts 1937, c. 56; Acts 1969, c. 86.

Cross References

Home rule for municipalities, constitutional provisions, see Const. Art. 6 § 39(a).

Library References

Key Numbers

Municipal Corporations ⚷65.
Westlaw Key Number Search: 268k65.

Encyclopedias

C.J.S. Municipal Corporations §§ 122, 140 to 141, 143, 180 to 183.

Notes of Decisions

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1. In general

"Home rule" provision of code provides that municipalities have power necessary to transact city's business and to incur obligations on behalf of cities. Code, 8-12-2. Local 598, Council 58 American Federation v. City of Huntington, 1984, 317 S.E.2d 167, 173 W.Va. 403. Municipal Corporations ⚷ 226

2. Legislative authority

Legislature has authority to delegate its lawmaking power to municipal corporations and counties as to matters of local concern; such delegation does not violate separation of powers doctrine. Const. Art. 5, § 1. State ex rel. State Line Sparkler of WV, Ltd. v. Teach, 1992, 418 S.E.2d 585, 187 W.Va. 271. Constitutional Law ⚷ 63(2)

Municipal corporation has only those powers granted to it by legislature, and any such power it possesses must be expressly granted or necessarily or fairly implied or essential and indispensable; if any reasonable doubt exists as to whether municipal corporation has a power, the power must be denied. McCallister v. Nelson, 1991, 411 S.E.2d 456, 186 W.Va. 131. Municipal Corporations ⚷ 57

3. Delegation of authority

Local government entity may, by proper ordinance and in conformity with State Administrative Procedures Act, delegate to local human relations commission the right to seek subpoena from appropriate circuit court. Code, 5-11-12, 8-12-2(c), 29A-1-1 et seq. Huntington Human Relations Com'n ex rel. James v. Realco, Inc., 1985, 330 S.E.2d 682, 175 W.Va. 24. Municipal Corporations ⚷ 62

4. Police power

Grant of police power to local government or political subdivision necessarily includes right to carry it into effect and empowers governing body to use proper means to enforce its ordinances; consequently, power to punish by pecuniary fine or penalty is implied from delegation by legislature of right to enforce particular police power through ordinances or regulations. State ex rel. State Line Sparkler of WV, Ltd. v.

Teach, 1992, 418 S.E.2d 585, 187 W.Va. 271. Municipal Corporations ⟹ 589

5. Enumerated powers

Enumeration of powers and authority granted in statute shall not operate to exclude exercise of other powers and authority fairly incidental thereto or reasonably implied and within purposes of Chapter 8. Code, 8–1–7. McCallister v. Nelson, 1991, 411 S.E.2d 456, 186 W.Va. 131. Municipal Corporations ⟹ 59

6. Contracts

Under its general power to contract and be contracted with, municipality is empowered to enter into collective bargaining agreement; such an agreement is binding and enforceable. Code, 8–12–1, 8–12–2. Local 598, Council 58 American Federation v. City of Huntington, 1984, 317 S.E.2d 167, 173 W.Va. 403. Labor Relations ⟹ 242

7. Vetoes

Charter provision which authorizes veto by mayor of municipality to ordinance or resolution of city council is reasonably implied and fairly incidental to granted or enumerated powers within statute and West Virginia Constitution. Code, 8–1–7; Const. Art. 6, § 39(a). McCallister v. Nelson, 1991, 411 S.E.2d 456, 186 W.Va. 131. Municipal Corporations ⟹ 168

8. Review

City had no power to confer jurisdiction on circuit court to hear appeals from local human relations commission's actions, either directly or by specifying, in ordinance creating commission, that Administrative Procedures Act applied. Code, 29A–1–1 et seq. Southwestern Community Action Council, Inc. v. City of Huntington Human Relations Com'n, 1988, 371 S.E.2d 70, 179 W.Va. 573. Administrative Law And Procedure ⟹ 651

§ 8–12–3. Creation by charter provision of certain independent city boards

In selecting or changing to a form of government based on any of the four plans set forth in section two, article three of this chapter, a city may by charter provision withdraw from the governing body and administrative authority of the city the municipal powers and authority and duties pertaining to a city gas system, city electric system, any municipal public works in accordance with the provisions of article sixteen of this chapter, a city waterworks system in accordance with the provisions of article nineteen of this chapter, a city sewage treatment and disposal works, or a combined city waterworks and sewerage system in accordance with the provisions of article twenty of this chapter, or any combination of the foregoing, and confer such powers and authority and duties upon one or more independent boards created by charter provision, whose members shall be elected by the qualified voters of the city, or appointed, in the manner provided by charter provision. Unless and until abolished by other charter provision, such board or boards so created shall have complete and exclusive jurisdiction of the exercise and discharge of the municipal powers and authority and duties so conferred upon it or them, independent of control by the governing body and administrative authority of the city. Such boards shall have the powers and authority and perform the duties conferred and required by general law.

The provisions of this section shall be construed as conferring additional powers and authority upon cities, and shall not be construed as affecting any powers and authority heretofore conferred upon any city by general, special or local law or by special legislative charter, or parts thereof; however, whenever a board is established by charter provision in accordance with the provisions of this section in connection with a municipal public works, a city waterworks system, or combined city waterworks and sewerage system, as aforesaid, such board shall act in lieu of the governing body of the city with respect thereto, and the provisions of said articles sixteen, nineteen and twenty of this chapter

authorizing the establishment of a board with respect to any such public works, waterworks system or combined waterworks and sewerage system shall not be applicable.

Acts 1941, c. 69; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⟹177.
Westlaw Key Number Search: 268k177.

Encyclopedias
C.J.S. Municipal Corporations §§ 445, 448 to 449, 537.

§ 8–12–3a. Cities authorized to create department of development and transfer planning functions of certain independent agencies to such department; authorizing related ordinances and resolutions

(a) In extension of the power and authority set forth in section two of this article and notwithstanding any provision of this code or any charter provision to the contrary, any city shall have plenary power and authority by charter provision or ordinance to establish a department of development for such city and to transfer to such department (1) all or any limited part of the planning functions of such city's housing authority, as provided for in article fifteen, chapter sixteen of this code; (2) all or any limited part of the planning functions of such city's urban renewal authority, as provided for in article eighteen, chapter sixteen of this code; (3) all or any limited part of the planning functions of such city's planning commission, as provided for in article twenty-four of this chapter; and (4) all or any limited part of the powers, privileges, rights, duties, responsibilities and obligations related to such planning functions.

(b) Any city adopting any such charter provision or ordinance shall also have plenary power and authority to enact such other ordinances and adopt such resolutions as may be deemed necessary or desirable to (1) implement and make effective the provisions of subsection (a) of this section; and (2) provide for the implementation of the plans prepared by such city's department of development.

Acts 1973, c. 85.

Library References

Key Numbers
Municipal Corporations ⟹192.
Westlaw Key Number Search: 268k192.

§ 8–12–4. Power to provide by charter for initiative, referendum and recall

Any city may by charter provision provide for any or all of the following:

(1) The initiation of ordinances by petition bearing the signatures, written in their own handwriting, of not less than ten percent of the qualified voters of such city;

(2) The submission to the qualified voters of such city of a proposed ordinance at a regular municipal election or special municipal election upon

petition bearing the signatures, written in their own handwriting, of not less than ten percent of the qualified voters of such city or upon resolution of the governing body of such city; and

(3) The holding of a special municipal election to submit to the qualified voters of such city the question of the recall of an elected officer upon petition bearing the signatures, written in their own handwriting, of not less than twenty percent of the qualified voters of such city. Not more than one recall election shall be held with respect to an officer during his term of office.

Acts 1937, c. 56; Acts 1969, c. 86.

Library References

Key Numbers

Municipal Corporations ⚷108.1, 108.6, 155.
Westlaw Key Number Searches: 268k108.1; 268k108.6; 268k155.

Encyclopedias

C.J.S. Municipal Corporations §§ 311 to 313, 315 to 316, 325 to 326, 420 to 421.

Notes of Decisions

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1. Mandamus

Appeal from order denying writ of mandamus to require clerk of municipality to certify sufficiency of petition to recall certain members of city council at special election was rendered moot by fact that a general municipal election was to be held within 120 days and that city charter provided in effect that a special election could not be held within 120 days before general municipal election. Code, 8–12–4(3). State ex rel. Durkin v. Neely, 1981, 276 S.E.2d 311, 166 W.Va. 553. Appeal And Error ⚷ 781(2)

2. Zoning and planning

Section of city charter that reserved power of referendum to qualified voters for city to require reconsideration by city council of any adopted ordinance was inconsistent with statute controlling method by which city could amend comprehensive zoning ordinance which did not authorize a referendum to challenge amendments to zoning ordinances; thus, general law, rather than city charter controlled. Code, 8–24–23. State ex rel. Foster v. City of Morgantown, 1993, 432 S.E.2d 195, 189 W.Va. 433. Zoning And Planning ⚷ 14

PART III—GENERAL POWERS OF MUNICIPALITIES AND GOVERNING BODIES

§ 8–12–5. General powers of every municipality and the governing body thereof

In addition to the powers and authority granted by: (i) The constitution of this state; (ii) other provisions of this chapter; (iii) other general law; and (iv) any charter, and to the extent not inconsistent or in conflict with any of the foregoing except special legislative charters, every municipality and the governing body thereof shall have plenary power and authority therein by ordinance or resolution, as the case may require, and by appropriate action based thereon:

(1) To lay off, establish, construct, open, alter, curb, recurb, pave or repave and keep in good repair, or vacate, discontinue and close, streets, avenues, roads, alleys, ways, sidewalks, drains and gutters, for the use of the public, and to improve and light the same, and have them kept free from obstructions on or over them which have not been authorized pursuant to the succeeding provi-

sions of this subdivision; and, subject to such terms and conditions as the governing body shall prescribe, to permit, without in any way limiting the power and authority granted by the provisions of article sixteen of this chapter, any person to construct and maintain a passageway, building or other structure overhanging or crossing the airspace above a public street, avenue, road, alley, way, sidewalk or crosswalk, but before any permission for any person to construct and maintain a passageway, building or other structure overhanging or crossing any airspace is granted, a public hearing thereon shall be held by the governing body after publication of a notice of the date, time, place and purpose of the public hearing has been published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication shall be the municipality: Provided, That any permit so granted shall automatically cease and terminate in the event of abandonment and nonuse thereof for the purposes intended for a period of ninety days, and all rights therein or thereto shall revert to the municipality for its use and benefit;

(2) To provide for the opening and excavation of streets, avenues, roads, alleys, ways, sidewalks, crosswalks and public places belonging to the municipality and regulate the conditions under which any such opening may be made;

(3) To prevent by proper penalties the throwing, depositing or permitting to remain on any street, avenue, road, alley, way, sidewalk, square or other public place any glass, scrap iron, nails, tacks, wire, other litter or any offensive matter or anything likely to injure the feet of individuals or animals or the tires of vehicles;

(4) To regulate the use of streets, avenues, roads, alleys, ways, sidewalks, crosswalks and public places belonging to the municipality, including the naming or renaming thereof, and to consult with local postal authorities, the division of highways and the directors of county emergency communications centers to assure uniform, nonduplicative addressing on a permanent basis;

(5) To regulate the width of streets, avenues and roads, and, subject to the provisions of article eighteen of this chapter, to order the sidewalks, footways and crosswalks to be paved, repaved, curbed or recurbed and kept in good order, free and clean, by the owners or occupants thereof or of the real property next adjacent thereto;

(6) To establish, construct, alter, operate and maintain, or discontinue, bridges, tunnels and ferries and approaches thereto;

(7) To provide for the construction and maintenance of water drains, the drainage of swamps or marshlands and drainage systems;

(8) To provide for the construction, maintenance and covering over of watercourses;

(9) To control and administer the waterfront and waterways of the municipality and to acquire, establish, construct, operate and maintain and regulate flood control works, wharves and public landings, warehouses and all adjuncts and

facilities for navigation and commerce and the utilization of the waterfront and waterways and adjacent property;

(10) To prohibit the accumulation and require the disposal of garbage, refuse, debris, wastes, ashes, trash and other similar accumulations whether on private or public property: Provided, That, in the event the municipality annexes an area which has been receiving solid waste collection services from a certificated solid waste motor carrier, the municipality and the solid waste motor carrier may negotiate an agreement for continuation of the private solid waste motor carrier services for a period of time, not to exceed three years, during which time the certificated solid waste motor carrier may continue to provide exclusive solid waste collection services in the annexed territory;

(11) To construct, establish, acquire, equip, maintain and operate incinerator plants and equipment and all other facilities for the efficient removal and destruction of garbage, refuse, wastes, ashes, trash and other similar matters;

(12) To regulate or prohibit the purchase or sale of articles intended for human use or consumption which are unfit for use or consumption, or which may be contaminated or otherwise unsanitary;

(13) To prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome;

(14) To regulate the keeping of gunpowder and other combustibles;

(15) To make regulations guarding against danger or damage by fire;

(16) To arrest, convict and punish any individual for carrying about his or her person any revolver or other pistol, dirk, bowie knife, razor, slingshot, billy, metallic or other false knuckles or any other dangerous or other deadly weapon of like kind or character;

(17) To arrest, convict and punish any person for importing, printing, publishing, selling or distributing any pornographic publications;

(18) To arrest, convict and punish any person for keeping a house of ill fame, or for letting to another person any house or other building for the purpose of being used or kept as a house of ill fame, or for knowingly permitting any house owned by him or her or under his or her control to be kept or used as a house of ill fame, or for loafing, boarding or loitering in a house of ill fame, or frequenting same;

(19) To prevent and suppress conduct and practices which are immoral, disorderly, lewd, obscene and indecent;

(20) To prevent the illegal sale of intoxicating liquors, drinks, mixtures and preparations;

(21) To arrest, convict and punish any individual for driving or operating a motor vehicle while intoxicated or under the influence of liquor, drugs or narcotics;

(22) To arrest, convict and punish any person for gambling or keeping any gaming tables, commonly called "A, B, C," or "E, O," table or faro bank or keno table, or table of like kind, under any denomination, whether the gaming

table be played with cards, dice or otherwise, or any person who shall be a partner or concerned in interest, in keeping or exhibiting the table or bank, or keeping or maintaining any gaming house or place, or betting or gambling for money or anything of value;

(23) To provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance;

(24) To license, or for good cause to refuse to license in a particular case, or in its discretion to prohibit in all cases, the operation of pool and billiard rooms and the maintaining for hire of pool and billiard tables notwithstanding the general law as to state licenses for any such business and the provisions of section four, article thirteen of this chapter; and when the municipality, in the exercise of its discretion, refuses to grant a license to operate a pool or billiard room, mandamus may not lie to compel the municipality to grant the license unless it shall clearly appear that the refusal of the municipality to grant a license is discriminatory or arbitrary; and in the event that the municipality determines to license any business, the municipality has plenary power and authority and it shall be the duty of its governing body to make and enforce reasonable ordinances regulating the licensing and operation of the businesses;

(25) To protect places of divine worship and to preserve peace and order in and about the premises where held;

(26) To regulate or prohibit the keeping of animals or fowls and to provide for the impounding, sale or destruction of animals or fowls kept contrary to law or found running at large;

(27) To arrest, convict and punish any person for cruelly, unnecessarily or needlessly beating, torturing, mutilating, killing, or overloading or overdriving or willfully depriving of necessary sustenance any domestic animal;

(28) To provide for the regular building of houses or other structures, for the making of division fences by the owners of adjacent premises and for the drainage of lots by proper drains and ditches;

(29) To provide for the protection and conservation of shade or ornamental trees, whether on public or private property, and for the removal of trees or limbs of trees in a dangerous condition;

(30) To prohibit with or without zoning the location of occupied house trailers or mobile homes in certain residential areas;

(31) To regulate the location and placing of signs, billboards, posters and similar advertising;

(32) To erect, establish, construct, acquire, improve, maintain and operate a gas system, a waterworks system, an electric system or sewer system and sewage treatment and disposal system, or any combination of the foregoing (subject to all of the pertinent provisions of articles nineteen and twenty of this chapter and particularly to the limitations or qualifications on the right of eminent domain set forth in articles nineteen and twenty), within or without the corporate limits of the municipality, except that the municipality may not erect

any system partly without the corporate limits of the municipality to serve persons already obtaining service from an existing system of the character proposed and where the system is by the municipality erected, or has heretofore been so erected, partly within and partly without the corporate limits of the municipality, the municipality has the right to lay and collect charges for service rendered to those served within and those served without the corporate limits of the municipality and to prevent injury to the system or the pollution of the water thereof and its maintenance in a healthful condition for public use within the corporate limits of the municipality;

(33) To acquire watersheds, water and riparian rights, plant sites, rights-of-way and any and all other property and appurtenances necessary, appropriate, useful, convenient or incidental to any system, waterworks or sewage treatment and disposal works, as aforesaid, subject to all of the pertinent provisions of articles nineteen and twenty of this chapter;

(34) To establish, construct, acquire, maintain and operate and regulate markets and prescribe the time of holding the same;

(35) To regulate and provide for the weighing of articles sold or for sale;

(36) To establish, construct, acquire, maintain and operate public buildings, municipal buildings or city halls, auditoriums, arenas, jails, juvenile detention centers or homes, motor vehicle parking lots or any other public works;

(37) To establish, construct, acquire, provide, equip, maintain and operate recreational parks, playgrounds and other recreational facilities for public use and in this connection also to proceed in accordance with the provisions of article two, chapter ten of this code;

(38) To establish, construct, acquire, maintain and operate a public library or museum or both for public use;

(39) To provide for the appointment and financial support of a library board in accordance with the provisions of article one, chapter ten of this code;

(40) To establish and maintain a public health unit in accordance with the provisions of section two, article two, chapter sixteen of this code, which unit shall exercise its powers and perform its duties subject to the supervision and control of the West Virginia board of health and state bureau for public health;

(41) To establish, construct, acquire, maintain and operate hospitals, sanitaria and dispensaries;

(42) To acquire, by purchase, condemnation or otherwise, land within or near the corporate limits of the municipality for providing and maintaining proper places for the burial of the dead and to maintain and operate the same and regulate interments therein upon terms and conditions as to price and otherwise as may be determined by the governing body and, in order to carry into effect the authority, the governing body may acquire any cemetery or cemeteries already established;

(43) To exercise general police jurisdiction over any territory without the corporate limits owned by the municipality or over which it has a right-of-way;

(44) To protect and promote the public morals, safety, health, welfare and good order;

(45) To adopt rules for the transaction of business and the government and regulation of its governing body;

(46) Except as otherwise provided, to require and take bonds from any officers, when considered necessary, payable to the municipality, in its corporate name, with such sureties and in a penalty as the governing body may see fit, conditioned upon the faithful discharge of their duties;

(47) To require and take from the employees and contractors such bonds in a penalty, with such sureties and with such conditions, as the governing body may see fit;

(48) To investigate and inquire into all matters of concern to the municipality or its inhabitants;

(49) To establish, construct, require, maintain and operate such instrumentalities, other than free public schools, for the instruction, enlightenment, improvement, entertainment, recreation and welfare of the municipality's inhabitants as the governing body may consider necessary or appropriate for the public interest;

(50) To create, maintain and operate a system for the enumeration, identification and registration, or either, of the inhabitants of the municipality and visitors thereto, or the classes thereof as may be considered advisable;

(51) To require owners, residents or occupants of factory-built homes situated in a factory-built rental home community with at least ten factory-built homes, to visibly post the specific numeric portion of the address of each factory-built home on the immediate premises of the factory-built home of sufficient size to be visible from the adjoining street: Provided, That in the event no numeric or other specific designation of an address exists for a factory-built home subject to the authorization granted by this subdivision, the municipality has the authority to provide a numeric or other specific designation of an address for the factory-built home and require that it be posted in accordance with the authority otherwise granted by this section.

(52) To appropriate and expend not exceeding twenty-five cents per capita per annum for advertising the municipality and the entertainment of visitors;

(53) To conduct programs to improve community relations and public relations generally and to expend municipal revenue for such purposes;

(54) To reimburse applicants for employment by the municipality for travel and other reasonable and necessary expenses actually incurred by the applicants in traveling to and from the municipality to be interviewed;

(55) To provide revenue for the municipality and appropriate the same to its expenses;

(56) To create and maintain an employee benefits fund which may not exceed one tenth of one percent of the annual payroll budget for general employee benefits and which is set up for the purpose of stimulating and encouraging

employees to develop and implement cost-saving ideas and programs and to expend moneys from the fund for these purposes;

(57) To enter into reciprocal agreements with governmental subdivisions or agencies of any state sharing a common border for the protection of people and property from fire and for emergency medical services and for the reciprocal use of equipment and personnel for these purposes; and

(58) To provide penalties for the offenses and violations of law mentioned in this section, subject to the provisions of section one, article eleven of this chapter, and such penalties may not exceed any penalties provided in this chapter and chapter sixty-one of this code for like offenses and violations.

Acts 1882, c. 92, § 28; Acts 1891, c. 92, § 28; Acts 1905, c. 53, § 28; Acts 1921, c. 143, § 28; Acts 1935, c. 66; Acts 1941, c. 65; Acts 1941, c. 66; Acts 1947, c. 117; Acts 1969, c. 86; Acts 1972, c. 77; Acts 1981, c. 162; Acts 1983, c. 49; Acts 1989, c. 41; Acts 1999, c. 201, eff. 90 days after March 12, 1999; Acts 2001, c. 211, eff. April 12, 2001; Acts 2002, c. 63, eff. 90 days after Feb. 11, 2002.

Formerly Code 1868, c. 47, § 28; Code 1923, c. 47, § 28.

Cross References

Emergency ambulance service, generally, see § 7-15-1 et seq.
Fire fighting, contracts for prevention and extinguishment of fires beyond the corporate limits, see § 8-15-3.
Home rule for municipalities, constitutional provisions, see Const. Art. 6 § 39(a).
Municipal courts, constitutional provisions, see Const. Art. 8 § 11.

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The Silent Revolution in West Virginia's Law of Nuisance. Jeff L. Lewin, 92 W. Va. L. Rev. 235 (1990).

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Speech and press regulation,

Bias-motivated disorderly conduct ordinance, fighting words, content based regulation, see R.A.V. v. City of St. Paul, Minn., U.S.Minn.1992, 112 S.Ct. 2538, 505 U.S. 377, 120 L.Ed.2d 305.

Free speech and association, overbreadth doctrine, gang loitering ordinance, see City of Chicago v. Morales, U.S.Ill. 1999, 119 S.Ct. 1849, 527 U.S. 41.

Outdoor advertising ordinances, local governmental immunity, conspiracy exception, see City of Columbia v. Omni Outdoor Advertising, Inc., U.S.S.C. 1991, 111 S.Ct. 1344, 499 U.S. 365, 113 L.Ed.2d 382, on remand 974 F.2d 502.

Parade ordinance, varied fee based on estimated police cost, content regulation, see Forsyth County, Ga. v. Nationalist Movement, U.S.Ga.1992, 112 S.Ct. 2395, 505 U.S. 123, 120 L.Ed.2d 101.

Press, ordinance prohibiting newsracks dispensing commercial magazines on public property, reasonable fit test, time, place and manner restrictions, see City of Cincinnati v. Discovery Network, Inc., U.S.Ohio1993, 113 S.Ct. 1505, 507 U.S. 410, 123 L.Ed.2d 99.

Zoning,

In general,

Group homes for mentally retarded, special use permits, see City of Cleburne, Tex. v. Cleburne Living Center,

U.S.Tex.1985, 105 S.Ct. 3249, 473 U.S. 432, 87 L.Ed.2d 313.

Open-space land zoning ordinances. Agins v. City of Tiburon, U.S.Cal.1980, 100 S.Ct. 2138, 447 U.S. 255, 65 L.Ed.2d 106.

Rejection of development plans, takings, proportionality test, civil rights actions, jury trial right, actions at law, see City of Monterey v. Del Monte Dunes, U.S.Cal.1999, 119 S.Ct. 1624, 526 U.S. 687.

Obscenity,

Adult motion picture theaters, prohibited locations, see City of Renton v. Playtime Theatres, Inc., U.S.Wash.1986, 106 S.Ct. 925, 475 U.S. 41, 89 L.Ed.2d 29, rehearing denied 106 S.Ct. 1663, 475 U.S. 1132, 90 L.Ed.2d 205, on remand 789 F.2d 804.

Live entertainment, nude dancing, zoning ordinances, see Schad v. Borough of Mount Ephraim, U.S.N.J.1981, 101 S.Ct. 2176, 452 U.S. 61, 68 L.Ed.2d 671.

Public nude dancing as expressive conduct, restrictions on symbolic speech under O'Brien standard, secondary effects, see City of Erie v. Pap's A.M., U.S.Pa.2000, 120 S.Ct. 1382, 529 U.S. 277.

Topless dancing, establishments licensed to serve liquor, see New York State Liquor Authority v. Bellanca, U.S.N.Y. 1981, 101 S.Ct. 2599, 452 U.S. 714, 69 L.Ed.2d 357, on remand 445 N.Y.S.2d 87, 54 N.Y.2d 228, 429 N.E.2d 765.

Topless dancing ordinances, see Doran v. Salem Inn, Inc., U.S.N.Y.1975, 95 S.Ct. 2561, 422 U.S. 922, 45 L.Ed.2d 648.

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1. Powers of municipality

A municipal corporation, in one aspect, is arm of government and performs purely governmental functions, but in another aspect, it is quasi private corporation and may engage in business and realize profit therefrom just as private corporation would. City of Benwood v. Interstate Bridge Co., 1940, 30 F.Supp. 952. Municipal Corporations ⟹ 57

A city engaged in project wherein people of entire state have interest is performing governmental function, but when it engages in project concerning only its own citizens or limited group of citizens of state, it acts in quasi private capacity. City of Benwood v. Interstate Bridge Co., 1940, 30 F.Supp. 952. Municipal Corporations ⟹ 57

A city acting in its quasi private, as opposed to its governmental capacity, is bound by ordinary rules pertaining to corporations. City of Benwood v. Interstate Bridge Co., 1940, 30 F.Supp. 952. Municipal Corporations ⟹ 57

A municipal corporation possesses and can exercise only powers granted in express words, powers necessarily or fairly implied in or incident to powers expressly granted and powers essential to accomplishment of declared objects and purposes of corporation, not simply convenient, but indispensable. Maxey v. City of Bluefield, 1966, 151 S.E.2d 689, 151 W.Va. 302. Municipal Corporations ⟹ 57

A municipal corporation is merely a creature of the legislature, and can exercise only certain delegated governmental functions which the legislature may revoke, and it has no inherent powers, but only such implied powers as are necessary to carry into effect those expressly granted. Chesapeake & Potomac Tel. Co. of W. Va. v. City of Morgantown, 1959, 107 S.E.2d 489, 144 W.Va. 149. Municipal Corporations ⟹ 57

The city of Wheeling, having failed to adopt the municipal home rule statute, was not operating thereunder and could claim no powers thereby conferred. Acts 1935, c. 141; Acts 1937, c. 56, art. 1, §§ 9, 10; art. 2, § 15; art. 4, § 11; art. 5, § 1. State ex rel. Tucker v. City of Wheeling, 1945, 35 S.E.2d 681, 128 W.Va. 47. Municipal Corporations ⟹ 58

Power of municipality must be denied where there is reasonable doubt as to existence of power. Hyre v. Brown, 1926, 135 S.E. 656, 102 W.Va. 505, 49 A.L.R. 1230. Municipal Corporations ⟹ 58

Where a charter of a city confers power on it to be exercised for the public good, the exercise of the power is imperative, and the words, "the council shall have power to," mean duty and obligation. Cavender v. City of Charleston, 1907, 59 S.E. 732, 62 W.Va. 654. Municipal Corporations ⟹ 57

Where a statute confers power upon a municipal corporation to be exercised for the public good, the exercise of the power is not merely discretionary, but imperative, and the words, "the council shall have power to," mean duty and obligation. Cavender v. City of Charleston, 1907, 59 S.E. 732, 62 W.Va. 654. Municipal Corporations ⟹ 58

2. Police powers

Grant of police power to local government or political subdivision necessarily includes right to carry it into effect and empowers governing body to use proper means to enforce its ordinances; consequently, power to punish by pecuniary fine or penalty is implied from delegation by legislature of right to enforce particular police power through ordinances or regulations. State ex rel. State Line Sparkler of WV, Ltd. v. Teach, 1992, 418 S.E.2d 585, 187 W.Va. 271. Municipal Corporations ⟹ 589

When a municipal ordinance is opposed to the policy of the state in relation to the subject matter thereof and in conflict with a statute of the state in relation thereto, the ordinance is void to the extent of its conflict with the statute and should not be enforced. Chesapeake & Potomac Tel. Co. of W. Va. v. City of Morgantown, 1959, 107 S.E.2d 489, 144 W.Va. 149. Municipal Corporations ⟹ 592(1)

And when the owner of a lot in the municipality, in violation of such an ordinance, erects on his lot a garage of inflammable materials within a section devoted exclusively to residential purposes, to accommodate a large number of automobiles, and lets the stalls therein to owners thereof for storage, with their gasoline fuel tanks and oils and greases therein, with right of ingress and egress at all hours of the day and night, to the disturbance of the rest, peace, and quiet of tenants on the adjoining lots thereby greatly increasing the fire hazard and rates of insurance on the adjoining properties, and depreciating the actual and rental value thereof, the owner or owners of the adjoining property so specially damaged may maintain an action at law against the owner of such garage for the damages sustained. Harris v. Poulton, 1925, 127 S.E. 647, 99 W.Va. 20, 40 A.L.R. 334. Municipal Corporations ⟹ 601.1

The provisions of part 2, par. 2, § 4, par. 33, § 7, and part 3, par. 4, § 11, of the municipal ordinances of the City of Wheeling, among other things prohibiting the building, raising, altering or removal of certain classes of buildings contrary to the provisions of the Building Code, and defining "garage" included therein, and prohibiting the erection of such garages within said city, unless built of fireproof construction, and prescribing penalties for the violation of said ordinances, constitute a valid exercise of the police power of the municipality. Harris v. Poulton, 1925, 127 S.E. 647, 99 W.Va. 20, 40 A.L.R. 334. Municipal Corporations ⟹ 601.3

Ordinances prohibiting erection of garages, unless built of fireproof construction, held valid exercise of police power. Harris v. Poulton, 1925, 127 S.E. 647, 99 W.Va. 20, 40 A.L.R. 334. Municipal Corporations ⟹ 603

Police power to protect against fire exists inherently in municipality. Harris v. Poulton, 1925, 127 S.E. 647, 99 W.Va. 20, 40 A.L.R. 334. Municipal Corporations ⟹ 603

A police power in a municipality respecting protection against fire is properly referable to specific legislative authority, if conferred, or to the general welfare provisions of the municipal charter, and it exists inherently in the municipal authorities as necessarily implied from the general powers granted in respect thereto. Harris v. Poulton, 1925, 127 S.E. 647, 99 W.Va. 20, 40 A.L.R. 334. Municipal Corporations ⟹ 603

The common council of a city has no inherent power to regulate or restrict the erection of buildings within its corporate limits, nor can such common council adopt a policy, regulating and restricting it otherwise than by an ordinance. State ex rel. Nunley v. Mayor and City Council of Montgomery, 1923, 117 S.E. 888, 94 W.Va. 189. Municipal Corporations ⟹ 601.1

Under a city charter giving the council power to abate by summary proceedings whatever in the opinion of the council is a nuisance, the council may abate only that as a nuisance which is recognized as such per se or branded as such by lawful statute or ordinance. Donohoe v. Fredlock, 1913, 79 S.E. 736, 72 W.Va. 712. Municipal Corporations ⟹ 623(1)

Under the provisions of the charter of a city that the council thereof shall have the power "to regulate the making of division fences and party walls by the owners of adjoining and adjacent premises and lots; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; and to abate by summary proceedings whatever in the opinion of the council is a nuisance," the council may abate only that as a nuisance which is recognized as such per se or branded as such by a lawful statute or ordinance. Donohoe v. Fredlock, 1913, 79 S.E. 736, 72 W.Va. 712. Municipal Corporations ⟹ 623(1)

Under a provision of the charter of the city of Fairmont, same as Code 1906, c. 47, § 28, authorizing the council to abate a nuisance, it may abate only that as a nuisance which is recognized as such per se, or branded as such by statute or ordinance. Parker v. City of Fairmont, 1913, 79 S.E. 660, 72 W.Va. 688. Municipal Corporations ⟹ 623(1)

The city of Fairmont had no power under a provision of its charter, the same as Code 1906, c. 47, § 28, authorizing it to abate a nuisance, to abate the production and emission of smoke

from the plant of a lawful business, where there was no valid ordinance making such production and emission unlawful. Parker v. City of Fairmont, 1913, 79 S.E. 660, 72 W.Va. 688. Municipal Corporations ⟹ 623(1)

Under the provision of the charter of the city of Fairmont, same as Code 1906, ch. 47, sec. 28, that "the council shall have power to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance," the council may abate only that as a nuisance which is recognized as such per se, or branded as such by lawful statute or ordinance. Parker v. City of Fairmont, 1913, 79 S.E. 660, 72 W.Va. 688. Municipal Corporations ⟹ 623(1)

The production and emission of smoke from the plant of a lawful business cannot be abated by the city of Fairmont under its mere charter powers to abate nuisances and to prevent injury and annoyance, in the absence of a reasonable ordinance, applicable alike to all of a class, making such production and emission unlawful. Parker v. City of Fairmont, 1913, 79 S.E. 660, 72 W.Va. 688. Municipal Corporations ⟹ 623(1)

Acts 1901, p. 430, c. 151, § 28, amending the charter of the city of Elkins, empowers the council to regulate erection of buildings. Section 42 reserves to the city all the rights and powers granted it under Code 1906, c. 47, and by section 28 of that chapter (section 1868) the council of a city is empowered to make regulations guarding against fire. The city passed an ordinance requiring permission to be obtained from the council to alter, change, or repair a building already constructed. Held, that a refusal by the city council to permit the owner of a house to make minor alterations was an unreasonable application of the ordinance. Harvey v. City of Elkins, 1909, 64 S.E. 247, 65 W.Va. 305. Municipal Corporations ⟹ 601.1

A municipal corporation can only exercise such police power as is fairly included in the grant of powers by its charter. Judy v. Lashley, 1902, 41 S.E. 197, 50 W.Va. 628. Municipal Corporations ⟹ 589

Code, c. 47, § 28, vesting in municipal councils power to protect the persons and property of their citizens, and to preserve order, does not confer power to punish acts made criminal by the state law and fully covered thereby. Judy v. Lashley, 1902, 41 S.E. 197, 50 W.Va. 628. Municipal Corporations ⟹ 592(2)

The carrying of deadly weapons being an offense fully provided for and punished by law, and not amounting to a breach of the peace, cannot be made an offense and punished by a municipal ordinance, unless expressly authorized by municipal charter. Judy v. Lashley, 1902, 41 S.E. 197, 50 W.Va. 628. Municipal Corporations ⟹ 592(2)

Where the law gives the council of a town ample power to abate nuisances, and the council gives the person charged with maintaining the nuisance opportunity to be heard, it is unnecessary to resort to a court of equity for relief. Town of Davis v. Davis, 1895, 21 S.E. 906, 40 W.Va. 464. Municipal Corporations ⟹ 623(1)

A summons in the nature of an order to show cause, issued by a town council to a person charged with keeping a nuisance, not being a writ or process, within the meaning of Const. art. 2, § 8, need not run in the name of the state. Town of Davis v. Davis, 1895, 21 S.E. 906, 40 W.Va. 464. Municipal Corporations ⟹ 623(4)

Under Code, c. 47, § 28, giving the council of a town power to abate a nuisance, but not prescribing the methods of procedure, upon a petition signed by 50 residents, supported by two affidavits fully describing the alleged nuisance, a merry-go-round, and praying that the owner might be summoned before the town council, a summons signed by the mayor only in the nature of an order to show cause, and reciting the facts set out in the petition, was issued. Held, that the procedure and summons were sufficient. Town of Davis v. Davis, 1895, 21 S.E. 906, 40 W.Va. 464. Municipal Corporations ⟹ 623(4)

3. Bonds and indebtedness

Municipality's express power to construct certain public works is not limited by statutory restriction on municipality's power to issue bonds therefor. City of Wheeling v. John F. Casey Co., 1937, 89 F.2d 308, certiorari denied 58 S.Ct. 15, 302 U.S. 697, 82 L.Ed. 538. Municipal Corporations ⟹ 288(1)

A contract for paving and improving streets and alleys held not void as a debt prohibited by the Constitution, because at the time the bonds authorized therefor had not been sold, and the proceeds turned into the treasury. Atlantic Bitulithic Co. v. Town of Edgewood, 1915, 87 S.E. 183, 76 W.Va. 630. Municipal Corporations ⟹ 288(2)

The contract of a municipal corporation for paving and improving its streets and alleys is not void as constituting a debt inhibited by the constitution simply because the bonds authorized therefor have not at the date of the contract been actually sold and the proceeds thereof covered into the treasury. Atlantic Bitulithic Co. v. Town of Edgewood, 1915, 87 S.E. 183, 76 W.Va. 630. Municipal Corporations ⟹ 864(3)

Though the estimated amount of work and material called for by such contract, at the stipulated prices per square yard, for the paving, and the stipulated prices per lineal foot for the curbing, etc., aggregates a sum in excess of such bonds and an amount beyond the constitutional limitation, yet the contract being partible,

and susceptible of execution to the amount of such bonds and to the extent such municipality is permitted to become indebted, is void only as to the excess of work and material contracted for, and may be so enforced. Atlantic Bitulithic Co. v. Town of Edgewood, 1915, 87 S.E. 183, 76 W.Va. 630. Municipal Corporations ⟹ 864(3)

4. Public improvements

While city owes duty to maintain its streets and alleys in proper manner and in condition suitable for use to which they may be reasonably put, and party injured because of disrepair of streets may sue city for resulting damages, under West Virginia laws, a resident of city in such state cannot repair streets necessary to his business and recover cost thereof from city, as right to decide when street needs repair and determine how repairs shall be effected rests exclusively in city council. Code W.Va.1931, 8-4-10. City of Benwood v. Interstate Bridge Co., 1940, 30 F.Supp. 952. Municipal Corporations ⟹ 281(1)

A city council's failure to accede to interstate bridge company's request to improve street leading to bridge gave such company no right to do work itself and collect cost thereof from city. City of Benwood v. Interstate Bridge Co., 1940, 30 F.Supp. 952. Municipal Corporations ⟹ 281(1)

Council and officers of town had power under statute to issue franchise for the furnishing of water for public fire protection. Code 1931, 8-4-10. Mountain State Water Co. v. Town of Kingwood, 1939, 1 S.E.2d 395, 121 W.Va. 66. Municipal Corporations ⟹ 680(4)

The municipal authorities of the city of Ronceverte may require a lot owner to lay a sidewalk after the grade has been established and prepared for it, and after due notice to the owner and on failure on his part to construct such sidewalk, they may lay out and charge the expense against the lot owner, and assess the amount thereof as a lien against his lot. Fry v. City of Ronceverte, 1923, 117 S.E. 140, 93 W.Va. 388. Municipal Corporations ⟹ 281(1)

A town council, subject to Code 1913, c. 47, may, under section 28 (sec. 2409), order owners or occupants of adjacent realty to pave sidewalks. Town of Gassaway v. Klein, 1916, 87 S.E. 853, 77 W.Va. 461. Municipal Corporations ⟹ 281(1)

Where an ordinance enacted under Code 1913, c. 47, §§ 28, 34 (secs. 2409, 2420), required owners to make pavements on sidewalks adjacent to their property or be liable for the cost of the work as done by the town, held that the town could not charge owners with expenses for grading, excavating, or stonework done in preparing the sidewalk for the pavement. Town of Gassaway v. Klein, 1916, 87 S.E. 853, 77 W.Va. 461. Municipal Corporations ⟹ 281(1)

Before a paving assessment can be binding on a lot owner or a lien he must have had an opportunity to do the work and have refused or failed to do it. Town of Gassaway v. Klein, 1916, 87 S.E. 853, 77 W.Va. 461. Municipal Corporations ⟹ 281(2)

An assessment against a lot owner, charging him with expense of excavating, curbing, paving, and stonework, as one entire account, done under Code 1913, c. 47, §§ 28, 34 (secs. 2409, 2420), held void, though part of the account would be valid if the owner had been given opportunity to do the work and had failed to do so. Town of Gassaway v. Klein, 1916, 87 S.E. 853, 77 W.Va. 461. Municipal Corporations ⟹ 281(2)

The grant by a city to a gas company of the exclusive privilege of lighting the city with gas does not deprive the city of the power to contract with an electric-light company for lighting the city with electric lights. Parkersburg Gas Co. v. City of Parkersburg, 1887, 4 S.E. 650, 30 W.Va. 435. Municipal Corporations ⟹ 682(2)

Neither the charter of the city of Parkersburg, nor the general statute in relation to municipal corporations, in force in West Virginia in 1864, conferred on said city the power to delegate to a private corporation the exclusive privilege of using the streets and alleys of the city for laying gas pipes, and furnishing the city and its inhabitants with gas for 30 years. Parkersburg Gas Co. v. City of Parkersburg, 1887, 4 S.E. 650, 30 W.Va. 435. Municipal Corporations ⟹ 682(2)

5. Charters

The city council of Huntington, West Virginia, has broad powers under its charter to pass such ordinances or resolutions as the case may require, in so far as such power is not in conflict with the Constitution and laws of the state or the Constitution of the United States. Acts W.Va.1933, 2nd Ex.Sess., c. 161; Code, 8-4-10. Gates v. Council of City of Huntington, 1950, 93 F.Supp. 757. Municipal Corporations ⟹ 58

A municipality operating under a special charter antedating ratification of municipal home rule amendment to the Constitution cannot depend upon powers granted to municipalities under home rule statute until municipality has adopted such statute in whole or in part in manner provided for therein or has amended its special charter as authorized in such statute. Acts 1935, c. 141; Acts 1937, c. 56, art. 1, §§ 9, 10; art. 2, § 15; art. 4, § 11; art. 5, § 1; Const. art. 6, § 39(a). State ex rel. Tucker v. City of Wheeling, 1945, 35 S.E.2d 681, 128 W.Va. 47. Municipal Corporations ⟹ 58

6. Obstruction of streets

A municipal ordinance making it unlawful to dig in the streets for the purpose of laying gas pipes, "without the consent of the council of the town entered upon the record of said town," is void, for the reason that it vests the council with arbitrary power to discriminate between citizens who may wish to obtain the privilege. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 680(4)

While a town incorporated under Code 1906, c. 47, cannot grant a right to occupy its streets permanently for a private purpose, it may, under proper regulations, permit a temporary obstruction thereof, in the interest of a private property owner. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 680(8)

7. Streets and other ways

A city's construction and maintenance of streets and alleys within its territorial limits held governmental functions. City of Benwood v. Interstate Bridge Co., 1940, 30 F.Supp. 952. Municipal Corporations ⟹ 269(2)

Plenary power and authority given to municipalities by their charters and by general law to lay out, pave and keep their streets in good repair and free and clean for security and convenience of the public and to prevent damage thereto by public service corporations licensed to use them, has not been impaired by the Public Service Commission Act, nor has the Public Service Commission jurisdiction to usurp or interfere with the police power of a municipality in the control of its streets. Code, 8-4-10. Chesapeake & Potomac Tel. Co. of W. Va. v. City of Morgantown, 1959, 107 S.E.2d 489, 144 W.Va. 149. Municipal Corporations ⟹ 661(1)

The council of any town subject to the provisions of chapter 47 of the Code of 1913 has authority under section 28 (section 2409) of that chapter "to order the sidewalks, footways, crosswalks, drains and gutters to be curbed and paved and kept in good order, free and clean, by the owners or occupants thereof, or of the real property next adjacent thereto." Town of Gassaway v. Klein, 1916, 87 S.E. 853, 77 W.Va. 461. Municipal Corporations ⟹ 269(4)

Acting on the authority conferred upon it by sections 28 and 34 of chapter 47 of the Code (sections 2409, 2420), the common council adopted an ordinance, requiring the owners and occupiers of real estate on the west side of Elk street, between Third and Seventh streets, to make brick or cement pavements on the sidewalks next adjacent to their property according to the provisions of the ordinance and within 15 days after notice of the ordinance shall have been served, and providing further that, "in case any owner or occupier of the real estate hereinbefore mentioned shall refuse or fail to make the said pavement as herein required, the superintendent of roads, streets and alleys shall cause the same to be done, and report the itemized cost of the same to the council, which cost shall be charged to the said owners or occupier, and payment thereof enforced as town taxes are enforced." Held, that the town could not under this ordinance, nor under the statute authorizing the ordinance, charge the owner of the real estate with expenses for grading, excavating, or stonework done in preparing the sidewalk for the pavement or curb. Town of Gassaway v. Klein, 1916, 87 S.E. 853, 77 W.Va. 461. Municipal Corporations ⟹ 269(4)

The power vested in the council of the city of Morgantown, by section 18, c. 144, of the Acts of 1901, and section 28, c. 47, Code, ser. sec. 2409, to have its streets kept free from obstructions and to protect the persons and property of its inhabitants, confers authority to pass a traffic ordinance requiring vehicles of all kinds in the use of the streets of the city, to confine themselves to the right-hand sides of the centers thereof, with reference to the directions in which they are severally moving, and forbidding the leaving of any vehicle standing on a street elsewhere than on the right-hand side thereof with reference to the direction in which it fronts. Beck v. Cox, 1915, 87 S.E. 492, 77 W.Va. 442. Municipal Corporations ⟹ 661(1)

Chapter 43B of the Code, secs. 1974–1992, prescribing regulations of the use of highways in general, by motor vehicles, neither expressly nor impliedly repeals said charter provisions, nor abrogates the powers conferred by them, except to the extent of deprivation of power to dispense with the limitations imposed by said chapter. Beck v. Cox, 1915, 87 S.E. 492, 77 W.Va. 442. Municipal Corporations ⟹ 661(1)

A city held to have power to permit a railroad to use a street forming part of a highway maintained by the city in co-operation with the county court. County Court of Taylor County v. City of Grafton, 1915, 86 S.E. 924, 77 W.Va. 84. Municipal Corporations ⟹ 680(6)

An ordinance making it unlawful to dig in the street "without the consent of the council" held void, as vesting the council with arbitrary power to discriminate between citizens. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 661(2)

8. Abutting owners rights

A county court held not an abutting owner, entitled to an easement in the land constituting the locus of a discontinued street. County Court of Taylor County v. City of Grafton, 1915, 86 S.E. 924, 77 W.Va. 84. Municipal Corporations ⟹ 663(2)

Owner of fee may use subsurface of street subject to easement of municipality provided he does not interfere with travel on the surface. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 665

The owner of the fee may use the subsurface of a street, subject to the superior right of easement therein of the municipality, for water, gas, and sewer mains, etc., provided he does not materially interfere with travel on the surface. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 668

A temporary and partial obstruction of a street by the owner of the fee in digging ditches and laying gas pipe thereunder held not to constitute a nuisance per se. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 668

In the absence of a regulatory ordinance, the owner of the fee in a street may dig a ditch and lay a gas pipe line thereunder, provided he leaves the surface in as good condition as he found it and does not materially interrupt travel. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 668

In the absence of a municipal ordinance prescribing any rules or regulations governing the conduct of citizens in making excavations in the street, it is not unlawful for the owner of the fee to dig a ditch and lay a gas pipe line thereunder, provided he leaves the surface in as good condition as he found it, and does not materially interrupt travel thereon. Such temporary and partial obstruction is not per se a nuisance. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 668

A municipality which has not present need to occupy the subsurface of a street for its own purposes cannot enjoin the owner of the fee therein from making lawful use of it for his own private purpose. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 668

Obstruction of a public street by an individual is a public nuisance, and an injunction may be maintained to abate it by an abutting owner materially injured thereby. Pence v. Bryant, 1903, 46 S.E. 275, 54 W.Va. 263. Municipal Corporations ⟹ 671(5.1)

One owning a lot abutting on a street may maintain injunction against a person obstructing it by the erection of a permanent building upon it, if it injures the lot. Pence v. Bryant, 1903, 46 S.E. 275, 54 W.Va. 263. Municipal Corporations ⟹ 671(5.1)

9. Subsurface rights

The owner of the fee has a right to use the subsurface of a public street, subject to the superior right of easement therein in favor of the municipality for water, gas, and sewer mains, etc., provided he does not materially interfere with travel on the surface. Lynch v. Town of Northview, 1914, 81 S.E. 833, 73 W.Va. 609. Municipal Corporations ⟹ 659

10. Vacation or abandonment

To entitle a property owner to injunctive relief against vacation or obstruction of a public street or road by public authority, as under Code 1913, c. 47, § 28 (sec. 2409), his property must abut on that part of road so vacated or obstructed, or he must show that he will thereby suffer special or peculiar damage or inconvenience not common to all. Davis Colliery Co. v. Town of Harding, 1919, 98 S.E. 815, 83 W.Va. 609. Municipal Corporations ⟹ 657(4)

Under Code 1913, c. 47, § 28 (sec. 2409), held, that a city may withdraw from co-operative maintenance with a county court of a highway leading into the city, by vacation or discontinuance of a street. County Court of Taylor County v. City of Grafton, 1915, 86 S.E. 924, 77 W.Va. 84. Municipal Corporations ⟹ 657(2)

A municipal corporation, under its statutory power to lay off, open, vacate, and improve streets, may impliedly and incidentally withdraw from co-operative maintenance with a county court of a highway leading into the city from the country, by vacation or discontinuance of a street constituting part of such highway. County Court of Taylor County v. City of Grafton, 1915, 86 S.E. 924, 77 W.Va. 84. Municipal Corporations ⟹ 657(2)

Surrender of a street to a railroad company on statutory conditions is not a devotion thereof to private use. County Court of Taylor County v. City of Grafton, 1915, 86 S.E. 924, 77 W.Va. 84. Municipal Corporations ⟹ 657(3)

Surrender of a street to a railroad company, upon conditions prescribed by the statute, is not a devotion thereof to private use. County Court of Taylor County v. City of Grafton, 1915, 86 S.E. 924, 77 W.Va. 84. Municipal Corporations ⟹ 680(6)

An ordinance vacating a street, not for public benefit or purpose, but only for the benefit of a private individual, is void. Pence v. Bryant, 1903, 46 S.E. 275, 54 W.Va. 263. Municipal Corporations ⟹ 657(2)

Code 1899, c. 47, § 28, giving a town council power to vacate, close, or alter streets and alleys, does not give it power to vacate a street, or part thereof with the sole purpose of benefiting a private person or freeing his land from public easements. Pence v. Bryant, 1903, 46 S.E. 275, 54 W.Va. 263. Municipal Corporations ⟹ 657(2)

Under Code 1899, c. 47, § 28, a town council may vacate a street, in whole or in part, solely for the public welfare. Pence v. Bryant, 1903, 46 S.E. 275, 54 W.Va. 263. Municipal Corporations ⟹ 657(2)

Whether the motives of a town council in vacating a street are proper cannot be judicially inquired into, but the aim of the vacation and the end accomplished may be considered in passing on its validity. Pence v. Bryant, 1903, 46 S.E. 275, 54 W.Va. 263. Municipal Corporations ⟹ 657(6)

11. Railroads

It has statutory power also, as against the county court, to allow such street to be so occupied and used by a railroad as to preclude travel over it, in consideration of the building by the railroad company of an equally good or better means of access to the city, connecting it with a county road at another point, not unreasonably distant, although a limited number of people may suffer inconvenience by the alteration. County Court of Taylor County v. City of Grafton, 1915, 86 S.E. 924, 77 W.Va. 84. Municipal Corporations ⟹ 680(6)

Where a county road has been included within the limits of an incorporated town, and the municipal authorities have assumed control thereof, they may, under their general powers conferred by the statutes with reference to streets, alleys, etc., authorize a railroad company to use a portion of said road for the purpose of constructing its railway along the same, in accordance with the statute which provides for such construction. Yates v. Town of West Grafton, 1891, 12 S.E. 1075, 34 W.Va. 783. Municipal Corporations ⟹ 680(6)

12. Immunity of municipality

Rule of municipal governmental immunity is now abolished in West Virginia; overruling cases to the contrary. Long v. City of Weirton, 1975, 214 S.E.2d 832, 158 W.Va. 741. Municipal Corporations ⟹ 723

Inasmuch as a common-law rule of municipal governmental immunity from tort liability was not adopted and operable within the Commonwealth of Virginia prior to the formation of the State of West Virginia, that supposed rule was not incorporated by Constitution into the common law of West Virginia; overruling cases to the contrary. Code, 2–1–1; Const. art. 6, § 35. Long v. City of Weirton, 1975, 214 S.E.2d 832, 158 W.Va. 741. Municipal Corporations ⟹ 723

13. Liability of municipality

Municipal corporation is liable, as if a private person, for injuries inflicted upon members of the public which are proximately caused by municipality's negligence in the performance of functions assumed by it; "governmental-proprietary" distinctions are abrogated and obsolete; overruling cases to the contrary. Long v. City of Weirton, 1975, 214 S.E.2d 832, 158 W.Va. 741. Municipal Corporations ⟹ 723

Where there is uncertainty as to the classification in which the particular activity of a municipality falls, the doubt should be resolved in favor of its being governmental rather than proprietary. Hayes v. Town of Cedar Grove, 1944, 30 S.E.2d 726, 126 W.Va. 828, 156 A.L.R. 702. Municipal Corporations ⟹ 724

Generally, it is only where a municipality steps aside and, in a sense, enters a zone of private business, or into activities which may be carried on through private enterprises, that its activities become "proprietary" as distinguished from "governmental." Hayes v. Town of Cedar Grove, 1944, 30 S.E.2d 726, 126 W.Va. 828, 156 A.L.R. 702. Municipal Corporations ⟹ 724

14. Notice

Under an ordinance of a municipal corporation prescribing notice and specification of cause as a necessary preliminary step, the officers of such corporation must deal fairly, openly, and frankly with the party whose rights they attempt to take away, and abstain from such conduct as will work a surprise upon him. Their conduct is governed by substantially the same rules and principles as apply to proceedings by private persons under similar circumstances. In order to be inequitable and oppressive, their conduct need not be actually fraudulent. If in equity and conscience it is oppressive or lacking in fairness, equity will relieve, however honest and sincere the parties attempting to forfeit may have been. Wheeling & E.G.R. Co. v. Town of Triadelphia, 1905, 52 S.E. 499, 58 W.Va. 487. Municipal Corporations ⟹ 690

§ 8–12–5a. Limitations upon municipalities' power to restrict the purchase, possession, transfer, ownership, carrying, transport, sale and storage of certain weapons and ammunition

The provisions of section five of this article notwithstanding, neither a municipality nor the governing body of any municipality may limit the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition components to be used therewith nor to so regulate the keeping of gunpowder so as to

directly or indirectly prohibit the ownership of the ammunition. Nothing herein shall in any way impair the authority of any municipality, or the governing body thereof, to enact any ordinance or resolution respecting the power to arrest, convict and punish any individual under the provisions of subdivision (16), section five of this article or from enforcing any such ordinance or resolution: Provided, That any municipal ordinance in place as of the effective date of this section shall be excepted from the provisions of this section: Provided, however, That no provision in this section may be construed to limit the authority of a municipality to restrict the commercial use of real estate in designated areas through planning or zoning ordinances.

Acts 1982, c. 111; Acts 1999, c. 290, eff. 90 days after March 3, 1999.

Library References

Key Numbers
Weapons ⚷2.
Westlaw Key Number Search: 406k2.

Encyclopedias
C.J.S. Weapons §§ 2, 24.

§ 8–12–5b. Municipal authority to enact ordinance; ordinance provisions defining terms; restricting certain activities in relation to obscene matters; and establishing penalties for violations

(a) Notwithstanding the provisions of section one, article eleven, chapter eight of this code, in addition to all other powers which municipalities now possess by law, every municipality and the governing body thereof may adopt the ordinance provided in subsection (b) of this section.

A municipality when adopting this ordinance, may delete therefrom such portions of paragraph (A), subdivision (4), subsection (b) of this section that it deems appropriate.

(b) The ordinance which municipalities may adopt pursuant to the power granted them under subsection (a) of this section shall be:

Section 1. Definitions.

For purposes of this ordinance:

(1) "Knowingly" means to have knowledge of or to be aware of the content or character of obscene matter.

(2) "Matter" means any book, magazine, newspaper or other printed or written material, or any picture, drawing or photograph, motion picture, or other visual representation, or live conduct, or any recording, transcription or mechanical, chemical or electrical reproduction, or any other articles, equipment, machines or materials.

(3) "Individual" means any human being regardless of age.

(4) "Obscene" means matter which the average individual applying contemporary community standards would find (i) taken as a whole, appeals to the prurient interest; (ii) depicts or describes in a patently offensive way ultimate sexual acts, normal or perverted, actual or simulated; and (iii) the matter, taken as a whole, lacks serious literary, artistic, political or scientific value, and which either:

(A) Depicts or describes patently offensive representation of masturbation, excretory functions, lewd exhibition of the genitals, sodomy, fellatio, cunnilingus, bestiality, sadism, masochism; or

(B) Depicts or describes nudity or sexual acts of persons, male or female, below the age of eighteen years.

(5) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(6) "Prepare" means to produce, publish or print.

(7) "Public display" means the placing of material on or in a billboard, viewing screen, theatre, marquee, newsstand, display rack, window, showcase, display case or similar public place so that material can be purchased or viewed by individuals.

Section 1a. Injunctive relief.

The circuit court shall have jurisdiction to issue an injunction to enforce the purposes of this ordinance upon petition by the attorney for the municipality or a representative thereof or any citizen of the municipality who can show a good faith and valid reason for making such application. No bond shall be required unless for good cause shown.

Section 2. Activities prohibited; penalties.

Any person who knowingly sends or causes to be sent or causes to be brought into the municipality of (name of municipality) for sale or public display, or prepares, sells or makes a public display, or in the municipality of (name of municipality) offers to prepare, sell or make a public display, or has in his possession with the intent to sell or make a public display of any obscene matter to any individual, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars or imprisoned not more than thirty days or both fined and imprisoned. A person convicted of a second or subsequent offense under this ordinance is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or imprisoned not more than six months or both fined and imprisoned.

Section 3. Employees acting within scope of employment shall not be prosecuted.

No employee shall be guilty of a violation of this ordinance when such employee is a projectionist, ticket taker, usher, or when such employee prepares, sells or makes a public display of obscene matter while acting within the scope of his regular employment, unless such employee has a proprietary interest in such obscene matter or is a shareholder or officer of a corporation which has a proprietary interest in such obscene matter.

Section 4. Exceptions.

Nothing in this ordinance shall be construed so as to apply to any person exercising a right secured by the constitution or laws of this State or of these United States.

Acts 1983, c. 50.

Cross References

Injunctions, generally, see § 53-5-1 et seq.

Library References

Key Numbers

Obscenity ⚷2.5.
Westlaw Key Number Search: 281k2.5.

Encyclopedias

C.J.S. Obscenity §§ 3 to 7, 10, 16, 19.

United States Code Annotated

Obscenity, federal crimes and offenses, see 18 U.S.C.A. § 1461 et seq.

United States Supreme Court

Obscenity,

Adult motion picture theaters, prohibited locations, see City of Renton v. Playtime Theatres, Inc., U.S.Wash.1986, 106 S.Ct. 925, 475 U.S. 41, 89 L.Ed.2d 29, rehearing denied 106 S.Ct. 1663, 475 U.S. 1132, 90 L.Ed.2d 205, on remand 789 F.2d 804.

Live entertainment, nude dancing, zoning ordinances, see Schad v. Borough of Mount Ephraim, U.S.N.J.1981, 101 S.Ct. 2176, 452 U.S. 61, 68 L.Ed.2d 671.

Public nude dancing as expressive conduct, restrictions on symbolic speech under O'Brien standard, secondary effects, see City of Erie v. Pap's A.M., U.S.Pa.2000, 120 S.Ct. 1382, 529 U.S. 277.

Topless dancing, establishments licensed to serve liquor, see New York State Liquor Authority v. Bellanca, U.S.N.Y. 1981, 101 S.Ct. 2599, 452 U.S. 714, 69 L.Ed.2d 357, on remand 445 N.Y.S.2d 87, 54 N.Y.2d 228, 429 N.E.2d 765.

Topless dancing ordinances, see Doran v. Salem Inn, Inc., U.S.N.Y.1975, 95 S.Ct. 2561, 422 U.S. 922, 45 L.Ed.2d 648.

Penalty,

Free speech, prior restraints, forfeiture of business assets, racketeering convictions for distribution of obscene materials, see Alexander v. U.S., U.S.Minn. 1993, 113 S.Ct. 2766, 509 U.S. 544, 125 L.Ed.2d 441, rehearing denied 114 S.Ct. 295, 510 U.S. 909, 126 L.Ed.2d 244, on remand 32 F.3d 1231.

§ 8-12-5c. Authority to enact ordinance restricting the location of businesses offering exotic entertainment

(a) For the purposes of this section, the term "exotic entertainment" has the same meaning ascribed to it in section three-ii, article one, chapter seven of this code.

(b) In the event a municipality has not created or designated a planning commission in accordance with the provisions of article twenty-four of this chapter, every municipality and the governing body of the municipality may, in addition to all other powers of municipalities, adopt an ordinance that limits the areas of the municipality in which businesses may offer exotic entertainment. Any such ordinance shall be subject to the provisions of section fifty, article twenty-four of this chapter: Provided, That in the event of the partial or total loss of any existing business structure due to fire, flood, accident or any other unforeseen act, that business structure may be repaired or replaced and the business use of that structure may continue notwithstanding the existence of any ordinance authorized by this section. Any such repair or replacement will be limited to restoring or replacing the damaged or lost structure with one reasonably similar, or smaller, in size as measured in square footage, and any enlargement of the business structure will subject the structure to any existing ordinance authorized by this section.

(c) Any person adversely affected by an ordinance enacted pursuant to the authority granted in subsection (b) of this section is entitled to seek direct judicial review with regard to whether the ordinance impermissibly burdens his or her right to establish a business offering exotic entertainment.

Acts 2002, c. 143, eff. 90 days after Feb. 15, 2002.

§ 8–12–5d. Regulation of amateur radio antennas

(a) Any municipal ordinance or order concerning the regulation or placement of amateur radio antennas must:

(1) Comply with all Federal Communications Commission regulations and its rulings and orders;

(2) Reasonably accommodate amateur radio communications; and

(3) Represent the minimum practicable regulation to accomplish the municipality's legitimate purpose.

(b) Nothing in this section shall be deemed to prohibit a municipal governing body from taking action to protect or preserve historic buildings, structures, sites and districts that have been established by federal, state or local law.

Acts 2002, c. 10, eff. 90 days after Feb. 26, 2002.

Part IV—Certain Specific Powers of Municipalities and Governing Bodies

§ 8–12–6. Membership in association or league

Every municipality is hereby empowered and authorized to become a member of an association or league having for its general purpose the exchange and dissemination of information and ideas designed for the more efficient administration and conduct of municipal government and affairs. In order to finance the maintenance of such an organization, each municipality is hereby empowered and authorized to pay into such an organization annual dues or membership fees in an amount to be fixed by the members thereof at the annual meeting of such organization. Such dues or membership fees may be appropriated by the governing body as a current expense item and included in the annual budget.

Acts 1945, c. 94; Acts 1963, c. 119; Acts 1969, c. 86.

§ 8–12–7. Power and authority to purchase insurance and to indemnify officers, agents and employees

(a) Every municipality shall have plenary power and authority to contract and expend public funds for the purchase of one or more policies of public liability insurance, with or without a sharing in the cost thereof by the officers, agents and employees of such municipality, providing the municipality and its officers, agents and employees insurance coverage for legal liability of said municipality and its officers, agents and employees for bodily injury, personal injury or damage (including, but not limited to, false arrest and false imprison-

ment) and property damage, and affording said municipality and its officers, agents and employees insurance coverage against any and all legal liability arising from, growing out of, by reason of or in any way connected with, any acts or omissions of said municipality, or its officers, agents or employees in the performance of their official duties. So long as the coverage aforesaid is obtained and remains in full force and effect as to the police officers of a municipality, the bond specified in section five, article seven, chapter sixty-one of this code shall not be required as to such police officers.

(b) Every municipality shall also have plenary power and authority to provide for the indemnification of its officers, agents and employees against any and all liability, losses, damages, expenses and costs, including court costs and reasonable and necessary attorney fees, arising from, growing out of, by reason of or in any way connected with any acts or omissions of said officers, agents or employees in the performance of their official duties. Such indemnification may be provided by a self-funding program, by expenditures from the general fund, or by the purchase of insurance as provided in subsection (a) of this section, with or without financial contribution or participation by such officers, agents and employees. Prior to the expenditure of any public funds pursuant to the power and authority conferred by the provisions of this subsection (b), the governing body shall determine by ordinance applicable to an entire class or classes of officers, agents or employees the manner in which such power and authority shall be exercised.

Acts 1949, c. 84; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⚷220(1).
Westlaw Key Number Search: 268k220(1).

Encyclopedias
C.J.S. Municipal Corporations §§ 623, 626, 629 to 630, 656 to 659.

Treatises and Practice Aids
Restatement (Second) of Torts § 895B.

§ 8-12-8. Group insurance programs authorized

Every municipality shall have plenary power and authority to negotiate for, secure and adopt for the regular employees thereof (other than provisional, temporary, emergency and intermittent employees) who are in employee status with such municipality on and after the effective date of this section and for their spouses and dependents, a policy or policies of group insurance written by a carrier or carriers chartered under the laws of any state and duly licensed to do business in this state and covering life; health; hospital care; surgical or medical diagnosis, care, and treatment; drugs and medicines; remedial care; other medical supplies and services; or any other combination of these; and any other policy or policies of group insurance which in the discretion of the governing body bear a reasonable relationship to the foregoing coverages. The provisions and terms of any such group plan or plans of insurance shall be approved in writing by the insurance commissioner of this state as to form, rate and benefits.

The municipality is hereby authorized and empowered to pay the entire premium cost, or any portion thereof, of said group policy or policies. Whenever the above-described regular employees shall indicate in writing that they have subscribed to any of the aforesaid insurance plans on a group basis and the entire cost thereof is not paid by the municipality, the municipality is hereby authorized and empowered to make periodic premium deductions of the amount of the contribution each such subscribing employee is required to make for such participation from the salary or wage payments due each such subscribing employee as specified in a written assignment furnished to the municipality by each such subscribing employee.

When a participating employee shall retire from his employment, he may, if he so elects, remain a member of the group plan and retain coverage for his spouse and dependents, by paying the entire premium for the coverage involved. Spouses and dependents of any deceased member may remain a member of the group plan by paying the entire premium for the coverage: Provided, That nothing herein shall be construed as prohibiting the municipality from paying a portion or all of the cost of any coverage. In the event that a municipality changes insurance carriers, as a condition precedent to any such change, the municipality shall assure that all retirees, their spouses and dependents, and the spouses and dependents of any deceased member are guaranteed acceptance, at the same cost for the same coverage as regular employees of similar age groupings, their spouses and dependents.

Acts 1969, c. 86; Acts 1986, c. 116.

Library References

Key Numbers

Municipal Corporations ⟹220(9).
Westlaw Key Number Search: 268k220(9).

Encyclopedias

C.J.S. Municipal Corporations §§ 649 to 655, 660.

Notes of Decisions

Expense of coverage 2
Legislative intent 1

1. Legislative intent

Intent of 1986 amendment to statute, which requires city to provide group insurance to retirees at same cost and same coverage as regular employees of similar age groupings when city changes insurance carriers, is to protect retirees from suffering consequences of rate increases. Code, 8–12–8. State ex rel. City of Wheeling Retirees Ass'n, Inc. v. City of Wheeling, 1991, 407 S.E.2d 384, 185 W.Va. 380. Municipal Corporations ⟹ 220(9)

2. Expense of coverage

Retired municipal employees are entitled to same cost for same insurance coverage as that of regular employees, and municipalities are required to provide that coverage where present insurance carrier has increased its rate for retirees, as well as in situation where municipality changes insurance carriers. Code, 8–12–8; U.S.C.A. Const.Amends. 5, 14. State ex rel. City of Wheeling Retirees Ass'n, Inc. v. City of Wheeling, 1991, 407 S.E.2d 384, 185 W.Va. 380. Municipal Corporations ⟹ 220(9)

West Virginia Public Employees Retirement Act and similar statutes which provide that municipalities may procure group insurance for retirees at same cost and for same coverage as regular employees of similar age groupings are remedial statutory enactments, and each should be liberally construed in order to effectuate purpose for which each was enacted. Code, 5–10–1 to 5–10–54, 8–12–8. State ex rel. City of Wheeling Retirees Ass'n, Inc. v. City of Wheeling, 1991, 407 S.E.2d 384, 185 W.Va. 380. Statutes ⟹ 236

§ 8-12-9. Power and authority to enact ordinance prohibiting discrimination with respect to housing accommodations

Notwithstanding any statutory or charter provision to the contrary, the governing body of every municipality shall have plenary power and authority, by ordinance, to prohibit discrimination on the basis of race, creed, color or national origin in the sale, purchase, lease or rental of housing accommodations within the corporate limits of such municipality, and to impose fines for the violation of the provisions of any such ordinance.

Acts 1968, c. 37; Acts 1969, c. 86.

Library References

Key Numbers
Civil Rights ⟹131.
Westlaw Key Number Search: 78k131.

Encyclopedias
C.J.S. Civil Rights §§ 74, 87.

United States Supreme Court

Discrimination in housing,
Seventh amendment right to jury trial in action for damages under fair housing provisions of Civil Rights Act of 1968, see Curtis v. Loether, U.S.Wis.1974, 94 S.Ct. 1005, 415 U.S. 189, 39 L.Ed.2d 260.

Fair housing,
Discrimination on basis of sexual orientation,
Expressive association rights, private non-profit organizations, exclusion of homosexuals, public accommodations law prohibiting sexual orientation discrimination, see Boy Scouts of America v. Dale, U.S.N.J.2000, 120 S.Ct. 2446, 530 U.S. 640.
State constitutional amendment prohibiting legislative, executive, or judicial antidiscrimination measures protecting homosexuals, equal protection, see Romer v. Evans, U.S.Colo.1996, 116 S.Ct. 1620, 517 U.S. 620, 134 L.Ed.2d 855.
Jury trial right,
Seventh amendment right to jury trial in action for damages under fair housing provisions of Civil Rights Act of 1968, see Curtis v. Loether, U.S.Wis.1974, 94 S.Ct. 1005, 415 U.S. 189, 39 L.Ed.2d 260.

§ 8-12-10. Purchasing; competitive bidding

(a) Every municipality may provide for the centralized purchasing of materials, supplies and equipment; and the term "equipment," for the purposes of this section, shall include, but not be limited to, motor vehicles. Every municipality may, by agreement with the state director of the division of purchases of the department of finance and administration, purchase the same through such department, or may enter into agreements with one or more other municipalities, counties or county boards of education, or any combination thereof, for centralized purchasing for all governmental units which are parties to such agreement.

(b) Every municipality is hereby empowered and authorized to provide by ordinance whether competitive bidding is to be required in the purchase of materials, supplies and equipment and if so the type or types of purchases with respect to which the same shall be required and the method and manner in which bids shall be obtained. Any ordinance adopted by any municipality in accordance with the provisions of this subsection (b) shall supersede any

provision pertaining to competitive bidding contained in the special legislative charter of such municipality.

Acts 1937, c. 56; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⚷236.
Westlaw Key Number Search: 268k236.

Encyclopedias
C.J.S. Municipal Corporations § 918.

§ 8-12-11. Lease agreements for equipment or materials with option to cancel or renew for one year authorized

Notwithstanding any other provision of this code or any charter provision to the contrary, the governing body of every municipality shall have plenary power and authority to enter into and execute a lease agreement for the obtaining of equipment or material. Any such lease agreement shall not be void or voidable because it also provides (a) that title to the equipment or material shall vest in the municipality at or before the expiration of the leasehold term upon fulfillment of the terms and conditions stipulated in such lease agreement; (b) for application of the annual rental payments made thereunder toward the purchase price of such equipment or material, although such total rental payments under any such agreement are in excess of the cash price of the equipment or material described therein, whether such excess be by way of interest or a time-price differential; and (c) that the risk of loss of the equipment or material shall be borne by the municipality. Any such lease agreement shall be void, however, unless such agreement provides that the municipality shall have the following options thereunder during each fiscal year of the agreement: (1) The option to terminate the agreement and return the equipment or material without any further obligation on the part of the municipality; (2) the option to continue the agreement for an additional rental period not to exceed one year in length; and, when the agreement contains the provisions described in (a), (b) and (c) above; (3) the option to pay in advance at any time during any fiscal year the balance due under such agreement, with an appropriate rebate of the unearned interest or time-price differential.

The funds for the initial rental payment under any such agreement must be legally at the disposal of the municipality for expenditure in the fiscal year in which such agreement is executed, and in the event the municipality elects during any subsequent fiscal year to continue the agreement for any additional rental period or to pay in advance the balance due, the funds for the additional rental period or the funds to be used to pay the balance in advance must be legally at the disposal of the municipality for expenditure in the fiscal year in which the municipality elects to continue the agreement or to pay in advance the balance due, as the case may be.

Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⚷226.
Westlaw Key Number Search: 268k226.

Encyclopedias
C.J.S. Municipal Corporations §§ 894 to 895, 897, 899 to 900.

§ 8–12–12. Power and authority to lease, establish, maintain and operate off-street parking facility

Every municipality shall have plenary power and authority to enter into a lease with the owner or owners of any real property situate within the corporate limits of such municipality by which such real property is demised, leased and let to such municipality for an off-street parking facility (including parking lots, buildings, ramps, parking meters and other appurtenances deemed necessary, appropriate or incidental to the regulation, control and parking of motor vehicles), which off-street parking facility is hereby declared to be a municipal public work, and every such municipality shall have plenary power and authority to establish, maintain and operate such parking facility. Every such lease shall be authorized by an ordinance adopted by the municipality. Every municipality shall have this power and authority whether such real property is at the time of the execution of such lease already equipped, maintained and operated, in whole or in part, as a parking facility or whether such real property is at such time unimproved and is to be, under the terms of the lease, improved by the installation of parking meters, lighting equipment, pavement or other equipment necessary, appropriate, useful, convenient or incidental to the use of such property for such purpose.

Any such ordinance may provide that the police force or department of such municipality shall police the parking facility; and that overtime parking at the facility or other violations of the ordinance shall be a misdemeanor punishable as provided in said ordinance. Any such ordinance shall also provide for the collection of reasonable charges for the use of such parking facility by the public generally, and any such ordinance may be amended from time to time. Any lease entered into by and between any such municipality and the owner or owners of any such real property may contain such terms and conditions as may be agreed upon between the parties, not inconsistent with any of the provisions of this section or other provisions of law. The ordinance authorizing any such lease may also specify terms and conditions which must be contained in such lease.

Under no circumstances whatever shall any obligation incurred under the provisions of this section or any such lease be deemed to be or create an indebtedness of the municipality, the governing body or any member thereof, any officer thereof, or other municipal official, and all of the expenses of whatever kind, nature or character incident to the establishment, maintenance and operation of such parking facility, including, but not limited to, such rental payments as are provided for in the lease and the cost of policing the facility, shall be paid solely from revenues derived from such parking facility, and from revenues derived from other parking facilities or meters not pledged to pay for such other parking facilities or meters. No member of the governing body of any such municipality, or any officer thereof, or other municipal official, shall

under any circumstances be personally liable under any such lease or upon any obligation of any kind, nature or character arising under the provisions of this section.

The power and authority herein granted shall be in addition to and not in derogation of any power and authority vested in any municipality under any constitutional, statutory or charter provision now or hereafter in effect. This section shall, without reference to any other provisions of this code or any other statute or any charter, be deemed full authority for the acquisition of any such real property by lease for a parking facility, for the establishment, maintenance and operation of any such parking facility and for the enactment of an ordinance as hereinbefore specified. This section shall be construed as an additional alternative method for providing off-street parking facilities, and shall not in any way limit the provisions of article sixteen of this chapter authorizing the establishment, maintenance, operation and financing of such facilities by the issuance of revenue bonds.

This section, being necessary for the public safety and welfare, shall be liberally construed to effectuate its purposes.

Acts 1966, c. 46; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⟹226.
Westlaw Key Number Search: 268k226.

Encyclopedias
C.J.S. Municipal Corporations §§ 894 to 895, 897, 899 to 900.

§ 8–12–13. Building regulation; general and special codes; state building code

(a) The governing body of every municipality shall have plenary power and authority by ordinance or a code of ordinances to:

(1) Regulate the erection, construction, repair or alteration of structures of every kind within the corporate limits of the municipality, prohibit, within specified territorial limits, the erection, construction, repair or alteration of structures of wood or other combustible material, and regulate excavations upon private property;

(2) Regulate electric wiring by prescribing minimum specifications to be followed in the installation, alteration or repair thereof; and

(3) Regulate plumbing by prescribing the minimum specifications to be followed in the installation, alteration or repair of plumbing, including equipment, water and sewer pipe, traps, drains, cesspools and septic tanks.

(b) Notwithstanding the provisions of subsection (a), all existing municipal building codes are void one year after the promulgation of a state building code by the state fire commission as provided in chapter twenty-nine, article three, section five-b of this code.

Upon the voidance of the municipality's existing building code, if the municipality votes to adopt a building code, it must be the state building code

promulgated pursuant to chapter twenty-nine, article three, section five-b of this code.

(c) The governing body of every municipality shall have plenary power and authority by ordinance or a code of ordinances to adopt such state building code promulgated by the state fire commission.

Acts 1937, c. 56; Acts 1969, c. 86; Acts 1988, c. 114.

Cross References

Counties, authority relating to building and housing codes, see § 7-1-3n.
Fire prevention and control, promulgation of rules and statewide building code, see § 29-3-5b.

Library References

Key Numbers
Municipal Corporations ⚷601.2.
Westlaw Key Number Search: 268k601.2.

United States Supreme Court

Construction ordinances,
Construction contracts, city ordinance, residence requirements, see United Bldg. and Const. Trades Council of Camden County and Vicinity v. Mayor and Council of City of Camden, U.S.N.J.1984, 104 S.Ct. 1020, 465 U.S. 208, 79 L.Ed.2d 249.

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1. Housing codes

In making determination of whether leased premises were uninhabitable and unfit, housing code violations and deficiencies should be scrutinized in light of such things as their nature, length of time they persisted, their effect on safety and sanitation, age of structure, and amount of rent charged. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 125(1)

2. Repairs

Landlord's breach of warranty of habitability does not allow tenant, after reasonable notice and opportunity to landlord to correct defective conditions, to repair defects themselves and deduct repair costs from rent. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 152(10)

3. Rent

Breach by landlord of implied warranty of habitability, a material covenant upon which duty to pay rent depends, may be raised as a defense in landlord's action for rent. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 187(1)

Breach of landlord's warranty of habitability must be of substantial nature rendering premises uninhabitable and unfit; minor housing code violations or other deficiencies which individually or collectively do not adversely affect dwelling's habitability or fitness do not entitle tenant to reduction in rent. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 187(1)

If no material breach of landlord's implied warranty of habitability is found, judgment for possession, rent, or damages may issue for landlord. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 187(1)

4. Leases

Since lease of residential dwelling unit is to be treated and construed as any other contract, covenant to pay rent and warranty of habitability are mutually dependent. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 187(1)

5. Waiver

No one can waive obligations imposed by law upon landlords, and no one, by contract or otherwise, can agree to permit landlord to violate law. Teller v. McCoy, 1978, 253 S.E.2d

114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

6. Warranty of habitability

In a written lease or oral lease of residential premises, there is an implied warranty that landlord shall at commencement of tenancy, deliver dwelling unit and surrounding premises in a fit and habitable condition and shall thereafter maintain leased premises in such condition. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

Landlord's duty under implied warranty of habitability and statute requiring landlord to deliver premises in fit and habitable condition and delineating duty to maintain premises are identical. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

When warranty of habitability is breached, tenant's damages are measured by difference between fair market value of premises if they had been as warranted and fair market value of premises as they were during occupancy by tenant in unsafe and unsanitary condition; however, tenant may additionally recover damages for annoyance and inconvenience proven to have resulted from breach. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

Determination of whether landlord has breached warranty of habitability is question of fact to be determined by circumstances of each case. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

In some instances, tenant may maintain his own action for damages arising from landlord's knowing breach of warranty of habitability, but in such cases landlord is permitted to raise as defense that tenant owes rent or is himself responsible for unsanitary or unsafe condition of premises and, where tenant affirmatively sues for breach of warranty, landlord may counterclaim to recover for damages to premises wrongfully caused by tenant. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

Waivers of implied warranty of habitability are against public policy. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

7. Escrow arrangements

In landlord-tenant litigation in which fact question exists as to breach of warranty of habitability, trial court, in lieu of establishing court-administered escrow account, or the parties by mutual agreement may establish a private escrow arrangement that adequately protects landlord. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 184(2)

8. Counterclaims

When landlord sues for damages and tenant contends that warranty of habitability was breached, but does not maintain that damages were directly caused by breach, tenant may counterclaim for damages reasonably arising from breach of implied warranty of habitability. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 223(1)

Where breach of landlord's implied warranty of habitability is raised as defense to landlord's action for rent or as defense or counterclaim to landlord's action for damages, properly instructed finder of fact should determine amount of money owed tenant due to breach and such amount should be deducted from total amount of rent or damages tenant is found to owe landlord, or, where tenant has counterclaimed, may result in money award to tenant. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 232

9. Findings

Finder of fact in landlord-tenant action where warranty of habitability is in issue must determine whether implied warranty of habitability or fitness has been materially breached and how much of tenant's rental obligation was abated or offset by virtue of breach. Code, 37–6–30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 233(2)

§ 8–12–14. Permits for construction and alteration

The governing body of every municipality has plenary power and authority to require a permit as a condition precedent to the erection, construction, repair or alteration of any structure or of any equipment or part of a structure which is regulated by state law or municipal ordinance: Provided, That no such permits may be required of the state, a county or other governmental entity, its contractors, agents or employees for the erection, construction, repair or alteration of any structure or of any equipment or part of a structure designated for use by the state, a county or other governmental entity.

Acts 1937, c. 56; Acts 1969, c. 86; Acts 1992, c. 146.

Library References

Key Numbers
Zoning and Planning ⚷373.1.
Westlaw Key Number Search: 414k373.1.

Encyclopedias
C.J.S. Zoning and Land Planning §§ 191, 193.

Notes of Decisions

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1. In general

Distinguishing factor between "building permits" and "zoning permits" is that building permit involves how use of certain area of the community is undertaken, while zoning permit concerns whether certain area may be used for particular purpose. Bittinger v. Corporation of Bolivar, 1990, 395 S.E.2d 554, 183 W.Va. 310. Zoning And Planning ⚷ 371

2. Applications

City ordinance did not deprive planning commission of all authority to evaluate, investigate, and deliberate over landowner's application for permit to build mini-storage units, but vested commission with some discretion in determining whether to issue permit. Huntington, W.Va., Codified Ordinances § 1743.09(b). Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Zoning And Planning ⚷ 375.1

Building permit applicants were entitled to have applications submitted within time during which town council had declared moratorium on issuance of building permits considered under ordinances existing at that time and granted, if ordinances as written would permit. Bittinger v. Corporation of Bolivar, 1990, 395 S.E.2d 554, 183 W.Va. 310. Zoning And Planning ⚷ 376

3. Rights of landowners

West Virginia's law of real property conferred on landowner who applied to city for permit to build mini-storage units a right, subject to reasonable regulation, to use his property as he saw fit and to build on it what he wanted. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Zoning And Planning ⚷ 393

4. Suspension of ordinances

Moratorium which town council placed on issuance of building permits was void, where town council did not enact new ordinance to replace or improve upon existing ordinance, but merely sought to defer any additional building permits by declaring "moratorium" on any applications; town council had no authority to suspend valid ordinance. Bittinger v. Corporation of Bolivar, 1990, 395 S.E.2d 554, 183 W.Va. 310. Zoning And Planning ⚷ 86

5. Property interests

Although Constitution protects property interests, it does not create them; to decide whether plaintiff alleging a due process violation has a property interest at stake, courts must look to see whether some independent source, such as federal, state, or local law, has created an enforceable expectation. U.S.C.A. Const.Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⚷ 277(1)

To have a property interest, for purposes of due process claim based on deprivation of that interest, plaintiff must demonstrate more than an abstract need or desire for it; he must, instead, have a legitimate claim of entitlement to it under state or federal law. U.S.C.A. Const. Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⚷ 277(1)

6. Due process

Statement by city's planning supervisor to prospective purchaser of land, that development of car wash or placement of storage units on property would be permissible if usage met other restrictions of zoning ordinance, did not create constitutionally protected property interest based on purchaser's reliance on statement, where planning supervisor lacked actual authority to make that commitment. U.S.C.A. Const.Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⚷ 277(1)

Apparent authority cannot serve as a means of holding a state, county, or municipal sovereign to a contract; thus, if state actor did not possess actual authority to make a commitment, person relying on that actor's statements has no legitimate claim of entitlement, as necessary to establish a property interest for purposes of due process claim. U.S.C.A. Const.Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⚷ 277(1)

Determination of whether city violated landowner's due process rights in delaying the granting of building permit required a determination, first, of whether the landowner had a liberty or property interest subjected to depriva-

tion and, second, whether the deprivation occurred without due process of law. U.S.C.A. Const.Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⟹ 278.2(1)

Building permit for which landowner applied prior to constructing mini-storage units could not be denied by city except upon the provision of an adequate procedure, i.e., a process that was due; "entitlement" created by state law was not that landowner was automatically entitled to a building permit, but rather was found in the bundle of rights that attached to fee simple ownership in land. U.S.C.A. Const.Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⟹ 278.2(2)

Four-month turn-around time on landowner's application for permit to build mini-storage units did not violate due process, though delay allegedly caused landowner to spend an additional $24,591; landowner failed to provide affirmative evidence of improper motive and intent to harm, city articulated valid concerns providing reasonable basis to postpone granting permit, and fact that those concerns ultimately proved to be unfounded did not lessen legitimacy of decision to look into them. U.S.C.A. Const.Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⟹ 278.2(2)

For purposes of determining whether city's delay in granting building permit violated due process, while city was required to show fairness to applicant, city had parallel duty to protect health, safety, and welfare of its citizens. U.S.C.A. Const.Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⟹ 278.2(2)

Deliberate and unjustifiable administrative delay in taking action on landowner's permit application weighs heavily in favor of finding breach of applicant's constitutional right to due process; where there is evidence of malice and a conspiracy or a deliberate intent to impede administrative process for vindictive purposes, showing of prejudice need only be minimal. U.S.C.A. Const.Amend. 14. Hutchison v. City of Huntington, 1996, 479 S.E.2d 649, 198 W.Va. 139. Constitutional Law ⟹ 278.2(2)

§ 8-12-14a. Repealed by Acts 1989, c. 79

§ 8-12-15. Municipal inspection

The governing body of every municipality shall have plenary power and authority to provide for the entering and inspection of private premises to aid in the enforcement of any state law or municipal ordinance: Provided, That this section shall not be construed as purporting to authorize an unreasonable search and seizure prohibited by section 6, article III of the Constitution of this State.

Acts 1937, c. 56; Acts 1969, c. 86.

§ 8-12-16. Ordinances regulating the repair, closing, demolition, etc., of dwellings or buildings unfit for human habitation; procedures

(a) Plenary power and authority are hereby conferred upon every municipality to adopt ordinances regulating the repair, alteration or improvement, or the vacating and closing or removal or demolition, or any combination thereof, of any dwellings or other buildings unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions prevailing in any dwelling or building, whether used for human habitation or not, which would cause such dwellings or other buildings to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.

(b) The governing body in formally adopting such ordinances shall designate the enforcement agency, which shall consist of the mayor, the municipal engineer or building inspector and one member at large, to be selected by and

to serve at the will and pleasure of the mayor. The ranking health officer and fire chief shall serve as ex officio members of such enforcement agency.

(c) Any ordinance adopted pursuant to the provisions of this section shall provide fair and equitable rules of procedure and any other standards deemed necessary to guide the enforcement agency, or its agents, in the investigation of dwelling or building conditions, and in conducting hearings: Provided, That any entrance upon premises for the purpose of making examinations shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(d) The governing body of every municipality shall have plenary power and authority to adopt an ordinance requiring the owner or owners of any dwelling or building under determination of the state fire marshal, as provided in section twelve, article three, chapter twenty-nine of this code, or under order of the enforcement agency of the municipality, to pay for the costs of repairing, altering, or improving, or of vacating and closing, removing or demolishing any dwelling or building. Every municipality shall also have the right to file a lien against the real property in question for an amount not to exceed the assessed value of the property as recorded in the office of the county assessor, or to institute a civil action in a court of competent jurisdiction against the landowner or other responsible party for all costs incurred by the municipality with respect to the property and for reasonable attorney fees and court costs incurred in the prosecution of the action.

Not less than ten days prior to instituting a civil action as provided for in this section, the governing body of the municipality shall send notice to the landowner by certified mail, return receipt requested, advising the landowner of the governing body's intention to institute such action. The notice shall be sent to the most recent address of the landowner of record in the office of the assessor of the county where the subject property is located. If, for any reason, such certified mail is returned without evidence of proper receipt thereof, then in such event, the governing body shall cause a Class III–0 legal advertisement to be published in a newspaper of general circulation in the county wherein the subject property is located and post notice on the front door or other conspicuous location on the subject property.

In the event any landowner desires to contest any demand brought forth pursuant to this section, the landowner may seek relief in a court of competent jurisdiction.

All orders issued by the enforcement agency shall be served in accordance with the law of this state concerning the service of process in civil actions, and shall, in addition thereto, be posted in a conspicuous place on the premises affected by the complaint or order: Provided, That no ordinance shall be adopted without providing therein for the right to apply to the circuit court for a temporary injunction restraining the enforcement agency pending final disposition of the cause. In the event such application is made, a hearing thereon

shall be had within twenty days, or as soon thereafter as possible, and the court shall enter such final order or decree as the law and justice may require.

Acts 1941, c. 68; Acts 1969, c. 86; Acts 1996, c. 95, eff. 90 days after March 9, 1996.

Cross References

Injunctions, generally, see § 53-5-1 et seq.

Library References

Key Numbers

Municipal Corporations ⚷628.
Westlaw Key Number Search: 268k628.

Encyclopedias

C.J.S. Municipal Corporations § 173.

United States Supreme Court

Construction ordinances,

Construction contracts, city ordinance, residence requirements, see United Bldg. and Const. Trades Council of Camden County and Vicinity v. Mayor and Council of City of Camden, U.S.N.J.1984, 104 S.Ct. 1020, 465 U.S. 208, 79 L.Ed.2d 249.

Housing ordinances,

Real estate "For Sale" signs prohibited by ordinance, see Linmark Associates, Inc. v. Willingboro Tp., U.S.N.J.1977, 97 S.Ct. 1614, 431 U.S. 85, 52 L.Ed.2d 155.

Rent control ordinance, mobile home parks, limitation on termination of tenancy, see Yee v. City of Escondido, Cal., U.S.Cal.1992, 112 S.Ct. 1522, 503 U.S. 519, 118 L.Ed.2d 153.

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1. Habitability of premises

In a written lease or oral lease of residential premises, there is an implied warranty that landlord shall at commencement of tenancy, deliver dwelling unit and surrounding premises in a fit and habitable condition and shall thereafter maintain leased premises in such condition. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 125(1)

Landlord's duty under implied warranty of habitability and statute requiring landlord to deliver premises in fit and habitable condition and delineating duty to maintain premises are identical. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 125(1)

When warranty of habitability is breached, tenant's damages are measured by difference between fair market value of premises if they had been as warranted and fair market value of premises as they were during occupancy by tenant in unsafe and unsanitary condition; however, tenant may additionally recover damages for annoyance and inconvenience proven to have resulted from breach. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 125(1)

Determination of whether landlord has breached warranty of habitability is question of fact to be determined by circumstances of each case. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 125(1)

In making determination of whether leased premises were uninhabitable and unfit, housing code violations and deficiencies should be scrutinized in light of such things as their nature, length of time they persisted, their effect on safety and sanitation, age of structure, and amount of rent charged. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 125(1)

In some instances, tenant may maintain his own action for damages arising from landlord's knowing breach of warranty of habitability, but in such cases landlord is permitted to raise as defense that tenant owes rent or is himself responsible for unsanitary or unsafe condition of premises and, where tenant affirmatively sues for breach of warranty, landlord may counterclaim to recover for damages to premises wrongfully caused by tenant. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⚷ 125(1)

2. Repairs

Landlord's breach of warranty of habitability does not allow tenant, after reasonable notice and opportunity to landlord to correct defective conditions, to repair defects themselves and deduct repair costs from rent. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 152(10)

3. Unlawful detainer

Breach of implied warranty of habitability is defense to action for unlawful detainer. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 290(3)

In action for unlawful detainer, if finder of fact concludes that tenant's entire obligation to pay rent was suspended because of total breach by landlord of warranty of habitability, action for unlawful detainer will fail. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 290(3)

4. Cancellation of instruments

Absent any fraud or any contention by grantor or grantee that deed should be set aside, third party who is, in essence, stranger to transaction, is not entitled to have deed set aside. Code, 40-1-9, 40-1A-4(a). City of Bluefield v. Taylor, 1987, 365 S.E.2d 51, 179 W.Va. 6. Cancellation Of Instruments ⟹ 27

5. Waivers

No one can waive obligations imposed by law upon landlords, and no one, by contract or otherwise, can agree to permit landlord to violate law. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

Waivers of implied warranty of habitability are against public policy. Code, 37-6-30. Teller v. McCoy, 1978, 253 S.E.2d 114, 162 W.Va. 367. Landlord And Tenant ⟹ 125(1)

6. Jurisdiction

Equity has no jurisdiction of case in which plaintiff has full, complete and adequate remedy at law, unless some peculiar feature of case comes within province of court of equity. City of Bluefield v. Taylor, 1987, 365 S.E.2d 51, 179 W.Va. 6. Equity ⟹ 43

7. Injunction

Injunctive relief, like other equitable or extraordinary relief, is inappropriate when there is adequate remedy at law. City of Bluefield v. Taylor, 1987, 365 S.E.2d 51, 179 W.Va. 6. Injunction ⟹ 16

PART V—SALE OR LEASE OF MUNICIPAL PUBLIC UTILITY

§ 8-12-17. Sale or lease of municipal public utility

In any case where a municipality shall own a gas system, an electric system, a waterworks or other public utility, and the governing body thereof shall deem it for the best interest of such municipality that such utility be sold or leased, the governing body shall, by ordinance legally adopted, submit to the qualified voters of such municipality, at any regular municipal election or at any special municipal election called for that purpose, the question of making or effecting such sale or lease. In such case the governing body shall, in the ordinance submitting such question to a vote, set forth in full the terms of such proposed sale or lease, the name of the proposed purchaser or lessee and the date of such election, and a notice containing this information shall be published as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be such municipality. Such election shall be held in all respects in compliance with the provisions of chapter three of this code, so far as the same are applicable and not inconsistent herewith, and the provisions of article five of this chapter. If a majority of the legal votes cast at such election upon such question be in favor of the proposed sale or lease of such utility, the governing body, upon the ascertainment of the result of such election, shall have full power and authority to proceed to execute or effect such sale or lease in

accordance with the terms and conditions prescribed in the ordinance as aforesaid, and shall have power to do any and all things necessary or incident thereto: Provided, That if at any time after such election and before the execution of the authority under the ordinance, any person should present to the governing body an offer to buy such public utility at a price which exceeds by at least five percent the sale price which shall have been so voted upon and authorized or to lease the same upon terms which the governing body, in its discretion, shall consider more advantageous to the municipality than the terms of the lease which shall have been authorized by vote as aforesaid, the governing body shall have the power to accept such subsequent offer, and to make such sale or such lease to the person making the offer, without resubmitting the question to a vote; but, if a sale shall have been authorized by vote as aforesaid, and such subsequent proposition be for a lease, or if a lease shall have been so authorized, and the subsequent proposition shall be for a sale, the governing body shall have no power to accept the same without submitting the question thereof to a vote of the people as first above provided. Before any such second or subsequent proposition shall be submitted to a vote, after a sale or lease shall have been authorized at an election held hereunder, the person making such proposition shall furnish bond, with security to be approved by the governing body, in a penalty of not less than twenty-five percent of such proposed bid, conditioned to carry such proposition into execution, if the same shall be approved at the election to be called thereon. In any case where any such public utility shall be sold or leased by the governing body as hereinabove provided, no part of the moneys derived from such sale or lease shall be applied to the payment of current expenses of the municipality, but the proceeds of such sale or lease shall be applied in payment and discharge of any bonded indebtedness created in respect to such public utility, and in case there be no bonded indebtedness, the governing body, in its discretion, shall have the power and authority to expend all such moneys when received for the purchase or construction of fire-fighting equipment and buildings for housing such equipment, a municipal building or city hall, and the necessary land upon which to locate the same, or for the construction of paved streets, avenues, roads, alleys, ways, sidewalks, sewers and other like permanent improvements, and for no other purposes. In case there be a surplus after the payment of such bonded indebtedness, the surplus shall be used as aforesaid.

The requirements of this section shall not apply to the sale or lease of any part of the properties of any such public utility determined by the governing body to be unnecessary for the efficient rendering of the service of such utility.

Acts 1917, c. 111, § 59; Acts 1967, c. 105; Acts 1969, c. 86; Acts 1974, c. 78.

Formerly Code 1923, c. 47, § 60.

Library References

Key Numbers
Municipal Corporations ⟹225(3).
Westlaw Key Number Search: 268k225(3).

Encyclopedias
C.J.S. Municipal Corporations § 888.

PART VI—SALE, LEASE OR DISPOSITION OF OTHER MUNICIPAL PROPERTY

§ 8-12-18. Sale, lease or disposition of other municipal property

(a) Every municipality, municipal building commission created pursuant to article thirty-three of this chapter and municipal development authority created pursuant to article twelve, chapter seven of this code is authorized to sell, lease as lessor or dispose of any of its real or personal property or any interest therein or any part thereof (other than a public utility which shall be sold or leased in accordance with the provisions of section seventeen of this article), as authorized in article five, chapter one of this code, or to the United States of America or any agency or instrumentality thereof, or to the state or any agency or instrumentality thereof, for a public purpose for an adequate consideration, without considering alone the present commercial or market value of such property.

(b) In all other cases involving a sale, any municipality is hereby empowered and authorized to sell any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration, the property to be sold at public auction at a place designated by the governing body, but before making any sale, notice of the time, terms and place of sale, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication shall be the municipality. The requirements of notice and public auction shall not apply to the sale of any one item or piece of property of less value than one thousand dollars and under no circumstances shall the provisions of this section be construed as being applicable to any transaction involving the trading in of municipally owned property on the purchase of new or other property for the municipality and every municipality shall have plenary power and authority to enter into and consummate any trade-in transaction.

(c) In all other cases involving a lease, any municipality is hereby empowered and authorized to lease as lessor any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration and for a term not exceeding fifty years. Every lease shall be authorized by resolution of the governing body of the municipality, which resolution may specify terms and conditions which must be contained in such lease: Provided, That before any proposed lease is authorized by resolution of the governing body, a public hearing on the proposed lease shall be held by the governing body after notice of the date, time, place and purpose of the public hearing has been published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication shall be the municipality. The power and authority granted in this subsection shall be in addition to, and not in derogation of, any power and authority vested in any municipality under any constitutional or other statutory provision now or hereafter in effect.

Acts 1969, c. 86; Acts 1973, c. 87; Acts 1991, c. 110; Acts 2001, c. 72, eff. 90 days after April 12, 2001.

Library References

Key Numbers
Municipal Corporations ⚷225(1).
Westlaw Key Number Search: 268k225(1).

Encyclopedias
C.J.S. Municipal Corporations §§ 882 to 886, 892.

Notes of Decisions

Auctions 1

1. Auctions

In absence of express statutory authorization regarding manner of sale, a board of park and recreation commissioners, a public corporation, walks in shadow of city and any sale or conveyance of such property to a private or special interest must be accomplished by means of a public auction held upon proper notice. Code, 1–5–3, 8–12–18, 8–21–9. Rogers v. City of South Charleston, 1979, 256 S.E.2d 557, 163 W.Va. 285. Municipal Corporations ⚷ 721(3)

Board of park and recreation commissioners was required to dispose of real estate in municipal recreation area at public auction in same manner as city. Code, 1–5–3, 8–12–18, 8–21–9. Rogers v. City of South Charleston, 1979, 256 S.E.2d 557, 163 W.Va. 285. Municipal Corporations ⚷ 721(3)

PART VII—EXTRATERRITORIAL EXERCISE OF POWERS AND AUTHORITY

§ 8–12–19. Extraterritorial exercise of powers and authority

Wherever the powers and authority granted in this chapter cannot be reasonably and efficiently exercised by confining the exercise thereof within the corporate limits of the municipality, the powers and authority of the municipality shall extend beyond the corporate limits to the extent necessary to the reasonably efficient exercise of such powers and authority within the corporate limits. Such powers and authority, unless otherwise provided in this code or elsewhere in law, shall not, however, extend more than one mile beyond the corporate limits, and such powers and authority shall not extend into the corporate limits of another municipality without the consent of the governing body thereof.

Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⚷61.
Westlaw Key Number Search: 268k61.

Encyclopedias
C.J.S. Municipal Corporations §§ 134, 136, 150, 156 to 158, 160 to 161.

PART VIII—SUITS AGAINST MUNICIPALITIES

§ 8–12–20. Repealed by Acts 1990, c. 139

West's

Annotated Code of West Virginia

Using the Classification and Numbering System of the 1931 Code of West Virginia, as Amended

Chapters 8 to 10

2009
Cumulative Annual Pocket Part

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(2) Is arrested while operating a commercial motor vehicle as defined in chapter seventeen-e of this code; or

(3) Is arrested for driving under the influence of alcohol or drugs or any other offense for which a mandatory period of confinement in jail is required.

Acts 1994, c. 116; Acts 2005, c. 49, eff. 90 days after April 9, 2005; Acts 2009, c. 77, eff. July 10, 2009.

ARTICLE 12

GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES

Part III—General Powers of Municipalities and Governing Bodies.

Section
8–12–5. General powers of every municipality and the governing body thereof.
8–12–5c. Authority to enact ordinance restricting the location of businesses offering exotic entertainment.
8–12–5e. Authority to enter into energy-savings contracts.

Section
Part IV—Certain Specific Powers of Municipalities and Governing Bodies.
8–12–16. Ordinances regulating the repair, closing, demolition, etc., of dwellings or buildings unfit for human habitation; procedures.
8–12–16a. Registration of uninhabitable property.
8–12–16b. Special litter prevention officers.

PART I—GENERAL CORPORATE POWERS OF MUNICIPALITIES

§ 8–12–1. General corporate powers of all municipalities

Law Review and Journal Commentaries

Localism and the West Virginia Constitution. Robert M. Bastress, Jr., 109 W. Va. L. Rev. 683 (Spring, 2007).

PART II—HOME RULE POWERS FOR CITIES

§ 8–12–2. Home rule powers for all cities

Law Review and Journal Commentaries

Localism and the West Virginia Constitution. Robert M. Bastress, Jr., 109 W. Va. L. Rev. 683 (Spring, 2007).

Notes of Decisions

Taxation 5.5

5.5. Taxation

Municipalities may impose business and occupation tax, but limited to State rate as of January 1, 1959. 52 W.Va. Op.Atty.Gen. 175 (December 12, 1966) 1966 WL 87447.

PART III—GENERAL POWERS OF MUNICIPALITIES AND GOVERNING BODIES

§ 8–12–5. General powers of every municipality and the governing body thereof

In addition to the powers and authority granted by: (i) The Constitution of this state; (ii) other provisions of this chapter; (iii) other general law; and (iv) any charter, and to the extent not inconsistent or in conflict with any of the foregoing except special legislative

charters, every municipality and the governing body thereof shall have plenary power and authority therein by ordinance or resolution, as the case may require, and by appropriate action based thereon:

(1) To lay off, establish, construct, open, alter, curb, recurb, pave or repave and keep in good repair, or vacate, discontinue and close, streets, avenues, roads, alleys, ways, sidewalks, drains and gutters, for the use of the public, and to improve and light the same, and have them kept free from obstructions on or over them which have not been authorized pursuant to the succeeding provisions of this subdivision; and, subject to such terms and conditions as the governing body shall prescribe, to permit, without in any way limiting the power and authority granted by the provisions of article sixteen of this chapter, any person to construct and maintain a passageway, building or other structure overhanging or crossing the airspace above a public street, avenue, road, alley, way, sidewalk or crosswalk, but before any permission for any person to construct and maintain a passageway, building or other structure overhanging or crossing any airspace is granted, a public hearing thereon shall be held by the governing body after publication of a notice of the date, time, place and purpose of the public hearing has been published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and the publication area for the publication shall be the municipality: *Provided*, That any permit so granted shall automatically cease and terminate in the event of abandonment and nonuse thereof for the purposes intended for a period of ninety days, and all rights therein or thereto shall revert to the municipality for its use and benefit;

(2) To provide for the opening and excavation of streets, avenues, roads, alleys, ways, sidewalks, crosswalks and public places belonging to the municipality and regulate the conditions under which any such opening may be made;

(3) To prevent by proper penalties the throwing, depositing or permitting to remain on any street, avenue, road, alley, way, sidewalk, square or other public place any glass, scrap iron, nails, tacks, wire, other litter or any offensive matter or anything likely to injure the feet of individuals or animals or the tires of vehicles;

(4) To regulate the use of streets, avenues, roads, alleys, ways, sidewalks, crosswalks and public places belonging to the municipality, including the naming or renaming thereof, and to consult with local postal authorities, the Division of Highways and the directors of county emergency communications centers to assure uniform, nonduplicative addressing on a permanent basis;

(5) To regulate the width of streets, avenues and roads, and, subject to the provisions of article eighteen of this chapter, to order the sidewalks, footways and crosswalks to be paved, repaved, curbed or recurbed and kept in good order, free and clean, by the owners or occupants thereof or of the real property next adjacent thereto;

(6) To establish, construct, alter, operate and maintain, or discontinue, bridges, tunnels and ferries and approaches thereto;

(7) To provide for the construction and maintenance of water drains, the drainage of swamps or marshlands and drainage systems;

(8) To provide for the construction, maintenance and covering over of watercourses;

(9) To control and administer the waterfront and waterways of the municipality and to acquire, establish, construct, operate and maintain and regulate flood control works, wharves and public landings, warehouses and all adjuncts and facilities for navigation and commerce and the utilization of the waterfront and waterways and adjacent property;

(10) To prohibit the accumulation and require the disposal of garbage, refuse, debris, wastes, ashes, trash and other similar accumulations whether on private or public property: *Provided*, That, in the event the municipality annexes an area which has been receiving solid waste collection services from a certificated solid waste motor carrier, the municipality and the solid waste motor carrier may negotiate an agreement for continuation of the private solid waste motor carrier services for a period of time, not to exceed three years, during which time the certificated solid waste motor carrier may continue to provide exclusive solid waste collection services in the annexed territory;

(11) To construct, establish, acquire, equip, maintain and operate incinerator plants and equipment and all other facilities for the efficient removal and destruction of garbage, refuse, wastes, ashes, trash and other similar matters;

(12) To regulate or prohibit the purchase or sale of articles intended for human use or consumption which are unfit for use or consumption, or which may be contaminated or otherwise unsanitary;

(13) To prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome;

(14) To regulate the keeping of gunpowder and other combustibles;

(15) To make regulations guarding against danger or damage by fire;

(16) To arrest, convict and punish any individual for carrying about his or her person any revolver or other pistol, dirk, bowie knife, razor, slingshot, billy, metallic or other false knuckles or any other dangerous or other deadly weapon of like kind or character;

(17) To arrest, convict and punish any person for importing, printing, publishing, selling or distributing any pornographic publications;

(18) To arrest, convict and punish any person for keeping a house of ill fame, or for letting to another person any house or other building for the purpose of being used or kept as a house of ill fame, or for knowingly permitting any house owned by him or her or under his or her control to be kept or used as a house of ill fame, or for loafing, boarding or loitering in a house of ill fame, or frequenting same;

(19) To prevent and suppress conduct and practices which are immoral, disorderly, lewd, obscene and indecent;

(20) To prevent the illegal sale of intoxicating liquors, drinks, mixtures and preparations;

(21) To arrest, convict and punish any individual for driving or operating a motor vehicle while intoxicated or under the influence of liquor, drugs or narcotics;

(22) To arrest, convict and punish any person for gambling or keeping any gaming tables, commonly called "A, B, C," or "E, O," table or faro bank or keno table, or table of like kind, under any denomination, whether the gaming table be played with cards, dice or otherwise, or any person who shall be a partner or concerned in interest, in keeping or exhibiting the table or bank, or keeping or maintaining any gaming house or place, or betting or gambling for money or anything of value;

(23) To provide for the elimination of hazards to public health and safety and to abate or cause to be abated anything which in the opinion of a majority of the governing body is a public nuisance;

(24) To license, or for good cause to refuse to license in a particular case, or in its discretion to prohibit in all cases, the operation of pool and billiard rooms and the maintaining for hire of pool and billiard tables notwithstanding the general law as to state licenses for any such business and the provisions of section four, article thirteen of this chapter; and when the municipality, in the exercise of its discretion, refuses to grant a license to operate a pool or billiard room, mandamus may not lie to compel the municipality to grant the license unless it shall clearly appear that the refusal of the municipality to grant a license is discriminatory or arbitrary; and in the event that the municipality determines to license any business, the municipality has plenary power and authority and it shall be the duty of its governing body to make and enforce reasonable ordinances regulating the licensing and operation of the businesses;

(25) To protect places of divine worship and to preserve peace and order in and about the premises where held;

(26) To regulate or prohibit the keeping of animals or fowls and to provide for the impounding, sale or destruction of animals or fowls kept contrary to law or found running at large;

(27) To arrest, convict and punish any person for cruelly, unnecessarily or needlessly beating, torturing, mutilating, killing, or overloading or overdriving or willfully depriving of necessary sustenance any domestic animal;

(28) To provide for the regular building of houses or other structures, for the making of division fences by the owners of adjacent premises and for the drainage of lots by proper drains and ditches;

(29) To provide for the protection and conservation of shade or ornamental trees, whether on public or private property, and for the removal of trees or limbs of trees in a dangerous condition;

(30) To prohibit with or without zoning the location of occupied house trailers or mobile homes in certain residential areas;

(31) To regulate the location and placing of signs, billboards, posters and similar advertising;

(32) To erect, establish, construct, acquire, improve, maintain and operate a gas system, a waterworks system, an electric system or sewer system and sewage treatment and disposal system, or any combination of the foregoing (subject to all of the pertinent provisions of articles nineteen and twenty of this chapter and particularly to the limitations or qualifications on the right of eminent domain set forth in articles nineteen and twenty), within or without the corporate limits of the municipality, except that the municipality may not erect any system partly without the corporate limits of the municipality to serve persons already obtaining service from an existing system of the character proposed and where the system is by the municipality erected, or has heretofore been so erected, partly within and partly without the corporate limits of the municipality, the municipality has the right to lay and collect charges for service rendered to those served within and those served without the corporate limits of the municipality and to prevent injury to the system or the pollution of the water thereof and its maintenance in a healthful condition for public use within the corporate limits of the municipality;

(33) To acquire watersheds, water and riparian rights, plant sites, rights-of-way and any and all other property and appurtenances necessary, appropriate, useful, convenient or incidental to any system, waterworks or sewage treatment and disposal works, as aforesaid, subject to all of the pertinent provisions of articles nineteen and twenty of this chapter;

(34) To establish, construct, acquire, maintain and operate and regulate markets and prescribe the time of holding the same;

(35) To regulate and provide for the weighing of articles sold or for sale;

(36) To establish, construct, acquire, maintain and operate public buildings, municipal buildings or city halls, auditoriums, arenas, jails, juvenile detention centers or homes, motor vehicle parking lots or any other public works;

(37) To establish, construct, acquire, provide, equip, maintain and operate recreational parks, playgrounds and other recreational facilities for public use and in this connection also to proceed in accordance with the provisions of article two, chapter ten of this code;

(38) To establish, construct, acquire, maintain and operate a public library or museum or both for public use;

(39) To provide for the appointment and financial support of a library board in accordance with the provisions of article one, chapter ten of this code;

(40) To establish and maintain a public health unit in accordance with the provisions of section two, article two, chapter sixteen of this code, which unit shall exercise its powers and perform its duties subject to the supervision and control of the West Virginia Board of Health and State Bureau for Public Health;

(41) To establish, construct, acquire, maintain and operate hospitals, sanitarians and dispensaries;

(42) To acquire, by purchase, condemnation or otherwise, land within or near the corporate limits of the municipality for providing and maintaining proper places for the burial of the dead and to maintain and operate the same and regulate interments therein upon terms and conditions as to price and otherwise as may be determined by the governing body and, in order to carry into effect the authority, the governing body may acquire any cemetery or cemeteries already established;

(43) To exercise general police jurisdiction over any territory without the corporate limits owned by the municipality or over which it has a right-of-way;

(44) To protect and promote the public morals, safety, health, welfare and good order;

(45) To adopt rules for the transaction of business and the government and regulation of its governing body;

(46) Except as otherwise provided, to require and take bonds from any officers, when considered necessary, payable to the municipality, in its corporate name, with such sureties and in a penalty as the governing body may see fit, conditioned upon the faithful discharge of their duties;

(47) To require and take from the employees and contractors such bonds in a penalty, with such sureties and with such conditions, as the governing body may see fit;

(48) To investigate and inquire into all matters of concern to the municipality or its inhabitants;

(49) To establish, construct, require, maintain and operate such instrumentalities, other than free public schools, for the instruction, enlightenment, improvement, entertainment, recreation and welfare of the municipality's inhabitants as the governing body may consider necessary or appropriate for the public interest;

(50) To create, maintain and operate a system for the enumeration, identification and registration, or either, of the inhabitants of the municipality and visitors thereto, or the classes thereof as may be considered advisable;

(51) To require owners, residents or occupants of factory-built homes situated in a factory-built rental home community with at least ten factory-built homes, to visibly post the specific numeric portion of the address of each factory-built home on the immediate premises of the factory-built home of sufficient size to be visible from the adjoining street: *Provided*, That in the event no numeric or other specific designation of an address exists for a factory-built home subject to the authorization granted by this subdivision, the municipality has the authority to provide a numeric or other specific designation of an address for the factory-built home and require that it be posted in accordance with the authority otherwise granted by this section.

(52) To appropriate and expend not exceeding twenty-five cents per capita per annum for advertising the municipality and the entertainment of visitors;

(53) To conduct programs to improve community relations and public relations generally and to expend municipal revenue for such purposes;

(54) To reimburse applicants for employment by the municipality for travel and other reasonable and necessary expenses actually incurred by the applicants in traveling to and from the municipality to be interviewed;

(55) To provide revenue for the municipality and appropriate the same to its expenses;

(56) To create and maintain an Employee Benefits Fund which may not exceed one tenth of one percent of the annual payroll budget for general employee benefits and which is set up for the purpose of stimulating and encouraging employees to develop and implement cost-saving ideas and programs and to expend moneys from the fund for these purposes;

(57) To enter into reciprocal agreements with governmental subdivisions or agencies of any state sharing a common border for the protection of people and property from fire and for emergency medical services and for the reciprocal use of equipment and personnel for these purposes;

(58) To provide penalties for the offenses and violations of law mentioned in this section, subject to the provisions of section one, article eleven of this chapter, and such penalties may not exceed any penalties provided in this chapter and chapter sixty-one of this code for like offenses and violations; and

(59) To participate in a purchasing card program for local governments authorized and administered by the State Auditor as an alternative payment method.

Acts 1882, c. 92, § 28; Acts 1891, c. 92, § 28; Acts 1905, c. 53, § 28; Acts 1921, c. 143, § 28; Acts 1935, c. 66; Acts 1941, c. 65; Acts 1941, c. 66; Acts 1947, c. 117; Acts 1969, c. 86; Acts 1972, c. 77; Acts 1981, c. 162; Acts 1983, c. 49; Acts 1989, c. 41; Acts 1999, c. 201, eff. 90 days after March 12, 1999; Acts 2001, c. 211, eff. April 12, 2001; Acts 2002, c. 63, eff. 90 days after Feb. 11, 2002; Acts 2008, c. 185, eff. June 7, 2008.

Formerly Code 1868, c. 47, § 28; Code 1923, c. 47, § 28.

Law Review and Journal Commentaries

Localism and the West Virginia Constitution. Robert M. Bastress, Jr., 109 W. Va. L. Rev. 683 (Spring, 2007).

Notes of Decisions

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4. Public improvements

A municipality, by adopting Code 8–1–2 (or amending its charter), may pave municipal streets at public expense using general revenue. 52 W.Va. Op.Atty.Gen. 326 (April 28, 1967) 1967 WL 93399.

7. Streets and other ways

Municipalities, without special or home rule charter, may survey, lay off, open or alter existing streets. 51 W.Va. Op.Atty.Gen. 408 (August 10, 1965) 1965 WL 92461.

Municipalities may not assess any municipal street cost against abutting property lying wholly outside municipality. 51 W.Va. Op.Atty.Gen. 13 (July 24, 1964) 1964 WL 72571.

11.5. Animals

Municipal dog ordinance must be reasonable; county dog warden not responsible for enforcement of such. 51 W.Va. Op.Atty.Gen. 144 (December 16, 1964) 1964 WL 72602.

15. Ambulance services

County courts and municipalities may contract with non-profit corporations to furnish residents with emergency ambulance services. 52 W.Va. Op.Atty.Gen. 48 (August 26, 1966) 1966 WL 87431.

§ 8–12–5c. Authority to enact ordinance restricting the location of businesses offering exotic entertainment

(a) For the purposes of this section, the term "exotic entertainment" has the same meaning ascribed to it in section three-jj, article one, chapter seven of this code.

(b) In the event a municipality has not created or designated a planning commission in accordance with the provisions of article twenty-four of this chapter, every municipality and the governing body of the municipality may, in addition to all other powers of municipalities, adopt an ordinance that limits the areas of the municipality in which businesses may offer exotic entertainment. Any such ordinance shall be subject to the provisions of section fifty, article twenty-four of this chapter: Provided, That in the event of the partial or total loss of any existing business structure due to fire, flood, accident or any other unforeseen act, that business structure may be repaired or replaced and the business use of that structure may continue notwithstanding the existence of any ordinance authorized by this section. Any such repair or replacement will be limited to restoring or replacing the damaged or lost structure with one reasonably similar, or smaller, in size as measured in square footage, and any enlargement of the business structure will subject the structure to any existing ordinance authorized by this section.

(c) Any person adversely affected by an ordinance enacted pursuant to the authority granted in subsection (b) of this section is entitled to seek direct judicial review with regard to whether the ordinance impermissibly burdens his or her right to establish a business offering exotic entertainment.

Acts 2002, c. 143, eff. 90 days after Feb. 15, 2002.

§ 8–12–5e. Authority to enter into energy-savings contracts

(a) As used in this section:

(1) "Energy-conservation measures" means goods or services, or both, to reduce energy consumption operating costs of municipality facilities. They include, but are not limited to, installation of one or more of the following:

(A) Insulation of a building structure and systems within a building;

(B) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, or other window or door modifications that reduce energy consumption;

(C) Automatic energy control systems;

(D) Heating, ventilating or air conditioning systems, including modifications or replacements;

(E) Replacement or modification of lighting fixtures to increase energy efficiency;

(F) Energy recovery systems;

(G) Cogeneration systems that produce steam or another form of energy for use by any agency in a building or complex of buildings owned by the municipality; or

(H) Energy-conservation maintenance measures that provide long-term operating cost reductions of the building's present cost of operation.

(2) "Energy-savings contract" means a performance-based contract for the evaluation and recommendation of energy operations conservation measures and for implementation of one or more energy-conservation measures.

(3) "Qualified provider" means a person, firm or corporation experienced in the design, implementation and installation of energy-conservation measures.

(b) Municipalities are authorized to enter into performance-based contracts with qualified providers of energy-conservation measures for the purpose of significantly reducing energy operating costs of municipality buildings, subject to the requirements of this section.

(c) Before entering into a contract or before the installation of equipment, modifications or remodeling to be furnished under a contract, the qualified provider shall first issue a proposal summarizing the scope of work to be performed. A proposal must contain estimates of all costs of installation, modifications or remodeling, including the costs of design, engineering, installation, maintenance, repairs or debt service, as well as estimates of the amounts by which energy operating costs will be reduced. If the municipality finds, after receiving the proposal, that the proposal includes one or more energy-conservation measures, the installation of which is guaranteed to result in a net savings of a minimum of five percent of the then current energy operating costs which savings will, at a minimum, satisfy any debt service required, the municipality may enter into a contract with the provider pursuant to this section.

(d) An energy-savings contract must include the following:

(1) A guarantee of a specific minimum net percentage amount of at least five percent of energy operating costs each year over the term of the contract that the municipality will save;

(2) A statement of all costs of energy-conservation measures, including the costs of design, engineering, installation, maintenance, repairs and operations; and

(3) A provision that payments, except obligations upon termination of the contract before its expiration, are to be made over time.

(e) A municipality may supplement its payments with federal, state or local funds to reduce the annual cost or to lower the initial amount to be financed.

(f) Any energy-savings contract entered into for the purpose of achieving one or more energy-conservation measures, as authorized by this section, shall be subject to a competitive bidding process as provided by municipal ordinance enacted pursuant to section ten-b, article twelve of this chapter.

(g) An energy-savings contract may extend beyond the fiscal year in which it first becomes effective: *Provided*, That such a contract may not exceed a fifteen-year term: *Provided, however*, That the long-term contract will be void unless the agreement provides that the

municipality shall have the option during each fiscal year of the contract to terminate the agreement.

(h) Municipalities may enter into a "lease with an option to purchase" contract for the purchase and installation of energy-conservation measures if the term of the lease does not exceed fifteen years and the lease contract includes the provisions contained in subsection (f) of this section and meets federal tax requirements for tax-exempt municipal leasing or long-term financing.

(i) The municipality may include in its annual budget for each fiscal year any amounts payable under long-term energy-savings contracts during that fiscal year.

Acts 2008, c. 43, eff. June 4, 2008.

PART IV—CERTAIN SPECIFIC POWERS OF MUNICIPALITIES AND GOVERNING BODIES

§ 8-12-8. Group insurance programs authorized

Notes of Decisions

Preemption 3

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3. Preemption

ERISA preemption did not apply to state statute concerning municipal health insurance plans; ERISA did not apply to municipal plans. State ex rel. Orlofske v. City of Wheeling, 2002, 575 S.E.2d 148, 212 W.Va. 538. Insurance ⟹ 1117(3); Labor And Employment ⟹ 417; States ⟹ 18.41

The continuation of health insurance coverage provisions of the Public Health Service Act (PHSA), requiring continuing coverage under government employee group health insurance plans for maximum required time of 36 months after a "qualifying event," do not preempt state statute providing lifetime coverage under municipal health insurance plans for retirees' survivors or dependents; nothing in PHSA suggests that state cannot be more beneficent than the PHSA requires. State ex rel. Orlofske v. City of Wheeling, 2002, 575 S.E.2d 148, 212 W.Va. 538. Insurance ⟹ 1117(3); States ⟹ 18.41

§ 8-12-16. Ordinances regulating the repair, closing, demolition, etc., of dwellings or buildings unfit for human habitation; procedures

(a) Plenary power and authority are hereby conferred upon every municipality to adopt ordinances regulating the repair, alteration or improvement, or the vacating and closing or removal or demolition, or any combination thereof, of any dwellings or other buildings unfit for human habitation due to dilapidation, defects increasing the hazard of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities or any other conditions prevailing in any dwelling or building, whether used for human habitation or not, which would cause such dwellings or other buildings to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.

(b) The governing body in formally adopting the ordinances shall designate the enforcement agency, which shall consist of the mayor, the municipal engineer or building inspector and one member at large, to be selected by and to serve at the will and pleasure of the mayor. The ranking health officer and fire chief shall serve as ex officio members of the enforcement agency.

(c) Any ordinance adopted pursuant to the provisions of this section must provide fair and equitable rules of procedure and any other standards deemed necessary to guide the enforcement agency, or its agents, in the investigation of dwelling or building conditions, and in conducting hearings: *Provided*, That any entrance upon premises for the purpose of making examinations is made in a manner as to cause the least possible inconvenience to the persons in possession.

(d) The governing body of every municipality has plenary power and authority to adopt an ordinance requiring the owner or owners of any dwelling or building under determination of the State Fire Marshal, as provided in section twelve, article three, chapter twenty-nine of this code, or under order of the enforcement agency of the municipality, to pay for the costs of repairing, altering or improving, or of vacating and closing, removing or demolishing any dwelling or building.

(e) Every municipality:

(1) May file a lien against the real property in question for an amount that reflects all costs incurred by the municipality for repairing, altering or improving, or of vacating and closing, removing or demolishing any dwelling or building; and

(2) May institute a civil action in a court of competent jurisdiction against the landowner or other responsible party for all costs incurred by the municipality with respect to the property and for reasonable attorney fees and court costs incurred in the prosecution of the action.

(f) Not less than ten days prior to instituting a civil action as provided for in this section, the governing body of the municipality shall send notice to the landowner by certified mail, return receipt requested, advising the landowner of the governing body's intention to institute such action.

(g) The notice shall be sent to the most recent address of the landowner of record in the office of the assessor of the county where the subject property is located. If, for any reason, such certified mail is returned without evidence of proper receipt thereof, then in such event, the governing body shall cause a Class III–0 legal advertisement to be published in a newspaper of general circulation in the county wherein the subject property is located and post notice on the front door or other conspicuous location on the subject property.

(h) If any landowner desires to contest any demand brought forth pursuant to this section, the landowner may seek relief in a court of competent jurisdiction.

(i) All orders issued by the enforcement agency shall be served in accordance with the law of this state concerning the service of process in civil actions, and, be posted in a conspicuous place on the premises affected by the complaint or order: *Provided,* That no ordinance may be adopted without providing for the right to apply to the circuit court for a temporary injunction restraining the enforcement agency pending final disposition of the cause.

(j) In the event such application is made, a hearing thereon shall be had within twenty days, or as soon thereafter as possible, and the court shall enter such final order or decree as the law and justice may require.

Acts 1941, c. 68; Acts 1969, c. 86; Acts 1996, c. 95, eff. 90 days after March 9, 1996; Acts 2008, c. 153, eff. June 6, 2008.

§ 8–12–16a. Registration of uninhabitable property

(a) The governing body of a municipality may, by ordinance, establish a property registration for any real property improved by a structure that is uninhabitable and violates the applicable building code adopted by the municipality. An owner of real property subject to the registration shall be assessed a fee as provided by the ordinance.

(b) The mayor of the municipality shall appoint a code enforcement officer to investigate and determine whether real property violates provisions of the applicable building code of the municipality.

(c) After inspecting the property, if the officer determines the property is uninhabitable and violates the applicable building code, then:

(1) The officer shall post a written notice on the property which shall include:

(A) An explanation of the violation(s);

(B) A description of the registration;

(C) The date the fee will be assessed;

(D) An explanation of how to be removed from the registration;

(E) An explanation of the appeals process; and

(F) A statement that if the fee is not paid, then the property is subject to forfeiture; and

(2) Within five business days of the inspection and the posting of the property, the officer shall, by certified mail, send a copy of the notice that was posted to the owner(s) of the property at the last known address according to the county property tax records.

(d) Within forty-five days of receipt of the notification by the owner(s), the property owner may:

(1) Make and complete any repairs to the property that violate the applicable building code; or

(2) Provide written information to the officer showing that repairs are forthcoming in a reasonable period of time.

(e) After the repairs are made, the owner may request a reinspection of the property to ensure compliance with the applicable building code. If the officer finds the violations are fixed, the owner is not subject to the registration and no fee will be incurred.

(f) The officer may reinspect the property at any time to determine where in the process the repairs fall.

(g) Within ninety days of receipt of the notification by the owner(s), the property owner has the right to appeal the decision of the officer to the enforcement agency, created in section sixteen, article twelve of this chapter.

(h) If an appeal is not filed within ninety days, the property is registered and the fee is assessed to the owner(s) on the date specified in the notice. The notice of the fee shall be recorded in the office of the clerk of the county commission of the county where the property is located and if different, in the office of the clerk of the county commission of the county where the property is assessed for real property taxes.

(i) If the enforcement agency affirms the registration and assessment of the registration fee, the property owner has the right to appeal the decision of the enforcement agency to the circuit court within thirty days of the decision. If the decision is not appealed in a timely manner to the circuit court, then the property is registered and the fee is assessed on the date specified in the notice. The notice of the fee shall be recorded in the office of the clerk of the county commission of the county where the property is located and if different, in the office of the clerk of the county commission of the county where the property is assessed for real property taxes.

(j) A fee assessed under this section shall be recorded in the same manner as a lien is recorded in the office of the clerk of the county commission of the county.

(k) If the fee is paid, then the municipality shall record a release of the fee in the office of the clerk of the county commission of the county where the property is located and if different, in the office of the clerk of the county commission of the county where the property is assessed for real property taxes.

(*l*) If an owner fails to pay the fee, then the officer shall annually post the written notice on the property and send the written notice to the owner(s) by certified mail.

(m) If a registration fee remains delinquent for two years from the date it was placed on record in the clerk of the county commission in which the property is located and assessed, the municipality may take action to receive the subject property by means of forfeiture. Should the municipality take the steps necessary to receive the subject property, the municipality then becomes the owner of record and takes the property subject to all liens and real and personal property taxes.

Acts 2008, c. 154, eff. June 6, 2008.

§ 8–12–16b. Special litter prevention officers

Text of section effective August 25, 2009.

(a) A municipality that has adopted an anti-littering ordinance pursuant to section five of this article may provide, by ordinance, for the appointment of special litter prevention officers to aid in the enforcement of the municipal anti-littering ordinance.

(b) The ordinance enacted, pursuant to this section, must specify the duties to be performed by the special litter prevention officers and the required training such officers must undertake prior to commencement of their duties.

(c) Notwithstanding any other provision of this code, a special litter prevention officer may be presently employed by the municipality in another capacity. In the performance of the

duties of special litter prevention officer, such officers shall be vested with the power to issue a citation, issue a summons, and sign a complaint. Such officers shall display at all times a badge or other sign of authority issued by the municipality.

(d) The governing body of the municipality may require such special litter prevention officers to give bond, payable to the municipality, in its corporate name, with such sureties and such penalties as the governing body may see fit, conditioned for the faithful performance of their duties.

Acts 2009, c. 160, eff. Aug. 25, 2009.

PART VI—SALE, LEASE OR DISPOSITION OF OTHER MUNICIPAL PROPERTY

§ 8–12–18. Sale, lease or disposition of other municipal property

Notes of Decisions

Length of lease 2

2. Length of lease

A municipality may lease its real and personal property for a term not exceeding thirty years. 55 W.Va. Op.Atty.Gen. 239 (April 4, 1974) 1974 WL 174284.

ARTICLE 13

TAXATION AND FINANCE

Part I—Powers of Taxation.

Section

8–13–5. Business and occupation or privilege tax; limitation on rates; effective date of tax; exemptions; activity in two or more municipalities; administrative provisions.

Part III—Special Charges for Municipal Services.

8–13–13. Special charges for municipal services.

Part VI—Accounting Principles; Funds; Disbursements.

8–13–22a. Investment of municipal funds.

PART I—POWERS OF TAXATION

§ 8–13–4. Municipal license and tax thereon when state license required

Notes of Decisions

5. Municipal powers, generally

Municipality has no authority to impose franchise tax but may continue to impose license tax on activities formerly licensed by State but not in excess of amount of State rate in effect on January 1, 1970. 54 W.Va. Op.Atty.Gen. 3 (July 15, 1970) 1970 WL 116585.

Small municipalities (with population of 2000 or less) may not require license tax from distributors delivering products within municipality. 52 W.Va. Op.Atty.Gen. 17 (August 9, 1966) 1966 WL 87426.

§ 8–13–5. Business and occupation or privilege tax; limitation on rates; effective date of tax; exemptions; activity in two or more municipalities; administrative provisions

(a) *Authorization to impose tax.* — (1) Whenever any business activity or occupation, for which the state imposed its annual business and occupation or privilege tax under article thirteen, chapter eleven of this code, prior to July one, one thousand nine hundred eighty-seven, is engaged in or carried on within the corporate limits of any municipality, the governing body thereof shall have plenary power and authority, unless prohibited by general law, to impose a similar business and occupation tax thereon for the use of the municipality.

(2) Municipalities may impose a business and occupation or privilege tax upon every person engaging or continuing within the municipality in the business of aircraft repair, remodeling,

State of West Virginia

Certificate

I, Natalie E. Tennant, Secretary of State of the State of West Virginia, hereby certify that

THIS IS A TRUE COPY OF CHAPTER 8, ARTICLE 16 OF THE WEST VIRGINIA CODE, AND CHAPTER 8, ARTICLE 16 OF THE 2009 SUPPLEMENT TO THE WEST VIRGINIA CODE, AS INDICATED BY THE RECORDS OF THIS OFFICE.

Given under my hand and the Great Seal of the State of West Virginia on

December 15, 2009

Natalie E. Tennant

Secretary of State

ARTICLE 16

MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING

Part I—Definitions; Authorization of Municipal Public Works.

Section

8–16–1. Definitions.
8–16–2. Municipalities authorized to construct, etc., public works and to acquire property; payment of costs.
8–16–3. Special provisions as to certain municipal public works.

Part II—Control of Governing Body or Board.

8–16–4. Construction, etc., to be under control of governing body or appointed board, etc.
8–16–4a. Additional special provisions as to motor vehicle parking facilities.
8–16–4b. Additional special provision as to the use of space in motor vehicle parking facilities.

Part III—General Powers and Authority.

8–16–5. Powers of board.
8–16–6. Preliminary expenses.
8–16–7. Ordinance for construction, etc., of works.

Part IV—Right of Eminent Domain.

8–16–8. Right of eminent domain.

Part V—Revenue Bond Financing.

8–16–9. Bonds for improvements, etc., of works.
8–16–10. Items of expense included in cost of works.
8–16–11. No municipality is to incur any obligation not payable from proceeds of bonds; exemption from taxation.
8–16–12. Interest rate and life of bonds; redemption; how payable; form, denominations, etc.; additional bonds authorized; interim certificates.
8–16–13. Obligations not to bind municipal official or officer or member of board personally.
8–16–14. Additional bonds for improvements, etc., of works.
8–16–15. How proceeds of bonds applied.
8–16–16. Bonds secured by trust indenture between municipality or municipalities and corporate trustee.
8–16–17. Sinking fund; sinking fund commission; transfer of funds; purchase of outstanding bonds.

Part VI—Imposition of Rates or Charges.

8–16–18. Rates, fees or charges for services rendered by works.
8–16–18a. Pledge of the hotel occupancy tax; contribution of revenues to building commission.
8–16–19. Appeal to public service commission from rates fixed.

Part VII—Accounting System and Records.

8–16–20. Accounting system; yearly audit; custodian of funds.

Part VIII—Rates or Charges for Municipalities.

8–16–21. Governmental entities to pay established rates, fees or charges for services rendered to it or them.

Section

Part IX—Liens and Protection of Bondholders.

8–16–22. Statutory mortgage lien upon works created.
8–16–23. Acquisition of property on which lien exists.
8–16–24. Protection and enforcement of rights of bondholders, etc.; receivership; effect of receivership on lease agreement.

Part X—Construction; Extraterritorial Jurisdiction.

8–16–25. Article confers additional power and authority; extraterritorial jurisdiction.
8–16–26. Construction of power and authority conferred.
8–16–27. Article liberally construed.
8–16–28. Reference to "municipal authorities" or "municipal authority" elsewhere in law to mean "governing body" for the purposes of this article only.

PART I—DEFINITIONS; AUTHORIZATION OF MUNICIPAL PUBLIC WORKS

§ 8–16–1. Definitions

As used in this article, the following terms shall have the following meanings unless the text clearly indicates otherwise.

(a) "Municipal public works" or "works" or "projects" means the construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment, maintenance, repair (including replacements) and operation of jails, jail facilities, municipal buildings, police stations, fire stations, libraries, museums, other public buildings, incinerator plants, land fill or other garbage disposal systems, hospitals, piers, docks, terminals, airports, drainage systems, flood control systems, stormwater systems and associated stormwater management program, flood walls, culverts, bridges (including approaches, causeways, viaducts, underpasses and connecting roadways), public markets, cemeteries, motor vehicle parking facilities (including parking lots, buildings, ramps, curb-line parking, meters and other facilities considered necessary, appropriate, useful, convenient or incidental to the regulation, control and parking of motor vehicles), farms, dormitories, apartments and other housing facilities for the students and faculties of institutions of higher education; facilities providing housing for the elderly, including, but not limited to, life care facilities, congregate living facilities and adult residential facilities, stadiums, gymnasiums, sports arenas, auditoriums, public recreation centers, public recreation parks, swimming pools, roller skating rinks, ice skating rinks, tennis courts, golf courses, polo grounds, or the grading, regrading, paving, repaving, surfacing, resurfacing, curbing, recurbing, widening or otherwise improving of any street, avenue, road, alley or way, or the building or renewing of sidewalks, where works or projects will be made self-supporting, and the cost thereof, together with the interest thereon, will be returned within a reasonable period, not exceeding forty years, by means of tolls, fees, rents, special assessments or charges other than taxation; and the terms shall also mean any works or project as a whole, and all integral parts thereof, including all necessary, appropriate, useful, convenient or incidental

appurtenances and equipment in connection with any one or more of the above.

(b) "Stormwater systems" means a stormwater system in its entirety or any integral part thereof used to collect and dispose of stormwater and an associated stormwater management program. It includes all facilities, structures and natural water courses used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: Inlets, conduits, outlets, channels, ponds, drainage easements, water quality facilities, catch basins, ditches, streams, gulches, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, pipes, flood control systems, levies and pumping stations. The term "stormwater systems" shall not include highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways.

(c) "Stormwater management program" means those activities associated with the management, operation, maintenance and control of stormwater and stormwater systems, and shall include, but not be limited to, public education, stormwater and surface runoff water quality improvement, mapping, planning, flood control, inspection, enforcement and any other activities required by state and federal law. The term " stormwater management program" shall not include those activities associated with the management, operation, maintenance and control of highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways without the express agreement of the commissioner of highways.

Acts 1935, c. 68, § 1; Acts 1945, c. 90; Acts 1951, c. 136; Acts 1955, c. 121; Acts 1959, c. 116; Acts 1961, c. 100; Acts 1969, c. 86; Acts 1981, c. 164; Acts 2001, c. 212, eff. 90 days after April 14, 2001.

Cross References

Creation by charter provision of certain independent city boards, home rule powers for cities, see § 8-12-3.
General powers of every municipality and its governing body, see § 8-12-5.
Hotel occupancy tax, payment on bonds, see § 8-13-3.

Notes of Decisions

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1. Construction and application

The requirement of the act conferring authority on a municipality to construct a flood control system, that public works conducted thereunder shall be self-sustaining, is not operative, where the work, like a flood wall, is incapable of producing an operating revenue. Acts 1935, c. 68. Duling Bros. Co. v. City of Huntington, 1938, 196 S.E. 552, 120 W.Va. 85. Levees And Flood Control ⟹ 22

2. Title of act

The title, "An Act to authorize municipalities to establish * * * municipal public works and to defray the cost of such construction * * * by issuing revenue bonds, secured by and payable from the revenues of such systems; to authorize charges for the use of such municipal public works and to provide for the collection of same," having clearly expressed the principal object to authorize municipal public works, words descriptive of details ancillary thereto should not be narrowly defined. Acts 1935, c. 68; Const. art. 6, § 30. Duling Bros. Co. v. City

of Huntington, 1938, 196 S.E. 552, 120 W.Va. 85. Statutes ⚷ 123(3)

The title, "An Act to authorize municipalities to establish * * * municipal public works and to defray the cost of such construction * * * by issuing revenue bonds, secured by and payable from the revenues of such systems; to authorize charges for the use of such municipal public works and to provide for the collection of same," contemplates special assessments, or charges, for the service or benefit from a flood wall. Acts 1935, c. 68; Cost. art. 6, § 30. Duling Bros. Co. v. City of Huntington, 1938, 196 S.E. 552, 120 W.Va. 85. Statutes ⚷ 123(3)

3. Municipal public works

Building that was to be acquired and owned by Charleston Building Commission but leased to state was a "municipal public work" for purposes of revenue bond financing statutes. Code, 8–16–1. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⚷ 911

The words "automobile parking buildings" as used in the statute authorizing municipalities to construct and operate municipal public works and to pay therefor, mean automobile parking facilities, and include an automobile lot equipped with a 95 foot elevator for use in its operation, and an issue of revenue bonds authorized by an ordinance duly enacted as provided by the statutes, was valid. Act 1935, c. 68, as amended. State ex rel. Holbert v. Robinson, 1950, 59 S.E.2d 884, 134 W.Va. 524. Municipal Corporations ⚷ 276

The paving or repaving of a public street in a municipality is a "municipal public work" which municipality is authorized to construct by statute providing for issuance of revenue bonds for construction of such work. Acts 1935, c. 68. City of Moundsville v. Brown, 1945, 34 S.E.2d 321, 127 W.Va. 602. Municipal Corporations ⚷ 269(2)

4. Ordinances

The purpose of ordinances required by statute authorizing municipalities to establish and maintain municipal public works and defray cost thereof by issuing revenue bonds is to inform residents and taxpayers of the municipalities concerning outlay by them and expected returns from special assessment to be laid pursuant to the statute. Acts 1935, c. 68. Smith v. City of Parkersburg, 1943, 24 S.E.2d 588, 125 W.Va. 415. Municipal Corporations ⚷ 301

The statute requiring municipal ordinance authorizing construction of public work to set forth estimated cost thereof refers to the cost of the proposed work to the municipality, and not to other contributions. Acts 1935, c. 68, § 6. Smith v. City of Parkersburg, 1943, 24 S.E.2d 588, 125 W.Va. 415. Municipal Corporations ⚷ 303(1)

5. Presumptions and burden of proof

In absence of contrary showing, public improvement is presumed to create a special benefit, and one attacking validity of assessment therefor has burden of establishing invalidity thereof. State ex rel. City of Huntington v. Heffley, 1944, 32 S.E.2d 456, 127 W.Va. 254. Municipal Corporations ⚷ 484(1)

§ 8–16–2. Municipalities authorized to construct, etc., public works and to acquire property; payment of costs

Every municipality is and any two or more municipalities acting jointly, whether situate in the same county or different counties, are, hereby empowered and authorized to construct, reconstruct, establish, acquire, improve, renovate, extend, enlarge, increase, own, equip, repair (including replacements), maintain and operate any municipal public works, together with all appurtenances necessary, appropriate, useful, convenient or incidental for or to the maintenance and operation of such works, and shall have plenary power and authority to acquire by gift, grant, purchase, condemnation or otherwise, and thereafter hold, all necessary lands, rights, easements, rights-of-way, franchises and other property therefor within or without, or partly within and partly without, the corporate limits of any such municipality or municipalities, and to issue revenue bonds to pay the costs of such public works and properties: Provided, That this section shall not be construed to authorize any municipality to construct, reconstruct, establish, acquire, improve, renovate, extend, enlarge, increase, own, equip, repair (including replacements), maintain or operate any works which would render a service already being adequately rendered within such municipality. No obligation shall be incurred by

any municipality in such construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement or increase, except such as is payable solely from the funds provided under the authority of this article.

Acts 1935, c. 68, § 2; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⟹265.
Westlaw Key Number Search: 268k265.

Encyclopedias
C.J.S. Municipal Corporations § 958.

Notes of Decisions

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1. Lease-purchase agreements

Building that was to be acquired and owned by Charleston Building Commission but leased to state was a "municipal public work" for purposes of revenue bond financing statutes. Code, 8-16-1. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 911

Charleston Building Commission had authority to enter into lease-purchase agreement with state whereby commission would purchase and refurbish building, state would pay rent to commission in amount sufficient to discharge bonds or certificates of participation, and state would have option to purchase building from commission upon repayment of bonds or other such obligations. Code, 8-12-5(36), 8-33-4(f); Charleston, W.Va., Charter § 59. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 223

City of Charleston, in its distinctive role as capital of West Virginia, may provide property to state to be used as a state capitol or for other public buildings; this special authority extends to Charleston Building Commission and enables it, also, to provide property for state purposes. Code, 8-12-5(36), 8-33-4(f); Charleston, W.Va., Charter § 59. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 225(1)

2. Revenue bonds

State Constitution's prohibition against incurring excessive debt by municipal corporations was not violated by Charleston Building Commission's proposal to finance acquisition of building to be leased to state through issuance of bonds or certificates of participation. Const. Art. 10, § 8; Code, 8-33-5. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 864(3)

Charleston Building Commission has authority to issue bonds or certificates of participation to finance its acquisition and renovation of building that it intends to lease to state. Code, 8-33-4(h-j). State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 906

The proceeds of a series of general obligation bonds of city of Grafton issued for purpose of defraying part of expense of completing construction and equipment of a hospital owned by municipality, residue of which expense was paid from sale of revenue bonds could be used for such purpose. Code 1931, 8-4A-1 et seq., as enacted by Laws 1935, c. 68. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 911

The validity of municipal revenue bonds issued by city of Grafton, the proceeds of which were to be used toward completion of hospital owned by city, was not impaired by fact that funds derived from general taxation, or from other sources, also had been, and were to be, used in construction of the hospital. Code 1931, 8-4A-1 et seq., as enacted by Laws 1935 c. 68. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 911

A provision in ordinance of city of Grafton authorizing issuance of series of revenue bonds for completion of hospital building owned by city, which provides that bonds are to be a statutory mortgage lien on hospital when completed and on equipment and future additions thereto, and which pledges all of net profit from hospital for payment of the revenue bonds and interest thereon, is valid. Code 1931, 8-4A-1 et seq., as enacted by Laws 1935, c. 68; 8-4A-22, as added by Laws 1935, c. 68, § 22. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 917(1)

General obligation bonds issued by city of Grafton, proceeds of which were to be used by defraying a part of expenses of completing hospital owned by city, were valid, in view of manner in which election authorizing issuance of bonds was conducted, and that validity of bond issue was approved by attorney general

and copy of his approval published in two newspapers of opposite politics and that no petition praying that attorney general's action be reversed was filed. Code 1931, 13–1–27. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 918(4)

A provision in ordinance of city of Grafton authorizing issuance by municipality of revenue bonds to aid in completion of hospital owned by municipality, to effect that municipality should pay legally established rates for use of hospital, did not create an "indebtedness" against the municipality within statutory or constitutional inhibition against creation of public debt. Code 1931, 8–4A–1 et seq., as enacted by Laws 1935, c. 68; 13–1–3; Const. art. 8, § 10. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 864(4)

Revenue bonds issued by municipality to aid in completion of hospital owned by municipality pursuant to act authorizing municipalities to issue revenue bonds for construction or maintenance of a municipal public works were not an "indebtedness" of municipality within statutory or constitutional inhibition against creation of public debt. Code 1931, 8–4A–1 et seq., as enacted by Laws 1935, c. 68; 13–1–3; Const. art. 8, § 10. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 864(4)

3. Refinancing

The statute authorizing municipalities to refinance "any enterprise" as therein defined does not authorize refinancing as a single issue three separate bond issues for three separate flood wall units constructed under separate ordinances and representing a variation in construction and maintenance costs, rates chargeable, etc. Acts 1937, c. 120; Acts 1935, c. 68; Const. art. 10, § 1; Code, 2–2–10. State ex rel. City of Huntington v. Heffley, 1944, 32 S.E.2d 456, 127 W.Va. 254. Levees And Flood Control ⟹ 34

4. Injunctive relief

Injunction would not lie to restrain enforcement of municipal ordinance transferring control of city's floodwall system from board to another local agency; municipality was authorized by statute to maintain control over municipal public works, including flood control systems and flood walls, petition for injunction did not indicate that ordinance would cause irreparable injury, and declaratory judgment action would be adequate remedy at law. Code, 8–16–1, 8–16–2, 8–16–4. Perdue v. Ferguson, 1986, 350 S.E.2d 555, 177 W.Va. 44. Injunction ⟹ 85(1)

§ 8–16–3. Special provisions as to certain municipal public works

When the municipal public works is a motor vehicle parking facility, any municipality involved therein shall have the plenary power and authority, in order to help finance the same, to use any revenue derived from other parking meters or other parking facilities, unless such revenue is otherwise pledged to pay for such other parking meters or other parking facilities.

When the municipal public works is a jail facility used for municipal prisoners, any municipality involved therein shall have the power and authority, in order to help finance the same, to pledge, for a period not to exceed twenty years, the proceeds derived from the imposition of fines and fees.

When the cost of the municipal public works is to be paid by special assessment against the abutting property, represented by assessment certificates which constitute a lien upon such property and said assessment certificates are pledged by any municipality to retire revenue bonds issued and sold to pay the cost thereof, the payor of such assessment certificate shall have the right to pay the same at any time before maturity, together with interest thereon to date of payment, and upon the payment of such assessment certificate the treasurer of such municipality shall deliver to the payor a release for such lien, and the funds received therefrom shall by said treasurer be deposited in a special fund to be expended only in the payment of such revenue bonds.

Acts 1951, c. 137; Acts 1953, c. 134; Acts 1955, c. 122; Acts 1963, c. 123; Acts 1969, c. 86.

Library References

Key Numbers

Municipal Corporations ⚷268.

Westlaw Key Number Search: 268k268.

Notes of Decisions

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1. Financing

Fines generated by a municipal court may be dedicated to retire a debt created for a bond issue for not more than twenty years which finances the construction of a municipal building to the extent that said municipal building constitutes a jail or facility; the use or establishment of a jail which houses municipal prisoners. Magro, Op.Atty.Gen., June 7, 1988.

2. Parking facilities

Under statutes, municipal corporation which has appointed commission to supervise and control automobile parking facilities, when constructed, and has adopted bond ordinance to defray cost of construction, is empowered to pledge revenues derived from off street parking meters to help finance construction of automobile parking facilities, including payment of principal and interest on revenue bonds issued for purpose of financing construction of proposed automobile parking facility. Code, 8-4A-1a, as added by Acts 1951, c. 137, and amended by Acts 1953, c. 134. State ex rel. Bibb v. Chambers, 1953, 77 S.E.2d 297, 138 W.Va. 701. Municipal Corporations ⚷ 950(15)

Statute to effect that municipality shall have authority to establish automobile parking facilities and to create commission for supervision of such facilities and to pay to such commission revenue derived from parking meters or other parking facilities, unless otherwise pledged to pay for such meters or parking facilities, had as its underlying purpose alleviation of congested parking conditions in municipalities, and was enacted by Legislature in exercise of its police power. Code, 8-4A-1a, as added by Acts 1951, c. 137, and amended by Acts 1953, c. 134. State ex rel. Bibb v. Chambers, 1953, 77 S.E.2d 297, 138 W.Va. 701. Municipal Corporations ⚷ 276

3. Parking meters

Though on-street parking meters are designed to aid in controlling traffic on public streets of municipality, in exercise of police power, and fees may be employed to defray expense of regulatory service, fee charged may not be used for purely revenue raising purposes. Code, 8-4A-1 as amended by Acts 1945, c. 90, and Acts 1951, c. 136; 8-4A-1a, as added by acts 1951, c. 137, and amended by Acts 1953, c. 134. State ex rel. Bibb v. Chambers, 1953, 77 S.E.2d 297, 138 W.Va. 701. Automobiles ⚷ 5(3)

In absence of affirmative showing that revenue to be derived from off-street parking facilities and curb line parking meters exceeded cost of constructing and operating off-street parking facility, and on-street parking meters, and principal and interest on revenue bonds issued for purpose of financing such facilities, municipal bond ordinance to finance construction of off-street parking facilities by revenues derived from off-street parking facilities and from curb line parking meters, was not invalid as revenue raising measure. Code, 8-4A-1 as amended by Acts 1945, c. 90, and Acts 1951, c. 136; 8-4A-1a, as added by Acts 1951, c. 137, and amended by Acts 1953, c. 134. State ex rel. Bibb v. Chambers, 1953, 77 S.E.2d 297, 138 W.Va. 701. Automobiles ⚷ 7

4. Mandamus

Where council of municipal corporation enacted valid ordinance providing for construction of public automobile parking lots, to be financed by revenue bonds to be issued over signature of mayor of municipality, mayor had mandatory administrative duty enforcible in mandamus, to sign revenue bond, and to perform other administrative acts to bring about issuance of bonds, and further construction of proposed parking lot. Code, 8-4A-1 as amended by Acts 1945, c. 90, and Acts 1951, c. 136; 8-4A-1a, as added by Acts 1951, c. 137, and amended by Acts 1953, c. 134. State ex rel. Bibb v. Chambers, 1953, 77 S.E.2d 297, 138 W.Va. 701. Mandamus ⚷ 90

PART II—CONTROL OF GOVERNING BODY OR BOARD

§ 8–16–4. Construction, etc., to be under control of governing body or appointed board, etc.

The construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment, repair (including replacements), custody, maintenance and operation of any such works, and the collection of revenues therefrom, shall be under the supervision and control of the governing body, or of a committee, by whatever name called, composed of all or a portion of the governing body when only one municipality is involved, or of a board or commission appointed by such governing body when only one municipality is involved or appointed by the governing bodies when two or more municipalities take joint action under the provisions of this article, as may be provided by the governing body or bodies.

When such supervision and control are vested in a committee, board or commission, the governing body or bodies, as the case may be, may provide, by ordinance or ordinances, for said committee, board or commission to exercise such of the functions of the governing body or bodies in connection with the matter as it or they deem proper, and may provide for said committee, board or commission to receive such compensation as such body or bodies may deem proper, all of which authority and compensation shall be specifically provided for by ordinance or ordinances. Any such committee, board or commission shall consist of the number of members fixed in the ordinance or ordinances creating the same, and the manner and mode of the selection and appointment of the members of any such board or commission shall be stated in such ordinance or ordinances. The members of any such board or commission appointed by the governing body or bodies shall be chosen without regard to their political affiliations, but with regard to their business and professional experience or standing as citizens in the community. All compensation and expenses, including attorney's fees, of such committee, board or commission shall be paid solely from funds provided under the authority of this article. Any such committee, board or commission shall have the power to establish bylaws, rules and regulations for its own government.

When hereinafter used in this article, the term "board" shall be construed to mean the governing body or committee composed of all or a portion of the governing body when only one municipality is involved, or a board or commission appointed by the governing body when only one municipality is involved or appointed by the governing bodies when two or more municipalities take joint action under the provisions of this article, as the case may be. When two or more municipalities take joint action under the provisions of this article each governing body shall appoint to the board the number of members which the governing bodies have agreed shall be appointed by each such governing body.

The governing body or bodies also, in its or their discretion, may provide by ordinance or ordinances for the leasing of a municipal public works and provide for the custody, maintenance and operation thereof by a lessee in accordance with the provisions of such ordinance or ordinances and lease

contract executed pursuant thereto: Provided, That the lessee shall pay to the municipality or municipalities for the use and occupancy of such municipal public works so leased an amount sufficient to provide a sinking fund for the payment of the bonds and the interest thereon and all other charges mentioned in section seventeen of this article.

Acts 1935, c. 68, §§ 3, 21; Acts 1937, c. 55; Acts 1961, c. 100; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⟹284(1).
Westlaw Key Number Search: 268k284(1).

Encyclopedias
C.J.S. Municipal Corporations § 967.

Notes of Decisions

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Title of act 1

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1. Title of act

The title, "An Act to authorize municipalities to establish * * * municipal public works and to defray the cost of such construction * * * by issuing revenue bonds, secured by and payable from the revenues of such systems; to authorize charges for the use of such municipal public works and to provide for the collection of same," having clearly expressed the principal object to authorize municipal public works, words descriptive of details ancillary thereto should not be narrowly defined. Acts 1935, c. 68; Const. art. 6, § 30. Duling Bros. Co. v. City of Huntington, 1938, 196 S.E. 552, 120 W.Va. 85. Statutes ⟹ 123(3)

The title, "An Act to authorize municipalities to establish * * * municipal public works and to defray the cost of such construction * * * by issuing revenue bonds, secured by and payable from the revenues of such systems; to authorize charges for the use of such municipal public works and to provide for the collection of same," contemplates special assessments, or charges, for the service or benefit from a flood wall. Acts 1935, c. 68; Cost. art. 6, § 30. Duling Bros. Co. v. City of Huntington, 1938, 196 S.E. 552, 120 W.Va. 85. Statutes ⟹ 123(3)

2. Board, commission or committee

Individual who has been appointed chairman pro tem of municipal building commission possesses same duties and responsibilities as regularly and duly elected chairman of that commission would possess. Code, 8-33-4. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 192

A national bank could be regarded as a "committee" under act authorizing municipalities to construct and maintain flood control systems, and placing the construction of a public work under the supervision of a "board, commission, or committee," but bank's decision as to reasonableness of agreed price for land needed for project is not final. Acts 1935, c. 68. Duling Bros. Co. v. City of Huntington, 1938, 196 S.E. 552, 120 W.Va. 85. Levees And Flood Control ⟹ 8

3. Leases

Generally, a municipality may lease property which it holds in its proprietary capacity but the power to lease does not include the power to discriminate against members of a minority race in the exercise of their constitutional rights. U.S.C.A.Const. Amends. 11-15. Lawrence v. Hancock, 1948, 76 F.Supp. 1004. Constitutional Law ⟹ 220.5(1)

Where municipality constructed swimming pool with public funds under statutory authority, the municipality, if pool is operated must operate it itself or, if leased, must see that pool is operated without discrimination against citizens on account of race or color. Code W.Va. 8-4A-1 et seq., 8-4A-21, 8-14-1 et seq., 13-1-8, 13-1-22; U.S.C.A.Const. Amend. 14. Lawrence v. Hancock, 1948, 76 F.Supp. 1004. Constitutional Law ⟹ 217(3)

Where city constructed swimming pool with public funds and leased pool to private association without consideration under lease which did not permit association to make profits from operation of pool but required it to use all net revenue to improve and develop pool and to provide additional recreational facilities, city could not by such lease relieve itself of obligation to see that constitutional right of all citizens to equal protection of law in use of pool was preserved. Code W.Va. 8-4A-1 et seq., 8-14-1 et seq., 13-1-8, 13-1-22; Const. U.S.C.A.Amend. 14. Lawrence v. Hancock, 1948, 76 F.Supp. 1004. Municipal Corporations ⟹ 721(3)

4. Injunctive relief

Injunction would not lie to restrain enforcement of municipal ordinance transferring control of city's floodwall system from board to another local agency; municipality was authorized by statute to maintain control over municipal public works, including flood control systems and flood walls, petition for injunction did not indicate that ordinance would cause irreparable injury, and declaratory judgment action would be adequate remedy at law. Code, 8–16–1, 8–16–2, 8–16–4. Perdue v. Ferguson, 1986, 350 S.E.2d 555, 177 W.Va. 44. Injunction ⟹ 85(1)

§ 8–16–4a. Additional special provisions as to motor vehicle parking facilities

(a) The legislature hereby finds that the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion on the streets of many municipalities in this State; that the lack of adequate planning and supervision of the location of parking facilities, the parking of motor vehicles of all kinds and the lack of adequate parking facilities for motor vehicles of all kinds substantially impede the free circulation of traffic in, through and from many municipalities in this State, impede the rapid and effective fighting of fires and disposition of police officers therein, contribute to the location and relocation of commercial and business enterprises outside of urban areas and retard the development of commerce and business within many municipalities in this State, thereby giving rise to urban blight and adversely affecting or threatening to adversely affect the tax base of such municipalities; that such parking crisis can be reduced by such municipalities providing adequate motor vehicle parking facilities strategically located there; that providing properly located terminal space for motor vehicles is a public responsibility; that fostering the development of commerce and business within municipalities, with the increased tax revenues resulting therefrom, is a public purpose; that fostering the availability of property for charitable use is a public purpose; that the closer the proximity between municipally owned motor vehicle parking facilities and commercial and business establishments the greater the development of commerce and business and the greater the level of revenue produced by such motor vehicle parking facilities; that the erection or construction of pedestrian viaducts, ramps, bridges, tunnels or other pedestrian facilities leading to and from motor vehicle parking facilities so as to facilitate the movement of pedestrians to and from such motor vehicle parking facilities fosters the development of commerce and business and increases the level of revenue produced by such motor vehicle parking facilities; that the leasing, particularly on a long-term basis, and the selling of space for commercial or business use in connection with a municipally owned motor vehicle parking facility will aid the development of commerce and business, increase the level of revenue produced by such motor vehicle parking facility and maintain and increase the tax base of such municipalities; that in many instances the authority for the leasing of space as provided for in this section would assist in financing the construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment or repair (including replacements) of any such motor vehicle parking facility; that the enactment of this section is for the general welfare of the public and is a public necessity; and that the means and measures authorized in this section are, as a matter of public policy, for the

public purposes of such municipalities. This section is enacted in view of these findings and shall be liberally construed in the light thereof.

(b) The governing body or bodies, in its or their discretion, may provide by ordinance or ordinances:

(1) For the leasing by the board as lessor of space in or on a municipal public works which is a motor vehicle parking facility for any business, commercial or charitable use to such person, for such fair and adequate consideration, for such period or periods of time and upon such other terms and conditions as such body or bodies or the board may agree to. In connection with the leasing of any such space, the board may agree to provide in or on such motor vehicle parking facility such structures, accommodations or improvements as may be necessary for such business, commercial or charitable use or such space may be leased upon condition that the lessee shall provide the same in or on the space so leased.

(2) For the leasing by the board as lessor or the selling of air space over a municipal public works which is a motor vehicle parking facility for any business, commercial or charitable use to such person, for such fair and adequate consideration, for such period or periods of time in the case of a lease and upon such other terms and conditions as such body or bodies or the board may agree to. Any lease or deed of sale of such air space may contain provisions (i) authorizing the use of such areas of the underlying motor vehicle parking facility as are essential for ingress and egress to and from such air space, (ii) relating to the support of any building or other structure to be erected in such air space, and (iii) relating to the connection of essential public or private utilities to any building or other structure in such air space.

(3) For the erection or construction by the board of any pedestrian viaduct, ramp, bridge, tunnel or other pedestrian facility leading to and from a municipal public works which is a motor vehicle parking facility; and any such pedestrian viaduct, ramp, bridge, tunnel or other pedestrian facility shall, for all purposes of this article, be considered to be a part of a municipal public works which is a motor vehicle parking facility with like effect as if the term "municipal public works" were expressly defined in section one of this article to include pedestrian viaducts, ramps, bridges, tunnels or other pedestrian facilities: Provided, That any cost incurred by any municipality or municipalities in erecting or constructing any such pedestrian viaduct, ramp, bridge, tunnel or other pedestrian facility which connects a municipal public works which is a motor vehicle parking facility with a privately owned building or buildings or other privately owned structure or structures shall be paid for by the owner or owners of such building or buildings or such other structure or structures.

Any such lease may be privately negotiated without any public notice or advertising, and any such sale may be a public sale pursuant to the provisions of section eighteen, article twelve of this chapter or such sale may be privately negotiated, notwithstanding the provisions of said section eighteen.

(c) The proceeds received from any lease, sale or payment as provided in this section shall be deemed revenue of the works and used as provided in section seventeen of this article.

(d) Notwithstanding the fact that any motor vehicle parking facility subject to the provisions of this article is municipally owned and the fact that a lease or sale under the provisions of subdivision (1) or subdivision (2), subsection (b) of this section is for a public purpose as declared in subsection (a) of this section, any leasehold interest under said subdivision (1), and any building, structure, accommodation or improvement erected, made or operated in any air space leased or sold under said subdivision (2) shall be subject to all property taxes, which shall be assessed and imposed against the lessee or grantee, as the case may be, unless the use of such leasehold interest, building, structure, accommodation or improvement is otherwise exempt from property taxation under the provisions of section nine, article three, chapter eleven of this code.

Acts 1971, c. 99.

Library References

Key Numbers

Municipal Corporations ⚷268.

Westlaw Key Number Search: 268k268.

Notes of Decisions

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1. Validity

West Virginia statute authorizing municipalities to lease space in municipally owned parking facilities to private interests, as construed by the West Virginia Supreme Court to authorize sale or lease to private interests of ancillary or incidental space which has as its primary and dominant purpose the conferring of benefits on the public generally, is constitutional on its face and West Virginia law provides adequate means to assure against unconstitutional application should private purpose utilization be allowed to advance beyond the threshold of incidental use. 28 U.S.C.A. §§ 2201, 2202; Code W.Va. 8–16–4a; U.S.C.A.Const. Amend. 14. Washington-Summers, Inc. v. City of Charleston, 1977, 430 F.Supp. 1013. Municipal Corporations ⚷ 722

Exemption from taxation of municipally owned parking facility, some of whose space was being leased to private business, and the bonds and interest which financed the facility did not violate constitutional limitation on exemption from taxation or constitutional requirement that taxation be uniform. Code, 8–16–4a(a); Const. art. 10, §§ 1, 9. State ex rel. City of Charleston v. Coghill, 1973, 207 S.E.2d 113, 156 W.Va. 877. Taxation ⚷ 193

City's operation of parking facility in which a portion of the parking space was devoted to private business did not violate the State or Federal Constitutions on theory that such facilities were in competition with private persons providing the similar service, thus denying equal protection and taking property for private purposes. Code, 8–16–4a(a); Const. art. 3, §§ 9, 10; U.S.C.A.Const. Amend. 14. State ex rel. City of Charleston v. Coghill, 1973, 207 S.E.2d 113, 156 W.Va. 877. Constitutional Law ⚷ 234.6

Statute, which authorizes the creation of municipal parking authorities and which allows for leasing of space within municipal parking lots to private concerns, does not violate state constitutional provisions relating to uniformity of taxation and exemption of certain items from taxation nor does it violate the due process or equal protection guarantees of the State or Federal Constitutions. Code, 8–16–4a(a); Const. art. 3, §§ 9, 10, art. 5, §§ 1, 5; U.S.C.A.Const. Amend. 14. State ex rel. City of Charleston v. Coghill, 1973, 207 S.E.2d 113, 156 W.Va. 877. Constitutional Law ⚷ 234.6

If any municipal parking facility project is challenged on the constitutional grounds of lack of "public purpose", court must look to an expansive definition of "public purpose" and evaluate the project in terms of the necessity of commercial sale or leasing of space to finance the facility, the degree to which the facility will enhance or implement any plan of urban devel-

opment, and the degree to which the proposed project will enhance the public policy of encouraging economic development and expansion of industry and commerce. Code, 8–16–4a(a). State ex rel. City of Charleston v. Coghill, 1973, 207 S.E.2d 113, 156 W.Va. 877. Municipal Corporations ⟹ 267

Although municipally owned parking facility designed for an acknowledged public purpose is constitutional, even though it confers ancillary and incidental benefits upon private persons, a municipally owned parking facility which has, as its primary and dominant purpose, the conferring of private benefits, with only ancillary public benefits, would be an unconstitutional use of the authority conferred on municipalities by the legislature. Code, 8–16–4a(a). State ex rel. City of Charleston v. Coghill, 1973, 207 S.E.2d 113, 156 W.Va. 877. Municipal Corporations ⟹ 267

2. Powers of legislature

Public parking is among the public purposes on which the legislature may direct or authorize government action. Code, 8–16–4a(a). State ex rel. City of Charleston v. Coghill, 1973, 207 S.E.2d 113, 156 W.Va. 877. States ⟹ 21

Legislature was entitled to delegate power to municipal corporation to determine the amount of space in a public parking facility which would be leased or sold to private business, commercial or charitable uses, subject to the constitutional limits on a municipality's discretion. Code, 8–16–4a(a). State ex rel. City of Charleston v. Coghill, 1973, 207 S.E.2d 113, 156 W.Va. 877. Constitutional Law ⟹ 63(2)

3. Condemnation

A finding that a public condemnor has the right to take property for purposes stated in petition for commencement of condemnation proceedings and enter the property is immediately appealable. Code W.Va. 8–16–4a, 54–2–2, 54–2–5, 54–2–14. Washington-Summers, Inc. v. City of Charleston, 1977, 430 F.Supp. 1013. Eminent Domain ⟹ 253(2)

Failure of petition for commencement of condemnation proceedings to state all uses for which property is intended may be ground for denying the petition. Code W.Va. 8–16–4a, 54–2–2, 54–2–5, 54–2–14. Washington-Summers, Inc. v. City of Charleston, 1977, 430 F.Supp. 1013. Eminent Domain ⟹ 191(3)

§ 8–16–4b. Additional special provision as to the use of space in motor vehicle parking facilities

For all purposes of this article, the power and authority of any municipality to lease, as lessor, space in a motor vehicle parking facility to any person for business, commercial or charitable use shall be deemed to include the power and authority to lease such space to the United States of America, the State of West Virginia, the county court of any county of the State of West Virginia, and any agency, board or commission of any thereof, and the revenues derived from such leases may be pledged as security for and expended in payment of revenue bonds of such municipality in like manner and to the same extent as other revenues from such motor vehicle parking facility.

Acts 1974, c. 47.

W.Va. Const., art. IX, § 9, redesignated the office of the county court as county commission.

PART III—GENERAL POWERS AND AUTHORITY

§ 8–16–5. Powers of board

The board shall have plenary power and authority to take all steps and proceedings, and to make and enter into all contracts or agreements necessary, appropriate, useful, convenient or incidental to the performance of its duties and the execution of its powers and authority under this article: Provided, That any contract or agreement relating to the financing, or the construction,

reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment, operation or maintenance of any such works, and any trust indenture with respect thereto as hereafter provided for, shall be approved by the governing body or bodies.

The board may employ engineers, architects, inspectors, superintendents, managers, collectors, attorneys and such other employees as in its judgment may be necessary in the execution of its powers and duties, and may fix their compensation, all of whom shall do such work as the board may direct. All compensation and expenses incurred in carrying out the provisions of this article shall be paid solely from funds provided under the authority of this article, and the board shall not exercise or carry out any power or authority herein given it so as to bind said board or any municipality beyond the extent to which money shall have been, or may be provided under the authority of this article.

No contract or agreement with any contractor or contractors for labor or materials, or both, exceeding in amount the sum of ten thousand dollars shall be made without advertising for bids, which bids shall be publicly opened and an award made to the lowest responsible bidder, with power and authority in the board to reject any and all bids.

After the construction, reconstruction, establishment, acquisition, renovation or equipment of any such works, the board shall maintain, operate, manage and control the same, and may order and complete any improvements, extensions, enlargements, increase or repair (including replacements) of and to the works that the board may consider expedient, if funds therefor be available, or are made available, as provided in this article, and shall establish rules for the use, maintenance and operation of the works, and do all things necessary or expedient for the successful operation thereof, and for stormwater systems and associated stormwater management programs, those activities which include, but are not limited to, stormwater and surface runoff water quality improvement activities necessary to comply with all federal and state requirements. All public ways or public works damaged or destroyed by the board in carrying out its authority under this article shall be restored or repaired by the board and placed in their original condition, as nearly as practicable, if requested so to do by proper authority, out of the funds provided under the authority of this article.

Acts 1935, c. 68, § 4; Acts 1969, c. 86; Acts 1998, c. 214, eff. 90 days after March 14, 1998; Acts 2001, c. 212, eff. 90 days after April 14, 2001.

Library References

Key Numbers

Municipal Corporations ⚷328.
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Encyclopedias

C.J.S. Municipal Corporations §§ 1027 to 1029.

§ 8–16–6. Preliminary expenses

All necessary preliminary expenses actually incurred by the board of any municipality or municipalities in the making of surveys or estimates of cost and

of revenues, employment of engineers or other employees, the giving of notices, the taking of options, and all other expenses of whatsoever nature necessary to be paid prior to the issue, sale and delivery of the revenue bonds herein provided for, may be paid by the municipality or municipalities, to be reimbursed and repaid out of the proceeds of the sale of such revenue bonds to be used for the construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment or repair (including replacements) of such works as hereinafter provided.

Acts 1935, c. 68, § 5; Acts 1969, c. 86.

§ 8-16-7. Ordinance for construction, etc., of works

Before any municipality or municipalities shall, under the provisions of this article, construct, reconstruct, establish, acquire, improve, renovate, extend, enlarge, increase, equip or repair (including replacements) any municipal public works, the governing body, or the governing body of each participating municipality, shall enact an ordinance or ordinances, which shall (a) set forth a brief and general description of the works, including a reference to the preliminary report or plans and specifications which shall theretofore have been prepared; (b) set forth the estimated cost thereof; (c) order the construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment or repair (including replacements) of such works; (d) direct that municipal revenue bonds be issued pursuant to this article, in such amount as may be found necessary to pay the cost of the works; (e) contain such provisions as the governing body determines are necessary or desirable with regard to the establishment and setting aside of reserves from the proceeds of such revenue bonds or from the revenues of said works, or from both, and the administration and disposition thereof; and (f) contain such other provisions as may be necessary or proper in the premises. When two or more municipalities take joint action under the provisions of this article, a certified copy of each such ordinance shall be filed in the office of the clerk of the county commission of the county or counties in which the municipalities are located and in the office of the state tax commissioner, and when any such municipality is located in more than one county, the filing for that municipality shall be in the office of the clerk of the county commission in which the major portion of the territory of such municipality is located. Before any such ordinance shall become effective, an abstract of the ordinance, determined by the governing body or each governing body, as the case may be, to contain sufficient information as to give notice of the contents of such ordinance, together with the following described notice, shall be published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be such municipality or each such municipality, as the case may be. The notice to be published with said abstract of the ordinance shall specify a date, time and place for a public hearing, the date being not less than ten days after the first publication of said abstract and notice and not prior to the last publication of

said abstract and notice, at which time and place all parties and interest may appear before the governing body of the municipality or each such municipality and may be heard as to whether or not said ordinance shall be put into effect; and said notice shall also identify the office in which a certified copy of such ordinance shall be on file for review by interested persons during the office hours of such office. At such hearing all objections and suggestions shall be heard and the governing body or each such governing body shall take such action as it or they shall deem proper in the premises: Provided, That if at any such hearing written protest is filed by thirty percent or more of the freeholders of the municipality for which the hearing is held, then the governing body of said municipality shall not take further action unless four fifths of the members of said governing body assent thereto: Provided, however, That in case written protest is filed by thirty percent or more of the freeholders as herein provided, any such governing body shall have authority to appoint a committee to consist of one proponent, one opponent, and the third to be selected by these two, to determine whether or not thirty percent of the freeholders have in fact protested and said committee shall report its findings to any such governing body.

Acts 1935, c. 68, § 6; Acts 1967, c. 105; Acts 1969, c. 86; Acts 1971, c. 193; Acts 1973, c. 89; Acts 1981, 1st Ex. Sess., c. 2.

Library References

Key Numbers

Municipal Corporations ⟹300.
Westlaw Key Number Search: 268k300.

Encyclopedias

C.J.S. Municipal Corporations § 991.

Notes of Decisions

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Purposes of ordinances 1
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1. Purposes of ordinances

The purpose of ordinances required by statute authorizing municipalities to establish and maintain municipal public works and defray cost thereof by issuing revenue bonds is to inform residents and taxpayers of the municipalities concerning outlay by them and expected returns from special assessment to be laid pursuant to the statute. Acts 1935, c. 68. Smith v. City of Parkersburg, 1943, 24 S.E.2d 588, 125 W.Va. 415. Municipal Corporations ⟹ 301

2. Cost information

Municipal ordinances relating to flood wall project, which set forth the estimated cost of the proposed work to the city, but not the total cost of the project including that assumed by federal government, sufficiently complied with statute requiring such a municipal ordinance to set forth the estimated cost thereof. Acts 1935, c. 68, § 6. Smith v. City of Parkersburg, 1943, 24 S.E.2d 588, 125 W.Va. 415. Levees And Flood Control ⟹ 12

The statute requiring municipal ordinance authorizing construction of public work to set forth estimated cost thereof refers to the cost of the proposed work to the municipality, and not to other contributions. Acts 1935, c. 68, § 6. Smith v. City of Parkersburg, 1943, 24 S.E.2d 588, 125 W.Va. 415. Municipal Corporations ⟹ 303(1)

3. Repeal of ordinance

Referendum attempting repeal of city ordinance authorizing the issuance of bonds for construction of an incinerator plant under act authorizing municipalities to issue revenue bonds for construction or maintenance of a municipal public works, could not affect the validity of the ordinance when questioned for other reasons by bondholders. Code, 8-4A-1 et seq. State ex rel. Klostermeyer v. City of Charleston, 1947, 45 S.E.2d 7, 130 W.Va. 490, 175 A.L.R. 637. Municipal Corporations ⟹ 108.1

PART IV—RIGHT OF EMINENT DOMAIN

§ 8-16-8. Right of eminent domain

Every such municipality shall have plenary power and authority to condemn any such municipal public works to be acquired, and any land, rights, easements, rights-of-way, franchises and other property, real or personal, deemed necessary, appropriate, useful or convenient for, and incidental to, the construction, reconstruction or establishment of any such works and space for business, commercial or charitable use in connection therewith, or for the improvement, renovation, extension, enlargement, increase or equipment thereof or thereto, and in connection therewith shall have and may exercise all the rights, power, authority and privileges of eminent domain granted to municipalities under the laws relating thereto. Title to property shall be taken in the name of the municipality or jointly in the names of the participating municipalities. Proceedings for such appropriation of property shall be under and pursuant to chapter fifty-four of this code: Provided, That any such municipality shall be under no obligation to accept and pay for any property condemned, and shall in no event pay for any property condemned or purchased, except from funds provided under the authority of this article; and in any proceedings to condemn, such orders may be made as may be just to any such municipality and to the owners of the property to be condemned; and an understanding or other security may be required securing such owners against any loss or damage which may be sustained by reason of the failure of any such municipality to accept and pay for the property, but such undertaking or security shall impose no liability upon any such municipality, except such as may be paid from the funds provided under the authority of this article.

In the event of acquisition by purchase, the board may obtain and exercise an option from the owners of said property for the purchase thereof, and may enter into a contract for the purchase thereof, and such purchase may be made upon such terms and conditions, and in such manner as the board may deem proper: Provided, however, That the exercise of such option, or the contract for such purchase, or such purchase shall in no event create any obligation of any such municipality, or create any debt, liability or claim, except such as may be discharged or paid from the funds provided under the authority of this article.

In the event of the acquisition of any works already constructed by purchase or condemnation, the board at or before the time of the adoption of any ordinance described in section seven hereof, shall cause to be determined what reconstruction, improvement, renovation, extension, enlargement, increase, equipment or repair (including replacements) will be necessary, in order that such works and space for business, commercial or charitable use in connection therewith, if any, may be effective for their purpose, and an estimate of the cost thereof shall be included in the estimate of the cost required by section seven hereof, and the same shall be made upon the acquisition of the works and as a part of the cost thereof: Provided further, That no municipality or municipalities shall, under the authority conferred by this article, condemn any existing

privately owned works (other than motor vehicle parking facilities) in operation at the date of the condemnation.

Acts 1935, c. 68, § 7; Acts 1969, c. 86; Acts 1971, c. 99.

Library References

Key Numbers
Eminent Domain ⟹18.
Westlaw Key Number Search: 148k18.

Encyclopedias
C.J.S. Eminent Domain §§ 51, 54.

PART V—REVENUE BOND FINANCING

§ 8-16-9. Bonds for improvements, etc., of works

Whenever any municipality or municipalities now, or hereafter, shall own and maintain and operate any of the works herein referred to, whether constructed, reconstructed, established or acquired under the provisions of this article or not, and shall desire to improve, renovate, extend, enlarge, increase, equip or repair (including replacements) the same, it may issue revenue bonds, under the provisions of this article, to pay for the same, and the procedure therefor, including fixing all rates and the computation of the amount thereof, shall be the same as in this article provided for the issuance of bonds for the construction, reconstruction, establishment or acquisition of any such works in or by any such municipality which has not theretofore owned and maintained and operated any such works: Provided, That no existing obligations or rights shall be affected or impaired thereby.

Acts 1935, c. 68, § 8; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⟹911.
Westlaw Key Number Search: 268k911.

Encyclopedias
C.J.S. Municipal Corporations § 1649.

Notes of Decisions

In general 2
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Construction and application 1
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1. Construction and application

Building that was to be acquired and owned by Charleston Building Commission but leased to state was a "municipal public work" for purposes of revenue bond financing statutes. Code, 8-16-1. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⟹ 911

2. In general

The proceeds of a series of general obligation bonds of city of Grafton issued for purpose of defraying part of expense of completing construction and equipment of a hospital owned by municipality, residue of which expense was paid from sale of revenue bonds could be used for such purpose. Code 1931, 8-4A-1 et seq., as enacted by Laws 1935, c. 68. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 911

City of Wheeling held authorized to issue bonds for constructing bridge across river within corporate limits (Acts 1923, c. 14; Charter of City of Wheeling, §§ 31, 83, 84). State v. Steen, 1928, 145 S.E. 602, 106 W.Va. 325. Municipal Corporations ⟹ 911

3. Funding sources

Fines generated by a municipal court may be dedicated to retire a debt created for a bond issue for not more than twenty years which finances the construction of a municipal build-

ing to the extent that said municipal building constitutes a jail or facility, the use or establishment of a jail which houses municipal prisoners. Magro, Op.Atty.Gen., June 7, 1988.

4. Validity of bonds

The validity of municipal revenue bonds issued by city of Grafton, the proceeds of which were to be used toward completion of hospital owned by city, was not impaired by fact that funds derived from general taxation, or from other sources, also had been, and were to be, used in construction of the hospital. Code 1931, 8-4A-1 et seq., as enacted by Laws 1935 c. 68. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 911

5. Calling of bonds

Portion of city's ordinance requiring city to call revenue bonds it issued when a certain surplus existed in sinking fund from which payments were to be made was invalid. Code, 8-16-9 et seq., 8-16-12. City of Fairmont v. Investors Syndicate of America, Inc., 1983, 307 S.E.2d 467, 172 W.Va. 431. Municipal Corporations ⟹ 953

§ 8-16-10. Items of expense included in cost of works

The cost of the works shall be deemed to include the cost of construction, reconstruction, establishment or acquisition thereof, the cost of all land, rights, easements, rights-of-way, franchises and other property, real or personal, deemed necessary, appropriate, useful, convenient or incidental therefor or thereto and for the improvement, renovation, extension, enlargement, increase, equipment or repair (including replacements) determined upon; the interest upon bonds prior to and during the project and for six months after completion thereof; the amount of any reserve funded from the proceeds of bonds; engineering and legal expenses; expenses for estimates of cost and of revenues; expenses for plans, specifications and surveys; other expenses necessary or incident to determining the feasibility or practicability of the enterprise; administrative expenses; and such other expenses as may be necessary or incident to the financing herein authorized, the project, the placing of the works in operation and the performance of the things herein required or permitted in connection with any thereof.

Acts 1935, c. 68, § 9; Acts 1969, c. 86; Acts 1973, c. 89.

Library References

Key Numbers

Municipal Corporations ⟹950(15).
Westlaw Key Number Search: 268k950(15).

Encyclopedias

C.J.S. Municipal Corporations §§ 1708 to 1709.

§ 8-16-11. No municipality is to incur any obligation not payable from proceeds of bonds; exemption from taxation

Nothing in this article contained shall be so construed as to authorize or permit any municipality or municipalities to make any contract or incur any obligation of any kind or nature, except such as shall be discharged or payable solely from the funds provided under the authority of this article. Funds for the payment of the entire cost of the works shall be provided by the issuance of revenue bonds of the municipality or municipalities, the principal and interest of which bonds shall be payable solely from the special fund for such payment herein provided for, and said bonds shall not in any respect be a corporate indebtedness of such municipality or municipalities. All such bonds and the interest thereon, and all properties and revenues and income derived from such

municipal public works, shall be exempt from all taxation by this State, or any county, municipality, political subdivision or agency thereof. All of the details of such bonds and the issuance thereof shall be determined by ordinance of the governing body or bodies.

Acts 1935, c. 68, § 10; Acts 1969, c. 86.

Library References

Key Numbers

Municipal Corporations ⚷950(15).
Taxation ⚷218.
Westlaw Key Number Searches: 268k950(15); 371k218.

Encyclopedias

C.J.S. Municipal Corporations §§ 1708 to 1709.
C.J.S. Taxation § 260.

Notes of Decisions

Constitutional provisions 1

1. Constitutional provisions

State Constitution's prohibition against incurring excessive debt by municipal corporations was not violated by Charleston Building Commission's proposal to finance acquisition of building to be leased to state through issuance of bonds or certificates of participation. Const. Art. 10, § 8; Code, 8–33–5. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. Municipal Corporations ⚷ 864(3)

Provision of State Constitution prohibiting state from contracting debt except under certain circumstances is not designed to prohibit state or state's agencies from issuing revenue bonds that are to be liquidated from contracts requiring rental payments from another state agency or from contracts for necessary services such as utilities; nor does that constitutional provision preclude issuance of revenue bonds which are to be redeemed from special fund. Const. Art. 10, § 4. State ex rel. Charleston Bldg. Com'n v. Dial, 1996, 479 S.E.2d 695, 198 W.Va. 185. States ⚷ 148

§ 8–16–12. Interest rate and life of bonds; redemption; how payable; form, denominations, etc.; additional bonds authorized; interim certificates

Such revenue bonds shall bear interest at not more than twelve percent per annum, payable semiannually, or at shorter intervals, and shall mature at such time or times, not exceeding forty years, as may be determined by the ordinance or ordinances authorizing the issuance of such bonds. Such bonds may be made redeemable before maturity, at the option of the municipality or municipalities issuing the same, to be exercised by said board, at not more than the par value thereof, and at a premium of not more than five percent, under such terms and conditions as may be fixed by the ordinance or ordinances authorizing the issuance of the bonds. The principal and interest of the bonds may be made payable in any lawful medium. Such ordinance or ordinances shall determine the form of the bonds, either coupon or registered, shall set forth any registration or conversion privileges, and shall fix the denomination or denominations of such bonds, and the place or places of the payment of the principal and interest thereof, which may be at any banking institution or trust company within or without the State. When two or more municipalities take joint action under the provisions of this article, the bonds shall be issued by the participating municipalities either as separate or joint bonds, as the governing bodies thereof may agree, and when separate bonds are issued, the amount of the bonds to be issued by each participating municipality shall be fixed by agreement of the governing bodies of the participating municipalities set forth

in the ordinance of each participating municipality authorizing the issuance of such bonds. The bonds shall contain a statement on their face that the municipality or municipalities issuing the same shall not be obligated to pay the same, or the interest thereon, except from the special fund derived from the net revenue of the works, or the pro rata part thereof, as provided for in section eleven hereof. All such bonds shall be, and shall have and are hereby declared to have all the qualities and incidents of negotiable instruments, under the Uniform Commercial Code of this State. The bonds shall be executed in such manner as the governing body or bodies may direct. The bonds shall be sold by the governing body or bodies in such manner as may be determined to be for the best interest of the municipality or municipalities: Provided, That said bonds shall not be negotiated at a price lower than a price which when computed to maturity upon standard tables of bond values will show a net return of more than thirteen percent per annum to the purchaser upon the amount paid therefor. Any surplus of the bond proceeds over and above the cost of the project shall be paid into the sinking fund hereinafter provided for. If the proceeds of the bonds, by error of calculation or otherwise, shall be less than the cost of the project, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the ordinance or ordinances authorizing the issuance of the bonds first issued, or in the trust indenture hereinafter authorized, shall be deemed to be of same issue, and shall be entitled to payment without preference or priority of the bonds first issued; and if any preference or priority of the bonds first issued is provided for in the ordinance or ordinances authorizing the issuance of the bonds first issued or in said trust indenture, such preference or priority shall not extend to an amount exceeding ten percent of the original issue. Prior to the preparation of the definitive bonds, interim certificates may, under like restrictions, be issued, exchangeable for definitive bonds upon the issuance of the latter.

Acts 1935, c. 68, § 11; Acts 1969, c. 86; Acts 1970, c. 7; Acts 1980, c. 33; Acts 1981, 1st Ex. Sess., c. 2.

Library References

Key Numbers

Municipal Corporations ⚷922.
Westlaw Key Number Search: 268k922.

Notes of Decisions

In general 2
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1. Constitutional provisions

Revenue bonds and interest coupons provided for by city ordinance providing for construction of proposed bridge and tunnel facility did not constitute an "indebtedness" of city or State Road Commission within meaning of section of the constitution limiting bonded "indebtedness" of municipalities. Code, 17-17-30 et seq.; Const. art. 10, § 8. State ex rel. Anderson v. Dailer, 1955, 85 S.E.2d 656, 140 W.Va. 513. Municipal Corporations ⚷ 916

Under statute providing that bonds issued or given as security in connection with construction of a toll bridge will be payable solely out of revenues of such bridge, where each bond contained a provision to effect that municipality was not obligated to pay bond or interest thereon except from net revenues of bridge, and that

credit or taxing power of the municipality was not deemed to be pledged, the bond issue was not violation of the constitutional limitation on the bonded indebtedness of a municipality. Code, 17–17–32, 33; Const. Art. 10, § 8. State ex rel. Knight v. Hanway, 1951, 67 S.E.2d 1, 136 W.Va. 219. Municipal Corporations ⟹ 916

2. In general

City located on or near state boundary and confronted with necessity of purchasing property and erecting sewage disposal plant in adjoining state held authorized under statute to issue revenue bonds payable solely from revenues of such plant. Acts 1933, 1st Ex.Sess., c. 25, as amended by Acts 1933, 2d Ex.Sess., c. 48. Bernard v. City of Bluefield, 1936, 186 S.E. 298, 117 W.Va. 556. Municipal Corporations ⟹ 919

Provisions of statute relating to issuance of municipal bonds constitute integral parts of bonds regardless of whether included therein (Acts 1933 [1st Ex.Sess.] c. 25, §§ 9, 10, 16, 21). Brewer v. City of Point Pleasant, 1934, 172 S.E. 717, 114 W.Va. 572. Municipal Corporations ⟹ 923

That special tax rate may be insufficient to pay improvement bonds and interest held not to invalidate issue. Sexton v. Lee, 1925, 130 S.E. 437, 100 W.Va. 389. Municipal Corporations ⟹ 919

That special rate of tax levied to pay bonds may be insufficient to pay them and interest will not invalidate issue, in view of fact that bonds are to raise money to carry on improvement anticipatory of repayment to city by assessments against abutting property, as city, in view of Barnes' Code 1923, c. 47, § 49c(1)–49c(18), may rely to some extent on such payments. Sexton v. Lee, 1925, 130 S.E. 437, 100 W.Va. 389. Municipal Corporations ⟹ 919

3. Validity of ordinance

Portion of city's ordinance requiring city to call revenue bonds it issued when a certain surplus existed in sinking fund from which payments were to be made was invalid. Code, 8–16–9 et seq., 8–16–12. City of Fairmont v. Investors Syndicate of America, Inc., 1983, 307 S.E.2d 467, 172 W.Va. 431. Municipal Corporations ⟹ 953

4. Bond limits

In an ordinance the authorization of bonds not to exceed $6,000 is equivalent, in legal effect, to fixing the amount of such bonds at such sum. Knight v. Town of West Union, 1898, 32 S.E. 163, 45 W.Va. 194. Municipal Corporations ⟹ 917(1)

A municipal ordinance which authorizes the issuance of bonds for waterworks to an amount not exceeding $6,000 empowers the council to issue to the amount of $6,000, if necessary, for the purpose expressed in the ordinance, otherwise not. Knight v. Town of West Union, 1898, 32 S.E. 163, 45 W.Va. 194. Municipal Corporations ⟹ 916

5. Redemption

Only municipality, whose board can exercise option to redeem, can call bonds before maturity; it cannot, by its ordinance, give redemption decision to bondholders. Code, 8–16–12. City of Fairmont v. Investors Syndicate of America, Inc., 1983, 307 S.E.2d 467, 172 W.Va. 431. Municipal Corporations ⟹ 953

§ 8–16–13. Obligations not to bind municipal official or officer or member of board personally

No municipal official or officer or member of the board shall in any event be personally liable upon any contract or obligation of any kind or character executed under the authority herein contained, even if said undertaking should thereafter be held ultra vires.

Acts 1935, c. 68, § 12; Acts 1969, c. 86.

§ 8–16–14. Additional bonds for improvements, etc., of works

The governing body or bodies may provide by the said ordinance or ordinances authorizing the issuance of the bonds or in the trust indenture hereinafter referred to, that additional bonds may thereafter be authorized and issued at one time, or from time to time, under such limitations and restrictions as may be set forth in said ordinance or ordinances, or trust indenture, or all of these, for the purpose of improving, renovating, extending, enlarging, increasing, equipping or repairing (including replacements) the works when deemed neces-

sary in the public interest, such additional bonds to be secured, and be payable from the revenues of the works, as provided for in section nine of this article.

Acts 1935, c. 68, § 13; Acts 1969, c. 86.

§ 8-16-15. How proceeds of bonds applied

All moneys received from the sale of any bonds issued under the authority of this article, after reimbursements and repayments to said municipality or municipalities of all amounts advanced for preliminary expenses, as provided in section six of this article, shall be applied solely to the payment of the cost of the project, or to the appurtenant sinking fund, and there shall be, and there is hereby, created and granted a lien upon such moneys, until so applied, in favor of the holders of the bonds or the trustees hereinafter provided for.

Acts 1935, c. 68, § 14; Acts 1969, c. 86.

Library References

Key Numbers

Municipal Corporations ⟹950(15).
Westlaw Key Number Search: 268k950(15).

Encyclopedias

C.J.S. Municipal Corporations §§ 1708 to 1709.

§ 8-16-16. Bonds secured by trust indenture between municipality or municipalities and corporate trustee

In the discretion and at the option of the governing body or bodies such bonds may be secured by a trust indenture by and between such municipality or municipalities and a corporate trustee, which may be a trust company or banking institution having powers of a trust company within or without the State. The ordinance or ordinances authorizing the issuance of the revenue bonds, and fixing the details thereof, may provide that such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of bondholders as may be reasonable and proper, not in violation of law, including covenants setting forth the duties of the municipality or municipalities and the board in relation to the construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase and equipment of the project and the repair (including replacements), maintenance, operation and insurance thereof, and the custody, safeguarding and application of all moneys, and may provide that the project shall be contracted for, carried out and paid for, under the supervision and approval of the consulting engineers employed or designated by the board and satisfactory to the original bond purchasers, their successors, assignees or nominees, who may be given the right to require the security given by contractors and by any depository of the proceeds of bonds or revenues of the works or other moneys pertaining thereto be satisfactory to such purchasers, their successors, assignees or nominees. Such indenture may set forth the rights and remedies of the bondholders or such trustee, or both. Except as in this article otherwise provided, the governing body or bodies may provide by ordinance or ordinances or in such trust indenture for the payment of the proceeds of the sale of the bonds and the revenues of the works to such officer, board or depository, as such body or bodies may determine for the custody thereof, and for the method of distribu-

tion thereof, with such safeguards and restrictions as such body or bodies may determine.

Acts 1935, c. 68, § 15; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⟹919.
Westlaw Key Number Search: 268k919.

Encyclopedias
C.J.S. Municipal Corporations § 1661.

§ 8-16-17. Sinking fund; sinking fund commission; transfer of funds; purchase of outstanding bonds

Before the issuance of any such bonds, the governing body or bodies shall, by ordinance or ordinances, provide for a sinking fund for the payment of the bonds and the interest thereon, and the payment of the charges of banking institutions or trust companies for making payment of such bonds and interest, out of the net revenues of said works, and shall set aside and pledge a sufficient amount of the net revenues of the works hereby defined to mean the revenues of the works remaining after the payment of the reasonable expenses of repair (including replacements), maintenance and operation, such amount to be paid by the board into the sinking fund at intervals, to be determined by ordinance or ordinances adopted prior to the issuance of the bonds, for (a) the interest upon such bonds as such interest shall fall due; (b) the necessary fiscal agency charges for paying bonds and interest; (c) the payment of the bonds as they fall due, or if all bonds mature at one time, the proper maintenance of a sinking fund sufficient for the payment thereof at such time; and (d) a margin for safety and for the payment of premium upon bonds retired by call or purchase as herein provided, which margin, together with unused surplus of such margin carried forward from the preceding year and the amounts set aside as reserves out of the proceeds from the sale of the bonds, or from the revenues of said works, or from both, shall equal ten percent of all other amounts so required to be paid into the sinking fund. Such required payments shall constitute a first charge upon all the net revenues of the works. Prior to the issuance of the bonds, the board may, by ordinance or ordinances, be given the right to use or direct the trustee or the state sinking fund commission to use such sinking fund, or any part thereof, in the purchase of any of the outstanding bonds payable therefrom, at the market prices thereof, but not exceeding the price, if any, at which the same shall in the same year be payable or redeemable, and all bonds redeemed or purchased shall forthwith be cancelled, and shall not again be issued. After the payments into the sinking fund as herein required and after reserving an amount deemed by the board sufficient for repair (including replacements), maintenance and operation for an ensuing period of not less than twelve months and for depreciation, the board may at any time in its discretion transfer all or any part of the balance of the net revenues into the sinking fund or into a fund for improvement, renovation, extension, enlargement, increase or equipment for or to the works, or the governing body or bodies may, notwithstanding the provisions of section twenty, article thirteen of this chapter, transfer all or any part of the balance of the net revenues to the

general or any special fund of the municipality or municipalities and use such revenues for any purpose for which such general or special fund may be expended.

All amounts for the sinking fund and interest, as and when set apart for the payment of same, shall be remitted to the state sinking fund commission at such periods as shall be designated in the ordinance or ordinances, but in any event at least thirty days previous to the time interest or principal payments become due, to be retained and paid out by said commission consistent with the provisions of this article and the ordinance or ordinances pursuant to which such bonds have been issued. The state sinking fund commission is hereby authorized to act as fiscal agent for the administration of such sinking fund under any ordinance or ordinances passed or adopted pursuant to the provisions of this article and shall invest all sinking funds as provided by general law.

Acts 1935, c. 68, § 16; Acts 1969, c. 86; Acts 1971, c. 99; Acts 1973, c. 89.

Library References

Key Numbers

Municipal Corporations ⇐951.

Westlaw Key Number Search: 268k951.

Encyclopedias

C.J.S. Municipal Corporations §§ 1704 to 1705.

Notes of Decisions

In general 1

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1. In general

City of Charleston was not authorized to transfer to general fund any monies in parking system revenue fund until all bonds and indebtedness in connection with parking system had been fully paid off and discharged. Code, §§ 8-13-20, 8-16-17, 8-16-20. State ex rel. City of Charleston v. Hutchinson, 1970, 176 S.E.2d 691, 154 W.Va. 585, rehearing denied. Municipal Corporations ⇐ 887

Where enabling act specified purposes for which revenue from operation of municipal parking system could be used, maxim expressio unius est exclusio alterius was applicable. Code, § 8-16-17. State ex rel. City of Charleston v. Hutchinson, 1970, 176 S.E.2d 691, 154 W.Va. 585, rehearing denied. Statutes ⇐ 195

PART VI—IMPOSITION OF RATES OR CHARGES

§ 8-16-18. Rates, fees or charges for services rendered by works

The governing body shall have plenary power and authority and it shall be its duty, by ordinance, to establish and maintain just and equitable rates, fees or charges for the use and services rendered, or the improvement or protection of property, not to include highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways, provided or afforded, by such works, to be paid by the person using the same, receiving the services thereof, or owning the property improved or protected thereby, and may readjust rates, fees or charges from time to time.

When two or more municipalities take joint action under the provisions of this article, the rates, fees or charges shall be established by each participating municipality, with the concurrence of the other participating municipality or

municipalities as to the amount of the rates, fees or charges, and such rates, fees or charges may be the same with respect to each municipality, or they may be different.

Rates, fees or charges heretofore or hereafter established and maintained for the improvement or protection of property, not to include highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways, provided or afforded by a municipal flood control system or flood walls, to be paid by the person owning the property improved or protected thereby, shall be collectible and enforceable from the time provided in any such ordinance, any provision of this or any other law to the contrary notwithstanding, if, at such time, such works, though not yet fully completed, are nearing completion and the governing body is reasonably assured that the works will be completed and placed in operation without unreasonable delay.

All rates, fees or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of repair (including replacements), maintenance and operation of the works, and for the payment of the sums herein required to be paid into the sinking fund.Revenues collected pursuant to the provisions of this section are considered the revenues of the works. No such rates, fees or charges shall be established until after a public hearing at which all the users of the works and owners of the property served, or to be served thereby, and others interested, shall have an opportunity to be heard concerning the proposed rates, fees or charges.

After introduction of the proposed ordinance fixing the rates, fees or charges and before the same is finally adopted, notice of such hearing, setting forth the proposed schedule of such rates, fees or charges, shall be given by publishing the same as a Class I-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for the publication shall be such municipality or each such municipality, as the case may be. Said notice shall be published at least five days before the date fixed in such notice for the hearing, which hearing may be adjourned from time to time. No other or further notice to parties in interest shall be required.

After such hearing the ordinance establishing rates, fees or charges, either as originally proposed or introduced, or as modified and amended, shall be adopted and put into effect. A copy of the schedule of such rates, fees and charges so established shall be kept on file in the office of the board having charge of such works, and also in the office of the governing body or bodies, and shall be open to inspection by all parties in interest.

The rates, fees or charges so established for any class of users or property served shall be extended to cover any additional class of users or property thereafter served which fall within the same class, without the necessity of any hearing or notice. Any change or adjustment of rates, fees or charges may be made in the same manner as such rates, fees or charges were originally established as provided in this section. The aggregate of the rates, fees or

charges shall always be sufficient for the expenses of repair (including replacements), maintenance and operation, and for the sinking fund payments.

If any rate, fee or charge so established shall not be paid within thirty days after the same is due, the amount thereof, together with a penalty of ten percent and reasonable attorney's fees, may be recovered by the board in a civil action in the name of the municipality or municipalities, and in the case of rates, fees or charges due for services rendered, such rates, fees or charges, if not paid when due, may, if the governing body so provide in the ordinance provided for under section seven of this article, constitute a lien upon the premises served by such works, which lien may be foreclosed against such lot, parcel of land or building so served, in accordance with the laws relating to the foreclosure of liens on real property. Upon failure of any person receiving any such service to pay for the same when due, the board may discontinue such service without notice.

Acts 1935, c. 68, § 17; Acts 1949, c. 85; Acts 1967, c. 105; Acts 1969, c. 86; Acts 2001, c. 212, eff. 90 days after April 14, 2001.

Library References

Key Numbers

Municipal Corporations ⟹460, 530.
Westlaw Key Number Searches: 268k460; 268k530.

Encyclopedias

C.J.S. Municipal Corporations §§ 1260 to 1266, 1409.

Notes of Decisions

In general 1
Charges 2
Estoppel 5
Lien on land 3
Relief from assessments 4

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1. In general

A municipal special assessment for the cost of street paving laid under statute authorizing municipal authorities to provide for retirement of revenue bonds issued to pay for public works by imposing charges to be paid by persons using the work did not create a "contractual obligation" as against the owners of abutting lots that could be used as a basis of recovery in a notice of motion proceeding. Acts 1935, c. 68; Code 1931, 56-2-6. City of Moundsville v. Brown, 1943, 25 S.E.2d 900, 125 W.Va. 779. Judgment ⟹ 184

Under statute authorizing municipalities to pay for public works by issuing revenue bonds secured by the revenues of such systems, creation and levying of special assessments for the cost of such works is an exercise of the state's taxing power notwithstanding that the cost thereof must be provided by means "other than taxation". Acts 1935, c. 68. City of Moundsville v. Brown, 1943, 25 S.E.2d 900, 125 W.Va. 779. Municipal Corporations ⟹ 406(1)

2. Charges

The word "charges", as used in statute authorizing municipal authorities to provide for retirement of revenue bonds issued to pay for public works by imposing charges to be paid by persons using the work or receiving the services thereof, includes a special assessment against realty. Acts 1935, c. 68, § 17. City of Moundsville v. Brown, 1943, 25 S.E.2d 900, 125 W.Va. 779. Municipal Corporations ⟹ 406(1).

3. Lien on land

The expense of a municipal public work project consisting of paving or repaving a municipal street may be prorated as to land abutting thereon, and such pro rata part of the expense may be made a lien on abutting land and a personal obligation of the owner thereof. Acts 1935, c. 68. City of Moundsville v. Brown, 1945, 34 S.E.2d 321, 127 W.Va. 602. Municipal Corporations ⟹ 465

4. Relief from assessments

Irregularities and errors and other like defenses in actions of city council connected with authorization of public works project, the construction thereof, and establishment of rates and charges thereunder could not be resorted to by property owners for relief against assessments after improvements had been made. Acts 1935, c. 68, §§ 6, 17. City of Moundsville

v. Brown, 1945, 34 S.E.2d 321, 127 W.Va. 602. Municipal Corporations ⟹ 319

5. Estoppel

Where property owners did not exercise opportunity to test validity of ordinance authorizing municipal public works or ordinance fixing rates and charges but stood by and permitted revenue bonds to be issued and sold, improvements to be made, and proceeds of bonds to be expended in payment thereof, without protest or objection, in suit by municipality to recover assessments, owners could be heard only on matters which if established would render either proceedings having to do with construction of work or those establishing the rates absolutely void. Acts 1935, c. 68, §§ 6, 17. City of Moundsville v. Brown, 1945, 34 S.E.2d 321, 127 W.Va. 602. Municipal Corporations ⟹ 562(1)

§ 8-16-18a. Pledge of the hotel occupancy tax; contribution of revenues to building commission

In addition to the rates or charges authorized to be pledged and expended for the security and payment of bonds as provided in this article, the governing body issuing such bonds shall have plenary power and authority to pledge and expend for the security and payment of such bonds all, or any part, of the revenues which are derived from the hotel occupancy tax which a municipality may impose pursuant to section three, article thirteen of this chapter and which are specifically dedicated by such governing body for any purpose or purposes set forth in section three, article thirteen of this chapter. All such sums which are so pledged shall be deemed "revenues of the works" for all purposes of the provisions of this article. The governing body shall also have the power and authority to contribute all, or any part of, the revenues derived from said hotel occupancy tax to a building commission created by such governing body pursuant to article thirty-three, chapter eight of this code for such lawful purposes which such building commission shall determine and which are set forth in section three, article thirteen of this chapter, including payment of revenue bonds issued by such building commission.

Acts 1976, c. 82.

Library References

Key Numbers
Municipal Corporations ⟹919.
Westlaw Key Number Search: 268k919.

Encyclopedias
C.J.S. Municipal Corporations § 1661.

§ 8-16-19. Appeal to public service commission from rates fixed

If any party in interest is dissatisfied with the rates fixed under the provisions of the immediately preceding section of this article, such party shall have the right to appeal to the public service commission at any time within thirty days after the fixing of such rates by the governing body, but the rates so fixed by the governing body shall remain in full force and effect, until set aside, altered or amended by the public service commission.

Acts 1935, c. 68, § 18; Acts 1969, c. 86.

Library References

Key Numbers
Public Utilities ⟹146.
Westlaw Key Number Search: 317Ak146.

Encyclopedias
C.J.S. Public Utilities § 66.

PART VII—ACCOUNTING SYSTEM AND RECORDS

§ 8-16-20. Accounting system; yearly audit; custodian of funds

Any municipality or municipalities issuing revenue bonds under the provisions of this article shall install and maintain a proper system of accounting, showing the amount of revenues received and the application of the same, and the governing body or bodies shall, at least once a year, cause such accounts to be properly audited by a competent auditor, and the report of such auditor shall be open for inspection at all proper times to any taxpayer or resident of said municipality or municipalities, or person receiving service from said works, or any holder of bonds issued under the provisions of this article, or anyone acting for in behalf of such taxpayer, resident, person or bondholder. The treasurer of such municipality or each such municipality, or other official or institution specifically charged with the duty, shall be the custodian or custodians of the funds derived from income received from said works, and shall give proper bond or bonds for the faithful discharge of his or its or their duties as such custodian or custodians, which bond or bonds shall be fixed and approved by the governing body or bodies. All of the funds received as income from said works under the provisions of this article and all funds received from the sale of revenue bonds issued therefor shall be kept separate and apart from other funds of the municipality or municipalities, and separate accounts shall be maintained for the several items required to be set up by the provisions of section seventeen of this article.

Acts 1935, c. 68, § 19; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⚷885.
Westlaw Key Number Search: 268k885.

Encyclopedias
C.J.S. Municipal Corporations § 1629.

Notes of Decisions

In general 1

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1. In general

City of Charleston was not authorized to transfer to general fund any monies in parking system revenue fund until all bonds and indebtedness in connection with parking system had been fully paid off and discharged. Code, §§ 8-13-20, 8-16-17, 8-16-20. State ex rel. City of Charleston v. Hutchinson, 1970, 176 S.E.2d 691, 154 W.Va. 585, rehearing denied. Municipal Corporations ⚷ 887

PART VIII—RATES OR CHARGES FOR MUNICIPALITIES

§ 8-16-21. Governmental entities to pay established rates, fees or charges for services rendered to it or them

(a) The municipality or municipalities issuing such bonds shall be subject to the same rates, fees or charges established as provided in this article, or to rates, fees or charges established in harmony therewith, for service rendered to the municipality or municipalities and shall pay such rates, fees or charges, when due, from corporate funds, and the same shall be considered to be a part

of the revenues of the works as defined in this article, and may be applied as provided in this article, for the application of such revenue.

(b) The municipality or municipalities and any county, state and federal government served by the services of the stormwater system shall be subject to the same rates, fees or charges established as provided in this article for stormwater services, or to rates, fees or charges established in harmony therewith, for service rendered to the governmental entity and shall pay such rates, fees or charges, when due, from corporate funds, and the same is considered to be a part of the revenues of the works as defined in this article, and may be applied as provided in this article, for the application of such revenue. However, no rates, fees or charges for stormwater services may be assessed against highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways without the express agreement of the commissioner of highways.

Acts 1935, c. 68, § 20; Acts 1969, c. 86; Acts 2001, c. 212, eff. 90 days after April 14, 2001.

Library References

Key Numbers
Municipal Corporations ⚷715.
Westlaw Key Number Search: 268k715.

Encyclopedias
C.J.S. Municipal Corporations § 1540.

PART IX—LIENS AND PROTECTION OF BONDHOLDERS

§ 8–16–22. Statutory mortgage lien upon works created

There shall be and there is hereby created and granted a statutory mortgage lien upon such municipal public works constructed, reconstructed, established, acquired, improved, renovated, extended, enlarged, increased, equipped or repaired (including replacements) under the provisions of this article, which shall exist in favor of the holder of said bonds, and each of them, and to and in favor of the holder of the coupons attached to said bonds, and such municipal public works shall remain subject to such statutory mortgage lien until payment in full of the principal of and interest upon said bonds.

Acts 1935, c. 68, § 22; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⚷950(15).
Westlaw Key Number Search: 268k950(15).

Encyclopedias
C.J.S. Municipal Corporations §§ 1708 to 1709.

Notes of Decisions

In general 1

1. In general

The proceeds of a series of general obligation bonds of city of Grafton issued for purpose of defraying part of expense of completing construction and equipment of a hospital owned by municipality, residue of which expense was paid from sale of revenue bonds could be used for such purpose. Code 1931, 8–4A–1 et seq., as enacted by Laws 1935, c. 68. Warden v. City of

Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 911

A provision in ordinance of city of Grafton authorizing issuance of series of revenue bonds for completion of hospital building owned by city, which provides that bonds are to be a statutory mortgage lien on hospital when completed and on equipment and future additions thereto, and which pledges all of net profit from hospital for payment of the revenue bonds and interest thereon, is valid. Code 1931, 8-4A-1 et seq., as enacted by Laws 1935, c. 68; 8-4A-22, as added by Laws 1935, c. 68, § 22. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 917(1)

§ 8-16-23. Acquisition of property on which lien exists

No property shall be acquired under the provisions of this article upon which any lien or other encumbrance exists, unless at the time such property is acquired a sufficient sum of money be deposited in trust to pay and redeem such lien or encumbrance in full.

Acts 1935, c. 68, § 23; Acts 1969, c. 86.

§ 8-16-24. Protection and enforcement of rights of bondholders, etc.; receivership; effect of receivership on lease agreement

Any holder of any such bonds, or any of the coupons attached thereto, and the trustee, if any, except to the extent that the rights herein given may be restricted by the ordinance authorizing the issuance of the bonds or by the trust indenture, may by civil action, mandamus or other proper proceeding enforce the statutory mortgage lien created and granted in section twenty-two of this article, protect and enforce any and all rights granted hereunder or under any such ordinance or trust indenture, and may enforce and compel performance of all duties required by the provisions of this article or by any such ordinance or trust indenture to be performed by the municipality or municipalities, or by the board or any officer, including the making and collecting of reasonable and sufficient rates or charges for services rendered by the works. If there be default in the payment of the principal of or interest upon any of the bonds, or of both principal and interest, any court having jurisdiction shall appoint a receiver to administer the works on behalf of the municipality or municipalities, and the bondholders or trustee, or both, except as so restricted, with power to charge and collect rates or charges sufficient to provide for the payment of the expenses of repair (including replacements), maintenance and operation, and also to pay any bonds and interest outstanding, and to apply the income or other revenue in conformity with this article, and the said ordinance or trust indenture, or both, and the power herein provided for the appointment of a receiver and the administration by the court of the works on behalf of the municipality or municipalities, and the bondholders or trustee, or both, shall apply to cases where such works are operated by a lessee of the municipality or municipalities as well as to cases where works are operated by the municipality or municipalities. In case a receiver is appointed for works operated by a lessee of a municipality or municipalities, the lease agreement then existing between the municipality or municipalities and the lessee ipso facto thereby shall be terminated and all property, equipment, bills receivable and assets of every kind, used in connection with the operation of such works, shall pass to the receiver and upon the termination of such receivership, such works,

equipment, property, bills receivable and assets of every kind then in the hands of the receiver thereupon shall pass to the municipality or municipalities.

Acts 1935, c. 68, § 24; Acts 1937, c. 55; Acts 1969, c. 86.

Library References

Key Numbers

Municipal Corporations ⚷955(1).

Westlaw Key Number Search: 268k955(1).

Notes of Decisions

Mandamus 1

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1. Mandamus

Duties of city council in discharging obligations of city under revenue bonds issued for construction of incinerator under act authorizing municipalities to issue revenue bonds for construction or maintenance of a municipal public works, were "administrative" and not "legislative", and therefore mandamus was a proper remedy to compel compliance with the act. Code, 8-4A-1 et seq., 8-4A-24. State ex rel. Klostermeyer v. City of Charleston, 1947, 45 S.E.2d 7, 130 W.Va. 490, 175 A.L.R. 637. Administrative Law And Procedure ⚷ 104

Holders of revenue bonds issued by city for construction of incinerator were not required to request city to comply with statute under which bonds were issued and to collect charges for incinerator service in plain violation of ordinance abolishing such charges, before bondholders could bring mandamus proceedings, since such requests of the city would be useless. Code, 8-4A-1 et seq. State ex rel. Klostermeyer v. City of Charleston, 1947, 45 S.E.2d 7, 130 W.Va. 490, 175 A.L.R. 637. Mandamus ⚷ 14(1)

Holders of revenue bonds issued by city for construction of incinerator were not barred from relief by mandamus to compel city to make charges for garbage collections on ground of delay or acquiescence in city's failure to make charges for garbage collections, where there was no alteration in position by the city because of such acquiescence or delay. Code, 8-4A-1 et seq. State ex rel. Klostermeyer v. City of Charleston, 1947, 45 S.E.2d 7, 130 W.Va. 490, 175 A.L.R. 637. Mandamus ⚷ 15

Mere payment of interest due on revenue bonds issued by city for construction of incinerator did not charge bondholders with knowledge that payments were being made from general revenue rather than from revenue from collection of garbage, and did not prevent bondholders from maintaining mandamus proceedings to compel city to comply with act under which bonds were issued, and to make charges for garbage collection. Code, 8-4A-1 et seq. State ex rel. Klostermeyer v. City of Charleston, 1947, 45 S.E.2d 7, 130 W.Va. 490, 175 A.L.R. 637. Mandamus ⚷ 15

Default by city in payment of interest charges or principal on bonds issued for construction of incinerator, was not first required to be shown before mandamus would lie to compel compliance by city with act under which the bonds were issued, in view of provision of the act with reference to future payment of principal by accumulation of a sinking fund which largely affected the market value of the bonds. Code, 8-4A-1 et seq. State ex rel. Klostermeyer v. City of Charleston, 1947, 45 S.E.2d 7, 130 W.Va. 490, 175 A.L.R. 637. Mandamus ⚷ 110

PART X—CONSTRUCTION; EXTRATERRITORIAL JURISDICTION

§ 8-16-25. Article confers additional power and authority; extraterritorial jurisdiction

The power and authority herein granted shall be in addition to and not in derogation of any power and authority vested in any municipality under any constitutional, statutory or charter provisions which may now or hereafter be in effect. For all purposes of this article, municipalities shall have jurisdiction for ten miles outside of the corporate limits thereof, except where such zone would overlap with the zone of another municipality, in which event the meridian line of the overlapping zone shall be the dividing line of their respective jurisdic-

tions, except that one municipality shall have jurisdiction within such ten-mile zone and may overlap into the zone of another municipality or municipalities with the consent thereof.

Acts 1935, c. 68, § 25; Acts 1949, c. 86; Acts 1969, c. 86.

Library References

Key Numbers
Municipal Corporations ⟹277.
Westlaw Key Number Search: 268k277.

Notes of Decisions

In general 1

1. In general

The validity of municipal revenue bonds issued by city of Grafton, the proceeds of which were to be used toward completion of hospital owned by city, was not impaired by fact that funds derived from general taxation, or from other sources, also had been, and were to be, used in construction of the hospital. Code 1931, 8–4A–1 et seq., as enacted by Laws 1935 c. 68. Warden v. City of Grafton, 1943, 26 S.E.2d 1, 125 W.Va. 658. Municipal Corporations ⟹ 911

§ 8–16–26. Construction of power and authority conferred

This article shall, without reference to any other statute or charter provision, be deemed full authority for the construction, reconstruction, establishment, acquisition, improvement, renovation, extension, enlargement, increase, equipment, repair (including replacements), maintenance and operation of the works herein provided for, and for the issuance and sale of the bonds by this article authorized, and shall be construed as an additional alternative method therefor, and for the financing thereof, and no petition or other or further proceeding in respect to any such project, or to the issuance or sale of bonds under this article, and no publication of any ordinance, notice or proceeding relating to any such project, or to the issuance or sale of such bonds shall be required, except such as are prescribed in this article, any provisions of other statutes of the State to the contrary notwithstanding.

Acts 1935, c. 68, § 26; Acts 1969, c. 86.

§ 8–16–27. Article liberally construed

This article being necessary for the public health, safety and welfare shall be liberally construed to effectuate the purposes thereof.

Acts 1935, c. 68, § 27; Acts 1969, c. 86.

Notes of Decisions

In general 1

1. In general

The Legislature, in enacting Acts 1935, c. 68 as a measure to promote public health, safety and welfare, intended it to have broad scope and wide application to public improvements beneficial to the public health, safety and welfare of municipalities in all sections of the State. State ex rel. Holbert v. Robinson, 1950, 59 S.E.2d 884, 134 W.Va. 524. Automobiles ⟹ 7

§ 8–16–28. Reference to "municipal authorities" or "municipal authority" elsewhere in law to mean "governing body" for the purposes of this article only

In elaboration of the provisions of section eight, article one of this chapter, wherever in this code, in any act, in general law, elsewhere in law, in any charter, in any ordinance, resolution or order, or in any ordinance, resolution or order of a county court, reference is made to the term "municipal authorities" or "municipal authority" within the meaning of the provisions of former article four-a of this chapter, such reference shall henceforth be read, construed and understood to mean "governing body" as that term is used in this article sixteen only.

Acts 1969, c. 86.

W.Va. Const., art. IX, § 9, redesignated the office of the county court as county commission.

West's

Annotated Code of West Virginia

Using the Classification and Numbering System of the 1931 Code of West Virginia, as Amended

Chapters 8 to 10

2009
Cumulative Annual Pocket Part

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§ 8–15–25. Removal, discharge, suspension or reduction in rank or pay; hearing; attorney fees; appeal; reduction in number of members

Notes of Decisions

Just cause 3.5

3.5. Just cause

Firefighter's possession of cocaine provided just cause for city to terminate firefighter's employment; possession of cocaine cast doubt on firefighter's ability to perform the tasks inherent to his employment, which directly affected the rights and interests of the public. Giannini v. Firemen's Civil Service Com'n of City of Huntington, 2006, 640 S.E.2d 122, 220 W.Va. 59. Municipal Corporations ⟹ 198(2)

ARTICLE 15A

STANDARDS FOR PROFESSIONAL FIREFIGHTERS TRAINING; REGISTERED APPRENTICESHIP AND CERTIFICATION

§ 8–15A–1. Definitions

United States Code Annotated

Fire prevention and control, see 15 U.S.C.A. § 2201 et seq.

ARTICLE 16

MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING

Part VII—Accounting System and Records.

Section

8–16–20. Accounting system; yearly audit; custodian of funds.

PART VII—ACCOUNTING SYSTEM AND RECORDS

§ 8–16–20. Accounting system; yearly audit; custodian of funds

Any municipality or municipalities issuing revenue bonds under the provisions of this article shall install and maintain a proper system of accounting, showing the amount of revenues received and the application of the same, and the governing body or bodies shall, at least once a year, cause such accounts to be properly audited by a competent auditor, and the report of such auditor shall be open for inspection at all proper times to any taxpayer or resident of said municipality or municipalities, or person receiving service from said works, or any holder of bonds issued under the provisions of this article, or anyone acting for and in behalf of such taxpayer, resident, person or bondholder. The treasurer of such municipality or each such municipality, or other official or institution specifically charged with the duty, shall be the custodian or custodians of the funds derived from income received from said works, and shall give proper bond or bonds for the faithful discharge of his or its or their duties as such custodian or custodians, which bond or bonds shall be fixed and approved by the governing body or bodies. All of the funds received as income from said works under the provisions of this article and all funds received from the sale of revenue bonds issued therefor shall be kept separate and apart from other funds of the municipality or municipalities, and separate accounts shall be maintained for the several items required to be set up by the provisions of section seventeen of this article.

Acts 1935, c. 68, § 19; Acts 1969, c. 86.

PART X—CONSTRUCTION; EXTRATERRITORIAL JURISDICTION

§ 8-16-25. Article confers additional power and authority; extraterritorial jurisdiction

Law Review and Journal Commentaries

This Land is Whose Land? The Feasibility of Extraterritorial Jurisdiction in West Virginia's Land Use Planning Laws. Lori Schwartzmiller, 109 W. Va. L. Rev. 929 (Spring, 2007).

ARTICLE 18

ASSESSMENTS TO IMPROVE STREETS, SIDEWALKS AND SEWERS; SEWER CONNECTIONS AND BOARD OF HEALTH; ENFORCEMENT OF DUTY TO PAY FOR SERVICE

Part XII—Connection to Sewers; Board of Health; Enforcement of Duty to Pay for Service.

Section
8-18-22. Connection to sewers; board of health; penalty.

PART I—POWER AND AUTHORITY TO MAKE IMPROVEMENTS

§ 8-18-1. Power and authority of municipalities relating to street, sidewalk, sewer and other permanent improvements

Notes of Decisions

2. In general

A municipal corporation may use revenue sharing funds to pay that portion of the cost of the improvements to city streets not funded by special assessment. 55 W.Va. Op.Atty.Gen. 180 (November 5, 1973) 1973 WL 159172.

6. Liability of abutting landowners, generally

A County school board must pay municipal paving assessments assessed against its property, if benefited, including undivided interest thereof. 51 W.Va. Op.Atty.Gen. 588 (November 24, 1965) 1965 WL 92496.

Municipalities may not assess any municipal street cost against abutting property lying wholly outside municipality. 51 W.Va. Op.Atty.Gen. 13 (July 24, 1964) 1964 WL 72571.

PART III—APPORTIONMENT IN MAKING ASSESSMENTS

§ 8-18-9. Assessment against property of public, charitable, eleemosynary, educational or religious institutions; duty of those in charge to cause assessments to be paid

Notes of Decisions

County-owned property 2

1. State-owned property

State agency must pay its share of municipal paving costs of streets abutting State property. 51 W.Va. Op.Atty.Gen. 432 (August 19, 1965) 1965 WL 92466.

2. County-owned property

A County school board must pay municipal paving assessments assessed against its property, if benefited, including undivided interest thereof. 51 W.Va. Op.Atty.Gen. 588 (November 24, 1965) 1965 WL 92496.

State of West Virginia

Certificate

I, Natalie E. Tennant, Secretary of State of the State of West Virginia, hereby certify that

THIS IS A TRUE COPY OF CHAPTER 13, ARTICLE 2E OF THE WEST VIRGINIA CODE, AS INDICATED BY THE RECORDS OF THIS OFFICE.

Given under my hand and the Great Seal of the State of West Virginia on

December 15, 2009

Secretary of State

ARTICLE 2E

REVENUE BOND REFUNDING ACT

Section

13-2E-1. How article cited.
13-2E-2. Definitions.
13-2E-3. Authority to refund.
13-2E-4. Terms, form and execution of refunding bonds.
13-2E-5. Issuance of refunding bonds; application of proceeds.
13-2E-6. Determination of governing body to be conclusive.
13-2E-7. Authorization for issuance.
13-2E-8. Authority for escrow agreement.
13-2E-9. Call of revenue bonds for redemption.
13-2E-10. Security provisions.
13-2E-11. Bonds payable solely from revenues of enterprise.
13-2E-12. Tax exemption; exceptions.
13-2E-13. Validity of bonds.
13-2E-14. Article complete authority for refunding bonds; effect on other laws; liberal construction.
13-2E-15. Severability.

§ 13-2E-1. How article cited

This article may be cited as "Revenue Bond Refunding Act."

Acts 1969, c. 12.

§ 13-2E-2. Definitions

The following terms or words, wherever used or referred to in this article, shall have the following meaning, unless a different meaning plainly appears from the context:

The term "public body" means any city, town, village, county, public service district, sanitary district, political subdivision or any other similar public entity now or hereafter created, and the state of West Virginia acting through any of its agencies, boards, commissions or departments, having power to issue revenue bonds.

The term "governing body" means a board, council or other body having power to borrow money on behalf of a public body.

The term "law" means any act or statutes, general, special or local, of this state, including, without being limited to, the charter of any public body.

The term "enterprise" means any work, undertaking, or project which the public body is or may hereafter be authorized to acquire or construct and from which the public body has heretofore derived or may hereafter derive revenues, for the refinancing of which enterprise refunding bonds are issued under this article, and such enterprise shall include all improvements, betterments, extensions and replacements thereto, and all appurtenances, facilities, lands, rights in land, water rights, franchises, and structures in connection therewith or incidental thereto; and for the purposes of this article "enterprise" includes the

waterworks system or the sewerage system, or both said systems, resulting from the severance of a combined waterworks and sewerage system pursuant to section one-b, article twenty, chapter eight of this code, all as the governing body shall authorize in the ordinance authorizing said severance.

The term "revenues" means all fees, tolls, rates, rentals and charges to be levied and collected in connection with and all other income and receipts of whatever kind or character derived by the public body from the operation of any enterprise or arising from any enterprise, and including earnings derived from investments and bank deposits.

The term "revenue bonds" means notes, bonds, certificates or other obligations of a public body heretofore or hereafter issued and outstanding under any law and which by their terms are payable from the revenues derived by such public body from the operation of an enterprise.

The term "refunding bonds" means notes, bonds, certificates or other obligations of a public body issued pursuant to this article.

The term "holder of bonds" or "bondholder" or any similar term means any person who shall be the bearer of any outstanding refunding bond or refunding bonds registered to bearer or not registered, or the registered owner of any such outstanding refunding bond or refunding bonds which shall at the time be registered other than to bearer.

The words "net interest cost" when referring to an outstanding issue of revenue bonds to be refunded, means the total amount of interest which would accrue on such revenue bonds from the date of the refunding bonds to the respective maturity dates of the outstanding revenue bonds to be refunded, without regard to any retained options of redemption.

The words "net interest cost" when referring to a proposed issue of refunding bonds, means the total amount of interest to accrue on the refunding bonds from their date to their respective maturities, without regard to any retained options of redemption, plus the amount of any discount below par or less the amount of any premium above par at which the bonds may be sold.

The words "net effective interest rate" when referring to a proposed issue of refunding bonds, means the net interest cost of said refunding bonds divided by the product obtained by multiplying the aggregate principal amount of such refunding bonds maturing on each maturity date by the number of years from the date of the refunding bonds to their respective maturities, without regard to any retained options of redemption.

The term "certified public accountant" means an independent certified public accountant or firm of certified public accountants licensed to practice in this state.

Words importing the singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations.

Acts 1969, c. 12; Acts 1986, c. 118.

§ 13–2E–3. Authority to refund

Any public body may issue refunding bonds for the purpose of refunding all or any part of its revenue bonds now or hereafter outstanding, whether or not such revenue bonds are at the time of the refunding due or optional for redemption, under the circumstances and restrictions set forth in this article. Refunding bonds shall be payable from revenues derived from the same enterprise as the revenue bonds to be refunded except where the public body has outstanding revenue bonds payable from the revenues of an enterprise and is authorized under any other law to combine and consolidate such enterprise with another enterprise and issue revenue bonds payable from the revenues of the combined and consolidated enterprises. An issue of refunding bonds may refund part or all of one or more issues of outstanding revenue bonds: Provided, That part or all of two or more issues of outstanding revenue bonds may not be refunded under this article unless either (a) all of the issues of outstanding revenue bonds to be refunded are payable from revenues derived from the same enterprise, or (b) the public body is authorized under any other law to combine or consolidate the enterprises in question and issue revenue bonds payable from the revenues of the combined or consolidated enterprises.

Refunding bonds may be issued hereunder whenever the governing body of the public body deems it expedient and, notwithstanding any provision in this article to the contrary, may be issued as part of a series of revenue bonds issued for the purpose, in addition to such refunding, of financing the acquisition or construction of improvements, betterments, extensions or replacements to the particular enterprise, as provided by other articles of this Code.

Acts 1969, c. 12; Acts 1981, 1st Ex. Sess., c. 2.

Library References

Key Numbers

Counties ⚷175.
Municipal Corporations ⚷913.
Westlaw Key Number Searches: 104k175; 268k913.

Encyclopedias

C.J.S. Counties § 218.
C.J.S. Municipal Corporations §§ 1651, 1653.

§ 13–2E–4. Terms, form and execution of refunding bonds

Refunding bonds authorized under this article may be issued in one or more series; may bear such date or dates; may mature at such time or times, not exceeding the period of usefulness of the enterprise, as determined by the governing body in its discretion, not exceeding forty years from their respective dates; may bear interest at such rate or rates; may be in such denomination or denominations; may be in such form either coupon or registered; may carry such registration and conversion privileges; may be executed in such manner; may be payable in such medium of payment, at such place or places; may be subject to such terms of redemption, with or without a premium; may be declared or become due before the maturity date; may provide for the replacement of mutilated, destroyed, stolen or lost bonds; may be authenticated in such manner and upon compliance with such conditions; and may contain such other terms and covenants, as may be determined by the governing body

the proceedings authorizing the refunding bonds. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable, all refunding bonds shall at all times be, and shall be treated as, negotiable instruments for all purposes.

Acts 1969, c. 12; Acts 1981, 1st Ex. Sess., c. 2.

Library References

Key Numbers

Counties ⟹175.
Municipal Corporations ⟹913.
Westlaw Key Number Searches: 104k175; 268k913.

Encyclopedias

C.J.S. Counties § 218.
C.J.S. Municipal Corporations §§ 1651, 1653.

§ 13-2E-5. Issuance of refunding bonds; application of proceeds

Refunding bonds issued under this article may be exchanged for not less than a like principal amount of the revenue bonds to be refunded, or may be sold at public or private sale, or may be exchanged in part and sold in part, in such manner and upon such terms as may be determined by the governing body to be for the best interests of the public body: Provided, That such refunding bonds shall not be sold or exchanged at a price lower than a price which will show a net saving to the issuer after deducting all expenses of the refunding: Provided, however, That if the governing body determines that one of the purposes of issuing such refunding bonds is to effect the release, termination or modification of liens, restrictions, conditions or limitations imposed in connection with the bonds which are to be refunded, then such refunding bonds may be issued without the necessity of showing a net saving to the issuer, in which event such refunding bonds shall bear interest at such rate or rates as the governing body may determine, but such rate or rates shall not exceed the maximum stated rate of interest which the revenue bonds to be refunded thereby could bear if they were being issued as of the date of issuance of such refunding bonds, and such refunding bonds may not be sold or exchanged at a price which would result in a net interest cost in excess of the maximum net interest cost which the revenue bonds to be refunded could be sold or exchanged for if they were being issued as of the date of issuance of such refunding bonds.

If any such refunding bonds are to be sold, they may be issued in such principal amount as may be determined advisable by the governing body including, without limitation, the aggregate principal amount of the revenue bonds to be refunded, interest accrued and to accrue to the date or dates on which the revenue bonds being refunded are scheduled to mature or to be redeemed prior to maturity, any redemption premiums which must be paid in order to refund such outstanding revenue bonds and any costs and expenses of issuing the refunding bonds and providing for retirement of revenue bonds to be refunded. If sold, the net proceeds shall either be immediately applied to the payment or redemption and retirement of the revenue bonds to be refunded, or the net proceeds of the refunding bonds may be invested at the discretion and under the supervision of the escrow agent in whole, or in part, (a) in direct

obligations issued by the United States of America or one of its agencies, (b) in obligations unconditionally guaranteed by the United States of America as to principal and interest, or (c) in certificates of deposit of a banking corporation or association which is a member of the federal deposit insurance corporation, or successor; but any such certificates of deposit must be fully secured as to both principal and interest by pledged collateral consisting of direct obligations of or obligations guaranteed by the United States of America having a market value, excluding accrued interest, at all times at least equal to the amount of the principal of an accrued interest on such certificates of deposit. Any such investments must mature, or be payable in advance of maturity at the option of the holder, and must bear interest in such manner as to provide funds which, together with uninvested money placed in the hereinafter mentioned escrow, will be sufficient to pay when due or called for redemption the revenue bonds refunded, together with interest accrued and to accrue thereon and redemption premiums, if any, and such refunding bond proceeds or obligations so purchased therewith shall, and with other funds legally available to the public body for such purpose may, be deposited in escrow with the West Virginia municipal bond commission or a corporate trustee, which may be a trust company or bank having powers of a trust company within or without the state of West Virginia, to be selected by the issuer to be held in trust for the payment and redemption of the revenue bonds refunded, and such money and obligations and any reinvestment thereof shall be held in trust by such escrow agent for the payment of interest on the refunded bonds when due, and principal thereof and applicable redemption premiums, if any, when due, or upon the date or dates for which they shall have been called for redemption, or upon an earlier voluntary surrender at the option of the escrow agent; provided if interest earned by any investment in such escrow is shown to be in excess of the amounts required from time to time for the payment of interest on and principal of the refunded revenue bonds, including applicable redemption premium, then such excess may be withdrawn from escrow and disbursed by the public body as are other revenues of the enterprise. Any moneys in the sinking or reserve funds or other funds maintained for the outstanding revenue bonds to be refunded may be applied in the same manner and for the same purpose as are the net proceeds of refunding bonds or may be deposited in the special fund or any reserve funds established for account of the refunding bonds. The term "net proceeds" as used above shall mean the gross proceeds of the refunding bonds after the deduction therefrom of all accrued interest, costs and expenses incurred in connection with the authorization and issuance of the refunding bonds and the retirement of the outstanding revenue bonds, and including all costs and expenses resulting from price variations to par or otherwise incurred in the purchase of obligations for escrow and in the disposition of the refunding bonds.

Acts 1969, c. 12; Acts 1973, c. 115; Acts 1986, c. 118.

Library References

Key Numbers
Counties ⟹183.
Municipal Corporations ⟹928.

Westlaw Key Number Searches: 104k183; 268k928.

C.J.S. Municipal Corporations § 1699.

Encyclopedias

C.J.S. Counties § 222.

§ 13-2E-6. Determination of governing body to be conclusive

The determination by the governing body of any public body issuing refunding bonds under this article that the limitations herein imposed upon the issuance of refunding bonds have been met, shall be conclusive: Provided, however, That such public body shall have obtained from an independent certified public accountant a certification that the amount of saving stated to be achieved by the refunding shall in fact be served, based upon his review, comparison and analysis of the net interest cost in dollars of the refunding bonds and the net interest cost in dollars of the bonds to be refunded.

Acts 1969, c. 12.

§ 13-2E-7. Authorization for issuance

Refunding bonds and all acts required to be authorized hereunder shall be authorized in the manner in which the bonds to be refunded were authorized and issued: Provided, That refunding bonds of a system resulting from the severance of a combined municipal waterworks and sewerage system shall to the extent applicable be authorized and issued under the terms and provisions of law, including, but not limited to, interest rates and net interest costs, under which revenue bonds of such resulting system would be authorized and issued.

Acts 1969, c. 12; Acts 1986, c. 118.

Library References

Key Numbers

Counties ⟹175.
Municipal Corporations ⟹913.
Westlaw Key Number Searches: 104k175; 268k913.

Encyclopedias

C.J.S. Counties § 218.
C.J.S. Municipal Corporations §§ 1651, 1653.

§ 13-2E-8. Authority for escrow agreement

The governing body of any public body shall have power to enter into such escrow agreements and to insert therein such protective and other covenants and provisions as it may consider necessary to permit the carrying out of the provisions of this article and to insure the prompt payment of principal of and interest and redemption premiums on the revenue bonds refunded.

Acts 1969, c. 12.

§ 13-2E-9. Call of revenue bonds for redemption

Where any revenue bonds to be refunded are not to be surrendered for exchange or payment and are not to be paid at maturity with escrowed obligations, but are to be paid from such source prior to maturity pursuant to call for redemption exercised under a right of redemption reserved in such revenue bonds, the governing body of the public body shall, prior to the

issuance of the refunding bonds, determine which redemption date or dates shall be used, call such revenue bonds for redemption and provide for the giving of the notice of redemption required by the proceedings authorizing such revenue bonds. Where such notice is to be given at a time subsequent to the issuance of the refunding bonds, the necessary notices may be deposited with the state sinking fund commission or the bank acting as escrow agent of the refunding bond proceeds and the escrow agent appropriately instructed and authorized to give the required notices at the prescribed time or times. If any officer of the public body signing any such notice shall no longer be in office at the time of the utilization of the notice, the notice shall nevertheless be valid and effective for its intended purpose.

Acts 1969, c. 12.

Library References

Key Numbers

Counties ⟹187.

Municipal Corporations ⟹951.

Westlaw Key Number Searches: 104k187; 268k951.

Encyclopedias

C.J.S. Counties § 226.

C.J.S. Municipal Corporations §§ 1704 to 1705.

§ 13–2E–10. Security provisions

Refunding bonds shall be special obligations of the public body and shall be payable solely from and secured by a lien upon the gross revenues or net revenues of the enterprise, as shall be more fully described in the ordinance or resolution authorizing the issuance of refunding bonds, and the ordinance or resolution authorizing such refunding bonds shall provide for a special fund into which there shall be pledged a fixed amount or a fixed proportion of such revenues which shall be sufficient to pay the principal of and interest on the refunding bonds as the same become due.

In order to assure payment of the principal and interest on any refunding bonds it shall be the duty of the governing body of the public body to establish, levy, maintain and collect such fees, tolls, rentals, rates and other charges for the services of such enterprise as shall be necessary to produce revenues sufficient, after making due and reasonable allowance for contingencies and for a margin of error in estimates, to pay at all times principal of and interest on the refunding bonds as the same become due, to pay current expenses of operation and maintenance, to provide for depreciation, to provide for reserves for any of the foregoing, to comply in all respects with any contract or agreement with bondholders set forth in the ordinance or resolution authorizing such refunding bonds, and to meet any other obligations of the public body which by their terms are charges, liens, or encumbrances upon the revenues of such enterprise.

The ordinance or resolution authorizing any refunding bonds may contain such covenants with the holders of the refunding bonds as to the efficient management and operation of the enterprise; the collection, keeping and disposition of the revenues of the enterprise; the issuance of additional refunding bonds or revenue bonds; the carrying of insurance on such enterprise and

the disposition of insurance proceeds; the keeping of books and records and the auditing thereof; the inspection by bondholders at reasonable times of the enterprise and the records, accounts and data of the public body relating thereto; limitations upon the sale or other disposition of integral parts of the enterprise; the discontinuance of the services and facilities of the enterprise upon failure to pay for such services and facilities; the appointment and duties of a trustee; the rights, liabilities, powers and duties arising upon the breach by the public body of any covenants, conditions or obligations contained in the ordinance or resolution authorizing the issuance of such refunding bonds; remedies of bondholders upon default in the payment of the principal of or interest on any refunding bonds, including the appointment by a court of competent jurisdiction of a receiver for the operation and management of the enterprise and the collection and disbursement of the revenues thereof, but such receiver or any court having jurisdiction in the matter shall not be permitted to sell, mortgage or otherwise dispose of any assets of the enterprise and useful in its operation or cause any of such assets to be sold, mortgaged or otherwise disposed of; and any other conditions, acts or pertinent matters as may be deemed necessary or proper by the governing body of the public body to assure efficient operation of the enterprise, payment of the refunding bonds and marketability of the refunding bonds upon favorable terms. Any agreement or covenant contained in the ordinance or resolution authorizing such refunding bonds shall constitute a contract with the holders of such refunding bonds.

All refunding bonds of the same issue shall be equally and ratably secured, without priority by reason of number, date or time of sale, execution or delivery, by a lien upon the revenues of the enterprise in accordance with the provisions of this section and the ordinance or resolution authorizing the issuance of such refunding bonds.

Nothing in this section or in any other section of this article shall be deemed in any way to alter the terms of any agreements made with the holders of any outstanding revenue bonds of the public body, or to authorize the public body to alter the terms of any such agreements, or to impair, or authorize the public body to impair, the rights and remedies of any creditors of the public body.

Nothing in this section or in any other section of this article shall be deemed in any way to authorize any public body to do anything in any manner or for any purpose which would result in the creation or incurring of a debt or indebtedness or the issuance of any instrument which would constitute a bond or debt within the meaning of any provision, limitation, or restriction of the Constitution relating to the creation or incurring of a debt or indebtedness or the issuance of an instrument constituting a bond or a debt.

Acts 1969, c. 12.

Library References

Key Numbers
Counties ⟹181.
Municipal Corporations ⟹919.

Westlaw Key Number Searches: 104k181; 268k919.

Encyclopedias
C.J.S. Counties § 221.
C.J.S. Municipal Corporations § 1661.

§ 13-2E-11. Bonds payable solely from revenues of enterprise

No recourse shall be had for the payment of the refunding bonds, or interest thereon, or any part thereof, against the general fund of any public body, nor shall the credit or taxing power of any public body be deemed to be pledged thereto.

The refunding bonds, and interest thereon, shall not be a debt of the public body, nor a charge, lien or encumbrance, legal or equitable, upon any property of the public body, nor upon any income, receipts, or revenues of the public body other than such of the revenues of the enterprise as shall have been pledged to the payment thereof, and every refunding bond shall recite in substance that said bond, including interest thereon, is payable solely from the revenues pledged to the payment thereof and that the public body is under no obligation to pay the same, except from said revenues.

Acts 1969, c. 12.

Library References

Key Numbers
Counties ⚷187.
Municipal Corporations ⚷950(15).
Westlaw Key Number Searches: 104k187; 268k950(15).

Encyclopedias
C.J.S. Counties § 226.
C.J.S. Municipal Corporations §§ 1708 to 1709.

§ 13-2E-12. Tax exemption; exceptions

The refunding bonds and the income therefrom shall be exempt from taxation, except inheritance, estate and transfer taxes.

Acts 1969, c. 12.

Library References

Key Numbers
Taxation ⚷218.
Westlaw Key Number Search: 371k218.

Encyclopedias
C.J.S. Taxation § 260.

§ 13-2E-13. Validity of bonds

Refunding bonds bearing the signatures of officers of the public body in office on the date of the signing thereof shall be valid and binding obligations of the public body for all purposes, notwithstanding that before the delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be officers of the public body, the same as if such persons had continued to be officers of the public body until after the delivery thereof. The ordinance or resolution authorizing any refunding bonds may provide that such refunding bond may contain a recital that such refunding bond is issued pursuant to this article, and any refunding bond containing such recital under authority of any such ordinance or resolution shall be conclusively deemed to be valid and to have been issued in conformity with the provisions of this article.

Where any refunding bonds have been heretofore authorized by any public body which would have been valid under and in compliance with the provisions of this article had this article been in existence at the time of the authorization of such refunding bonds, such refunding bonds if heretofore issued, and if not yet issued then such refunding bonds when they shall have been issued, and the proceedings authorizing their issuance, are hereby validated, ratified and confirmed and declared to be binding and enforceable obligations in accordance with their terms.

Acts 1969, c. 12.

Library References

Key Numbers
Counties ⚷183(2).
Municipal Corporations ⚷931.
Westlaw Key Number Searches: 104k183(2); 268k931.

Encyclopedias
C.J.S. Counties § 222.
C.J.S. Municipal Corporations § 1694.

§ 13–2E–14. Article complete authority for refunding bonds; effect on other laws; liberal construction

This article constitutes full and complete authority for the issuance of refunding bonds. No procedure or proceedings, publications, notices, consents, approvals, orders, acts or things by any governing body of any public body, or any board, officer, commission, department, agency, or instrumentality of the State or any public body shall be required to issue any refunding bonds or to do any act or perform anything under this article, except as may be prescribed in this article. The powers conferred by this article shall be in addition and supplemental to, and not in substitution for, and the limitations imposed by this article shall not affect, the powers conferred by any other law. This article is remedial in nature and shall be liberally construed.

Acts 1969, c. 12.

§ 13–2E–15. Severability

If any one or more provisions of this article or the applicability thereof to any persons or circumstances are ever held by a final decision of a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision or provisions, application or applications of this article, and to this end, the provisions of this article are declared to be severable.

Acts 1969, c. 12.

City of Charleston
Office of the City Clerk
P.O. Box 2749
Charleston, WV 25330
(304) 348-8179

I, the undersigned City Clerk of Charleston, do hereby certify that the foregoing is a true, correct and complete copy of Bill No. 7403, enacted by the City Council of the City of Charleston on November 2, 2009.

Witness the signature of the undersigned City Clerk of the City of Charleston, West Virginia, and the seal of the City, this 14th day of December, 2009.

James M. Reishman
City Clerk

Seal

COMMITTEE REPORT

TO: **Clerk of the Council of the City of Charleston, West Virginia**

FROM: **The Committee on FINANCE**

Your Committee on **Finance**

has had under consideration: Bill No. 7403 authorizing the refunding of the Civic Center Improvement Bonds, Series 1999, of the City of Charleston; and authorizing the issuance of Civic Center Improvement Refunding Bonds, Series 2009 A, of the City of Charleston, in the amount of $3,500,000, to finance the cost of such refunding and the cost of issuance for such Bonds; defining and prescribing the terms and provisions of the Bonds; providing generally for the rights and remedies and security of the holders of the Bonds; providing a statutory mortgage lien on specified tax revenues dedicated for such purposes; designating such Bonds as qualified tax-exempt obligations; and providing general terms and providing when this Ordinance shall take effect.

and reports the same to Council with the recommendation that the

Bill do pass

CHAIRMAN

Bill No. 7403

Adopted by Council:
November 2, 2009

Introduced in Council
October 19, 2009

Referred to
Finance Committee

Introduced by
Robert Reishman

A BILL AUTHORIZING THE REFUNDING OF THE CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999, OF THE CITY OF CHARLESTON; AND AUTHORIZING THE ISSUANCE OF CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A, OF THE CITY OF CHARLESTON, IN THE AMOUNT OF $3,500,000, TO FINANCE THE COST OF SUCH REFUNDING AND THE COST OF ISSUANCE FOR SUCH BONDS; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITY OF THE HOLDERS OF THE BONDS; PROVIDING A STATUTORY MORTGAGE LIEN ON SPECIFIED TAX REVENUES DEDICATED FOR SUCH PURPOSES; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND PROVIDING GENERAL TERMS AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

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ARTICLE I
STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance is adopted pursuant to the provisions of Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended (the "Act') and other applicable provisions of law.

Section 1.02. Findings and Determinations. It is hereby found, determined and declared as follows:

A. The City of Charleston (the "City" or "Issuer") is a municipal corporation and political subdivision of the State of West Virginia located in Kanawha County, West Virginia.

B. The Issuer now has a public facility known as the Charleston Civic Center (the "Facility"). In 1999 the City permanently financed the acquisition, construction, equipping and improving of the Facility through the issuance of its Civic Center Improvement Bonds, Series 1999 dated December 23, 1999 in the aggregate principal amount of $4,060,000 (the "Refunded Bonds").

C. The City may now refund the Refunded Bonds at a savings to the City. The City hereby determines that it would be a benefit to refund the Refunded Bonds with proceeds from the issuance of its Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds") in the aggregate principal amount not to exceed $3,500,000.

D. Based upon the assumed principal amount, maturity schedule and interest rates for the Series 2009 A Bonds presented to the City by the Original Purchaser, and after making allowance for the use of cash on hand of the City, the Series 2009 A Bonds show a net present value debt service savings to the City after deducting all expenses of the refunding and the costs of issuing the Series 2009 A Bonds.

E. The City shall not sell the Series 2009 A Bonds without setting forth in the Supplemental Resolution the determination set forth in paragraph D above, based upon the actual principal amount, maturity schedule and interest rates for the Series 2009 A Bonds, and the City shall not issue the Series 2009 A Bonds without having obtained from an Independent Certified Public Accountant a certification that the amount of savings stated to be achieved by the refunding shall in fact be saved, based upon their review, comparison and analysis of the net interest cost in dollars of the Series 2009 A Bonds and the net interest cost in dollars of the Prior Bonds.

F. The period of usefulness of the Facility is not less than twenty-five (25) years.

G. There are outstanding the Issuer's Civic Center Improvement Bonds, Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount of $3,635,000 with which the Series 2009 A Bonds will rank on a parity as to lien on and source of and security for payment.

H. The Issuer is not in default under the terms of any document and has complied with all requirements with respect to the issuance of the Series 2009 A Bonds.

I. The estimated revenues to be derived in each year from hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes will be sufficient to pay all the principal of and interest on the Series 2009 A Bonds (as hereinafter defined) and all debt service and other payments provided for herein.

J. The Issuer has complied with all requirements of West Virginia law relating to the issuance of the Bonds, or will have so complied prior to issuance of the Bonds.

K. It is in the best interests of the Issuer that the Bonds be sold to Crews & Associates, Inc. (the "Purchaser"), pursuant to the terms and provisions of a Bond Purchase Agreement to be entered into between the Purchaser and the City.

L. The City shall not permit at any time any of the proceeds of the Series 2009 A Bonds or other funds of the City to be used directly or indirectly in any manner which would result in the exclusion of the Series 2009 A Bonds from the treatment afforded by Section 103(a) of the Code.

M. The City will file all statements, instruments and returns necessary to assure the tax-exempt status of the Series 2009 A Bonds.

N. The Series 2009 A Bonds will not be federally guaranteed within the meaning of Section 149(b) of the Code.

Section 1.03. Ordinance to Constitute Contract. In consideration of the acceptance of the Bonds by the Purchasers, this Ordinance (the "Ordinance") shall be deemed to be and shall constitute a contract between the Issuer and the Purchasers, and the covenants and agreements set forth herein to be performed by the Issuer shall be for the benefit, protection and security of the Registered Owner of the Bonds.

Section 1.04. Definitions. The following terms shall have the following meanings herein unless the text otherwise expressly requires:

"Act" means Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended.

"City Clerk" means the City Clerk of the Governing Body.

"Commission" means the West Virginia Municipal Bonds Commission or any other agency of the State of West Virginia that succeeds to the functions of the Commission.

"Depository Bank" means the bank or trust company which is a member of FDIC and its successors and assigns or such other qualified bank or trust company designated in the Supplemental Resolution.

"Escrow Agent" shall mean the Escrow Agent with respect to each Escrow Agreement, which shall be appointed pursuant to a resolution supplemental hereto.

"Escrow Agreement" shall mean the agreements between the City and the Escrow Agent, substantially in the form of the agreement attached to a resolution supplemental hereto and by this reference made a part hereof, relating to the refunding and defeasance of the Prior Bonds.

"Escrow Fund" shall mean the escrow fund created by each Escrow Agreement.

"Facility" or "Facilities" means all the land and tangible properties of the Charleston Civic Center Coliseum and also any tangible properties which may hereafter be added to the Facility by addition, betterments, extensions and improvements thereto and properties, furniture, fixtures or equipment therefor, hereafter at any time constructed or acquired.

"FDIC" means the Federal Deposit Insurance Corporation.

"Fiscal Year" means each year beginning on July 1 and ending on the succeeding June 30.

"Governing Body" means the City Council of the Issuer.

"Government Obligations" means direct obligations of or obligations the principal of and interest on which are guaranteed by, the United States of America.

"Herein" means in this Ordinance.

"Holder of the Bonds" or any similar term means any person who shall be the registered owner of the Bonds.

"Issuer" or "City" means City of Charleston, Kanawha County, West Virginia, and, where appropriate, also means the Governing Body.

"Mayor" means the Mayor or the Acting Mayor of the Governing Body.

"Ordinance" means this Ordinance and all resolutions supplemental hereto.

"Prior Ordinance" means the Ordinance authorizing the Series 1998 Bonds enacted September 8, 1998.

"Project" means the Project as defined in the Ordinance of the City authorizing the issuance of the Refunded Bonds enacted December 6, 1999.

"Purchasers" means Crews & Associates, Inc. and any successor or successors thereto.

"Qualified Investments" means and include any of the following:

(a) Government Obligations;

(b) Government Obligations which have been stripped of their unmatured interest coupons, interest coupons stripped from Government Obligations, and receipts or certificates evidencing payments from Government Obligations or interest coupons stripped from Government Obligations;

(c) Bonds, debentures, notes or other evidence of indebtedness issued by any of the following agencies: Banks for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank Facility; Export-Import Bank of the United States; Federal Land Banks; Government National Mortgage Association; Tennessee Valley Authority; or Washington Metropolitan Area Transit Authority;

(d) Any Bonds, debenture, note, participation certificate or other similar obligations issued by the Federal National Mortgage Association to the extent such obligation is guaranteed by the Government National Mortgage Association or issued by any other federal agency and backed by the full faith and credit of the United States of America;

(e) Time accounts (including accounts evidenced by time certificates of deposit, time deposits or other similar banking arrangements) which, to the extent not insured by the FDIC or Federal Savings and Loan Insurance Corporation, shall be secured by a pledge of Government Obligations, provided, that said Government Obligations pledged either must mature as nearly as practicable coincident with the maturity of said lime accounts or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said time accounts;

(f) Money market funds or similar funds whose only assets are investments of the type described in paragraphs (a) through (e) above;

(g) Repurchase agreements, fully secured by investments of the types described in paragraphs (a) through (e) above, with banks or national banking associations which are members of FDIC or with government bond dealers recognized as primary dealers by the Federal Reserve Bank of New York provided, that said investments securing said repurchase agreements either must mature as nearly as practicable coincident with the maturity of said repurchase agreements or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said repurchase agreements, and provided further that the holder of such repurchase agreement shall have a prior perfected security interest in the collateral therefor, must have (or its agent must have) possession of such collateral, and such collateral must be free of all claims by third parties;

(h) The West Virginia "consolidated fund" managed by the West Virginia State Board of Treasury Investments pursuant to Chapter 12, Article 6C, of the West Virginia Code of 1931, as amended; and

(i) Obligations of states or political subdivisions or agencies thereof the interest on which is excluded from gross income for federal income tax purposes, and which are rated at least "A" by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

"Redemption Accounts" means the redemption account within the Series 2009 A Sinking Fund established by Section 4.01 of this Ordinance.

"Redemption Price" means the price paid for redemption of the Series 2009 A Bonds as set forth in the redemption provisions determined in the Supplemental Resolution.

"Refunded Bonds" or "Series 1999 Bonds" means the $4,060,000 City of Charleston Civic Center Improvement Bonds, Series 1999, to be refunded by the Series 2009 A Bonds.

"Registrar" or "Bond Registrar" means the Bank or Trust Company designated by the Issuer in the Supplemental Resolution.

"Representation Letter" means the DTC Letter of Representation of the City.

"Series 1998 Bonds" means the City's Civic Center Improvement Bonds, Series 1998 issued on September 11, 1998, in the aggregate principal amount of $3,635,000.

"Series 2009 A Bonds" or "Bonds" means the City's Civic Center Improvement Refunding Bonds, Series 2009 A, authorized by this Ordinance.

"Tax Revenues" means (i) the specified tax revenues dedicated for such purposes by the City to pay debt service on the Series 2009 A Bonds and consisting of coal severance taxes and hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) received or collected by the City and (ii) any other revenues dedicated for such purposes by the City to pay debt service on the Series 2009 A Bonds and the Series 1998 Bonds and on any additional bonds issued under the Ordinance.

"Term Bonds" means the Series 2009 A Bonds subject to mandatory sinking fund redemption, as described by Section 3.09 of this Ordinance.

Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations; words importing the masculine, feminine or neuter genders shall include any other gender; and any requirement for execution, sealing and/or attestation of the Bonds or any certificate or other document by the City Clerk shall mean that such Bond certificate or other document which may be executed, sealed and/or attested by an Acting City Clerk.

ARTICLE II

AUTHORIZATION OF REFUNDING AND REDEMPTION OF THE SERIES 1999 BONDS

Section 2.01. Authorization of Refunding and Redemption of the Series 1999 Bonds. The lien of the Series 1999 Bonds outstanding as of the date of issuance of the Note imposed by the Prior Ordinance on the Tax Revenues is hereby ordered terminated, discharged and released upon the payment onto the Series 1999 Escrow Fund from the proceeds of the Series 2009 A Bonds, together with other moneys available therefor, including those moneys transferred as provided below, of the following: (a) an amount equal to the fiscal and paying agent charges, and (b) an amount which will be simultaneously invested in United States Treasury Obligations bearing interest and having maturities sufficient to provide (i) for the payment of the principal of the Series 1999 Bonds as the same mature on each principal payment date established with respect thereto prior to the Series 1999 Bonds Redemption Date, if any, established for such Series 1999 Bonds, (ii) for the payment of the redemption price of the Series 1999 Bonds outstanding on the Series 1999 Bonds Redemption Date, if any, established for such Series 1999 Bonds, and (iii) for the payment of the interest on the Series 1999 Bonds as the same becomes due. Contemporaneously with the deposit of proceeds of the Series 2009 A Bonds into the Series 1999 Escrow Fund, and as prescribed by the Series 1999 Escrow Agreement, the amounts on deposit in the sinking fund created and maintained on behalf of the Series 1999 Bonds shall be deposited into the Series 1999 Escrow Fund and simultaneously invested as provided in the Series 1999 Escrow Agreement. The proceeds of the Bonds hereby authorized shall be applied as provided in Article IV hereof

ARTICLE III

AUTHORIZATION, TERMS, EXECUTION, REGISTRATION AND ISSUANCE OF BONDS

Section 3.01. Authorization of Bonds. Subject and pursuant to the provisions hereof, the Bonds of the Issuer to be known as "City of Charleston, Civic Center Improvement Refunding Bonds, Series 2009 A" in the principal amount not to exceed $3,500,000, is hereby authorized to be issued for the purpose of financing the cost of refunding the Refunded Bonds.

Section 3.02. Description of Bonds. The Bonds shall be issued in registered form, from No. R-1 upward, and shall be dated on the date of delivery. The Bonds shall bear interest from the date, payable semi-annually at the rates per annum and shall be sold for the par value thereof as set forth herein or in a Supplemental Resolution. The Bonds shall be payable as to principal at the office of the Paying Agent in any coin or currency which on the respective date of payment of principal and interest, is legal tender for the payment of public or private debts under the laws of the United States of America. Interest on the Bonds shall be paid by check or draft of the

Paying Agent mailed to the Registered Owner thereof at the address that appears on the books of the Registrar or, in the event of a default in the payment on the Series 2009 A Bonds, that special record date to be fixed by the Registrar by notice given to the Registered Owners not less than ten (10) days prior to said special record date (the "Special Record Date") or, if requested in the case of such an owner of $1,000,000 or more in principal amount of Series 2009 A Bonds, by wire transfer to a domestic bank account specified in writing at least five (5) days prior to the Record Date by such owner.

The Series 2009 A Bonds shall, at the option of the City, be redeemable in whole or in part, at the times, in the manner, and upon payment of the redemption prices, as provided in the Supplemental Resolution.

Section 3.03. Execution of Bonds. The Bonds shall be executed in the name of the Issuer by the Mayor or and its corporate seal shall be affixed thereto and attested by the City Clerk, and the Mayor and the City Clerk are hereby authorized to execute the Bonds and such other documents as are necessary to finalize this transaction. In case any one or more of the officers who shall have signed or sealed the Bonds shall cease to be such officer of the Issuer before the Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Bonds may be signed and sealed on behalf of the Issuer by such person as at the actual time of the execution of such Bonds shall hold the proper office in the Issuer, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

Section 3.04. Authentication and Registration. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Ordinance unless and until the Certificate of Authentication and Registration on such Bond, substantially in the form set forth in a resolution supplemental hereto, shall have been duly manually executed by the Registrar. Any such executed Certificate of Authentication and Registration upon any such Bond shall be-conclusive evidence that such Bond has been authenticated, registered, and delivered under this Ordinance. The Certificate of Authentication and Registration on any Bond shall be deemed to have been executed by the Registrar if manually signed by any authorized officer of the Registrar, but it shall not be necessary that the same officer sign the Certificate of Authentication and Registration on all of the Bonds issued hereunder.

Section 3.05. Book Entry System for Bonds. A. Each series of the Series 2009 A Bonds shall initially be issued in the form of one fully-registered bond for the aggregate principal amount of the Series 2009 A Bonds of each maturity, registered in the name of CEDE & CO., as nominee of DTC. Except as provided in paragraph E below, all of the Series 2009 A Bonds shall be registered in the registration books kept by the Registrar in the name of CEDE & CO., as nominee of DTC; provided that if DTC shall request that the Series 2009 A Bonds be registered in the name of a different nominee, the Registrar shall exchange all or any portion of the Series 2009 A Bonds registered in the name of such nominee or nominees. No person other than DTC or its nominee shall be entitled to receive from the City or the Registrar either a Series 2009 A Bond or any other evidence of ownership of the Series 2009 A Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all

or any portion of the Series 2009 A Bonds on the registration books maintained by the Registrar, in connection with discontinuing the book entry system as provided in paragraph E below.

B. At or prior to settlement for the Series 2009 A Bonds, the City and the Registrar shall execute or signify their approval of a representation letter addressed to DTC in a form satisfactory to DTC (the "Representation Letter"). Any successor Registrar shall, in its written acceptance of its duties under this Ordinance, agree to take any actions necessary from time to time to comply with the requirements of the Representation Letter.

C. So long as the Series 2009 A Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or Redemption Price of or interest on such Series 2009 A Bonds shall be made to DTC or its nominee at the addresses set forth in the Representation Letter in New York Clearing House or equivalent next day funds on the dates provided for such payments to be made to any Registered Owner under this Ordinance. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of the City and the Registrar with respect to the principal or Redemption Price of or interest on the Series 2009 A Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the Series 2009 A Bonds Outstanding of any maturity, the Registrar shall not require surrender by DTC of the Series 2009 A Bonds so redeemed, but DTC may return such Series 2009 A Bonds and make an appropriate notation on the Series 2009 A Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Registrar, upon request, a written confirmation of such partial redemption. The records maintained by the Registrar shall be conclusive as to the amount of the Series 2009 A Bonds of such maturity which have been redeemed.

D. The City, the Paying Agent and the Registrar may treat DTC as the sole and exclusive owner of the Series 2009 A Bonds registered in its name or the name of its nominee for the purposes of payment of the principal or Redemption Price of or interest on the Series 2009 A Bonds, selecting the Series 2009 A Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Registered Owners under this Ordinance, registering the transfer of Series 2009 A Bonds, obtaining any consent or other action to be taken by the Registered Owners and for all other purposes whatsoever; and neither the City nor the Registrar shall be affected by any notice to the contrary. Neither the City nor the Registrar shall have any responsibility or obligation to any direct or indirect participant in DTC, any person claiming a beneficial ownership interest in the Series 2009 A Bonds under or through DTC or any such participant, or any other person which is not shown on the registration books of the Registrar as being a Registered Owner with respect to (i) the Series 2009 A Bonds, (ii) the accuracy of any records maintained by DTC or any such participant, (iii) the payment by DTC or any such participant of any amount in respect of the principal or Redemption Price of or interest on the Series 2009 A Bonds, (iv) any notice which is permitted or required to be given to the Registered Owners under this Ordinance, (v) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the Series 2009 A Bonds or (vi) any consent given or other action taken by DTC as Registered Owner.

E. The book entry system for registration of the ownership of the Series 2009 A Bonds may be discontinued at any time if either: (i) DTC determines to resign as securities

depository for the Series 2009 A Bonds; or (ii) the City determines that continuation of the system of book entry transfers through DTC (or through a successor securities depository) is not in the best interest of the beneficial owners of the Series 2009 A Bonds. In either of such events (unless in the case described in clause (ii) above, the City appoints a successor securities depository), the Series 2009 A Bonds shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated by DTC, but without any liability on the part of the City or the Registrar for the accuracy of such designation. Whenever DTC requests the City and the Registrar to do so, the City and the Registrar shall cooperate with DTC in taking appropriate action after reasonable notice to arrange for another securities depository to maintain custody of certificates evidencing the Series 2009 A Bonds.

Section 3.06 Negotiability, Registration, Transfer and Exchange of Bonds. The Bonds shall be and have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, but the Bonds may only be transferred by transfer of the registration thereof upon the books required to be kept pursuant to Section 3.05 hereof, by the party in whose name it is registered, in person or by attorney duly authorized in writing, upon surrender of the Bonds for cancellation, accompanied by delivery of a written instrument of transfer, duly executed in a form acceptable to the Registrar. No interest in the Bonds shall be transferable except by means of transfer of registration of the Bonds representing such interest and delivery of a new Bond or Bonds in exchange therefor in accordance with this Bond Ordinance.

Whenever the Bonds shall be surrendered for registration of transfer, the Issuer shall execute and deliver a new Bond or Bonds in authorized denominations, for a like aggregate principal amount. The Registrar shall require the payment by the new owner requesting such transfer of any tax or other governmental charge required to be paid with respect to such transfer, but the Issuer shall pay any other expenses incurred by the Registrar with respect to such transfer,

No registration of transfer of a Bond shall be permitted to be made after the 15th day next preceding any installment payment date on that Bond.

Section 3.07. Registrar. The Registrar will keep or cause to be kept by its agent at its office, sufficient books for the registration and transfer of the Bonds, and upon presentation for such purpose, the Registrar shall, under such reasonable regulations as it may prescribe, register the Bonds initially issued pursuant hereto and register the transfer, or cause to be registered by its agent, on such books, the transfer of the Bonds as hereinbefore provided.

The Registrar shall accept the Bonds for registration or transfer only if ownership thereof is to be registered in the name of an individual (including joint ownership), a corporation, a partnership or a trust, and only upon receipt of the social security number of each individual, the federal employer identification number of each corporation or partnership or social security numbers of the settlor and beneficiaries of each trust and the name of the trustee of each trust and/or such other identifying number and information as may be required by law.

Section 3.08. Bond Mutilated, Destroyed, Stolen or Lost, In case any of the Bonds shall become mutilated or be destroyed, stolen or lost, the Issuer may in its discretion issue and deliver a new Bond of like tenor as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the holder's furnishing the Issuer proof of his, her or its ownership thereof and complying with such other reasonable regulations and conditions as the Issuer may require. The Bond so surrendered shall be canceled and held for the account of the Issuer, If the Bond shall have matured or be about to mature, instead of issuing a substitute Bond the Issuer may pay the same, and if such Bond be destroyed, stolen or lost, without surrender thereof.

Section 3.09. Term Bonds. In the event Term Bonds are issued pursuant to this Ordinance, the following provisions shall apply:

A. The amounts to be deposited, apportioned and set apart by the City from the Revenue Fund and into the Redemption Accounts for the Series 2009 A Bonds in accordance with Subsection 4.04(B) shall include (after credit as provided below) on the first of each month, beginning on the first day of that month which is 12 months prior to the first mandatory Redemption Date of said Term Bonds, a sum equal to 1/12th of the amount required to redeem the principal amount of such Term Bonds which are to be redeemed as of the next ensuing mandatory Redemption Date, which amounts and dates, if any, with respect to a series of Bonds shall be set forth in the Supplemental Resolution relating thereto.

B. At its option, to be exercised on or before the 60th day next preceding any such mandatory Redemption Date, the City may (a) deliver to the Registrar for cancellation such Term Bonds in any aggregate principal amount desired or (b) receive a credit in respect of its mandatory redemption obligation for any such Term Bonds which prior to said date have been redeemed (otherwise than pursuant to this section) and canceled by the Registrar and not theretofore applied as a credit against any such mandatory redemption obligation. Each Term Bond so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on such mandatory Redemption Date, and Term Bonds delivered in excess of such mandatory redemption obligation shall be credited against future mandatory redemption obligations in the order directed by the City, and the principal amount of such Term Bonds to be redeemed pursuant to mandatory sinking fund redemption shall be accordingly reduced.

C. The City shall on or before the 60th day next preceding each mandatory Redemption Date furnish the Registrar and the Commission with its certificate indicating whether and to what extent the provisions of (a) and (b) of the preceding paragraph are to be utilized with respect to such mandatory redemption payment and stating, in the case of the credit provided for in (b) of the preceding paragraph, that such credit has not theretofore been applied against any mandatory redemption obligation.

D. After said 60th day but prior to the date on which the Registrar selects the Term Bonds to be redeemed, the Commission may use the moneys in the Redemption Accounts for the Series 2009 A Bonds to purchase Term Bonds at a price less than the par value thereof and accrued interest thereon. The Commission shall advise the City and the Registrar of any

Term Bonds so purchased, and they shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on such mandatory Redemption Date, and any excess shall be credited against future mandatory redemption obligations in the order directed by the City, and the principal amount of such Term Bonds to be redeemed pursuant to mandatory sinking fund redemption shall be accordingly reduced.

E. The Registrar shall call for redemption, in the manner provided herein, an aggregate principal amount of such Term Bonds, at the principal amount thereof plus interest accrued to the Redemption Date (interest to be paid from the Sinking Funds of the Series 2009 A Bonds), as will exhaust as nearly as practicable the Redemption Account payment designated to be made in accordance with paragraph (A) of this section. Such redemption shall be by random selection made on the 45th day preceding the mandatory Redemption Date, in such manner as may be determined by the Registrar. For purposes of this section, "Term Bonds" shall include any portion of a fully registered Term Bond, in integrals of $5,000.

Section 3.10. Bonds Secured by Pledge of Revenues. The payment of the debt service of the Bonds shall be secured forthwith by a lien on the Tax Revenues derived from and a statutory mortgage lien on the hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14 (b) of the Code of West Virginia of 1931, as amended) and coal severance taxes pledged therefor, Such lien shall be on a parity with the liens securing $3,635,000 City of Charleston (West Virginia), Civic Center Improvement Bonds, Series 1998 (the 'Series 1998 Bonds") and any other additional bonds, issued pursuant to Section 5.02 of this Ordinance.

Section 3.11. Notice of Redemption. (a) The Registrar shall cause notice of any redemption of Bonds to be mailed by first class mail to the Owners of all Bonds to be redeemed at the addresses thereof appearing in the Bond Register. Each such notice shall (i) be mailed not more than 60 days nor less than 30 days prior to the redemption date, (ii) identify the Bonds to be redeemed (specifying the CUSIP numbers, if any, assigned to the Bonds), (iii) specify the redemption date and the Redemption Price, and (iv) state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent, that from that date the Bonds called for redemption will be deemed to be paid, and interest will cease to accrue, and that no representation is made as to the accuracy or correctness of the CUSIP numbers printed therein or notice of redemption or mailing thereof (including any failure to mail such notice), shall affect the validity of the redemption proceedings for any other Bonds for which notice was properly given.

(b) If at the time of mailing of any notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is subject to the deposit of such moneys with the Paying Agent not later than the opening of business on the redemption date and shall be of no effect unless such moneys are so deposited. If such moneys are not deposited by such date and time, the Registrar promptly shall notify the Owners of all Bonds called for redemption of such fact.

(c) So long as DTC (as CEDE & CO.) is the Registered Owner of the Series 2009 A Bonds, the Registrar shall send all notices of redemption to DTC and shall verify that DTC has received notice. Copies of all redemption notices relating to optional redemption of the Series 2009 A Bonds shall also be sent to registered securities depositories.

All official notices of redemption shall be dated and shall state:

(1) The Redemption Date,

(2) The Redemption Price,

(3) If less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(4) That on the Redemption Date, the Redemption Price and interest accrued will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date,

(5) The place where such Bonds are to be surrendered for payment of the Redemption Price, which place of payment shall be the principal office of the Paying Agent, and

(6) Such other information, if any, as shall be required for DTC-eligible Bonds.

Section 3.12. Form of Bond. Subject to the provisions hereof the text of the Bond and the other details thereof shall be of substantially the following tenor, with such omissions, insertions and variations as may be authorized or permitted hereby or any supplemental resolution adopted after the date of adoption hereof and prior to the issuance thereof

(FORM OF BOND)

No.R-__ $_____

CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

INTEREST RATE	BOND DATE	MATURITY DATE	CUSIP
_____%	_____ 1, 2009	December 1, 20__	_____

REGISTERED OWNER: THE DEPOSITORY TRUST COMPANY

PRINCIPAL AMOUNT: $ _____

FOR VALUE RECEIVED, the CITY OF CHARLESTON, a municipal corporation and political subdivision of the State of West Virginia, in Kanawha County of said State (herein called "Issuer") hereby promises to pay to the order of The Depository Trust Company, or its registered assigns, at New York New York or at such other place as may hereafter be designated in writing the principal sum of _____ and 00/100 Dollars ($), plus interest on the unpaid principal balance at the rate of_____ (_%) per annum. The said principal and interest shall be paid in the following installments on the following dates: Semiannual installments of principal and interest on June 1 and December 1 of each year, beginning _____ 1, 2010, except that the final installment shall be paid on the Maturity Date, and except that prepayments may be made as provided hereinbelow. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

Every payment made on any indebtedness evidenced by this Bonds shall be applied first to interest computed to the effective date of the payment and then to the principal. Payments shall be made at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia, and shall be mailed to the registered owner hereof at the address as it appears on the books of the Registrar.

At the option of the City, this Bond is subject to redemption prior to maturity on or after _____ 1, 20__, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus interest, if any, accrued to the date for redemption.

If the Registered Owner at any time assigns this Bond and insures the payment thereof; Issuer shall continue to make payments to the Registered Owner as collection agent for the holder.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998,

ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS").

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the Issuer or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Series 2009 A Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues.

Registration of this Bond is transferable by the registered owner hereof in person or by his, her or its attorney duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the herein defined Bond Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds, of authorized denomination or denominations, for the like principal amount, will be issued to the transferee in exchange herefor.

This Bond, under the provisions of the Act, is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code of the State of West Virginia, but may only be transferred by transfer of registration hereof with the Bond Registrar.

This Bond has been issued under and in full compliance with the Constitution and statutes of the State of West Virginia, including, among others, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code (herein called the "Act").

IN WITNESS WHEREOF, the CITY OF CHARLESTON has caused this Bond to be executed by its Mayor and its corporate seal to be hereunto affixed or imprinted hereon and attested by its City Clerk, all as of the date hereinabove written.

CITY OF CHARLESTON

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is to certify that this Bond is one of the Bonds described in and issued under the provisions of the within-mentioned Bond Ordinance and has been duly registered in the name of the registered owner set forth above.

Dated: _____, 2009

_____,
as Registrar

By: _____
Authorized Officer

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

DATED:_____

In the presence of:

ARTICLE IV

REVENUES AND APPLICATION THEREOF; DISPOSITION OF BOND PROCEEDS; FUNDS AND ACCOUNTS

Section 4.01. Establishment of Funds and Accounts with Depository Bank. The following special funds or accounts are created and established with and shall be held by the Depository Bank, separate, distinct and apart from all other funds or accounts of the Depository Bank and from each other:

(1) Revenue Fund (established by the Prior Ordinance);

(2) Costs of Issuance Fund; and

(3) Series 2009 A Bonds Rebate Fund.

Section 4,02. Establishment of Funds and Accounts with Commission. The following special fund is hereby created and established with the Commission:

(1) Series 2009 A Bonds Sinking Fund (including a Redemption Account, if necessary).

Section 4.03. Disposition of Proceeds of Series 2009 A Bonds. Upon the issuance and delivery of the Series 2009 A Bonds, the City shall forthwith deposit the proceeds thereof as follows:

A. An amount of the proceeds of the Series 2009 A Bonds which, together with other moneys or securities deposited therein and the earnings thereon, shall be sufficient to accomplish the refunding and defeasance of the Series 1999 Bonds (which amount shall be set forth in the Escrow Agreement) shall be deposited in the Escrow Fund.

B. The balance of the proceeds of the Series 2009 A Bonds shall be deposited with the Depository Bank in the Costs of Issuance Fund and shall be drawn out, used and applied by the City solely to pay costs of issuance of the Series 2009 A Bonds and miscellaneous costs of refunding the Prior Bonds at the written direction of the City. All such costs of issuance shall be paid within 60 days of the Closing Date. Moneys not to be applied immediately to pay such costs of issuance and refunding may be invested in accordance with this Ordinance, subject however, to applicable yield restrictions as may be in effect under the Code. If for any reason such proceeds, or any part thereof, are not necessary for, or are not applied to such purpose within 6 months after the Closing Date, such unapplied proceeds shall be transferred by the City to the Redemption Accounts for the Series 2009 A Bonds. All such proceeds shall constitute a trust fund for such purposes, and there hereby is created a lien upon such moneys until so applied in favor of the Registered Owners of the Series 2009 A Bonds.

Section 4.04. Covenants of the Issuer as to Revenues and Funds, So long as any of the Series 2009 A Bonds shall be outstanding and unpaid, or until there shall have been set apart in the Series 2009 A Bonds Sinking Fund a sum sufficient to pay, when due or at the earliest practical prepayment date, the entire principal of the Bonds remaining unpaid, together with interest accrued and to accrue thereon, the Issuer further covenants with the holder of the Series 2009 A Bonds as follows:

(A) Revenue Fund. The Tax Revenues shall be deposited as collected by the Issuer in a special fund in a bank or trust company in the State of West Virginia which is a member of FDIC, which Fund, known as the "Revenue Fund" established with the Depository Bank. The Revenue Fund shall constitute a trust fund for the purposes provided herein and shall be kept separate and distinct from all other funds of the Issuer and used only for the purposes and in the manner provided herein. Provided, however, the amount of Tax Revenues on deposit in the Revenue Fund shall be sufficient to make the next deposit of interest and/or principal into the Series 2009 Bonds Sinking Fund, with any excess Tax Revenues available to the Issuer.

(B) Disposition of Revenues. The Tax Revenues at any time of interest and/or principal on deposit in the Revenue Fund shall be disposed of as follows:

The Issuer shall on or before the due date of payment of each installment of interest and/or principal on the Bonds, transfer from the Revenue Fund and simultaneously deposit into (i) the Series 1998 Bonds Sinking Fund, the amount required to pay the interest on the Series 1998 Bonds, and to amortize the principal of the Series 1998 Bonds over the life of the Series 1998 Bonds, and (ii) the Series 2009 A Bonds Sinking Fund (or such other place as may be provided pursuant to the Bonds), the amount required to pay the interest on the Series 2009 A Bonds, and to amortize the principal of the Series 2009 A Bonds over the life of the Series 2009 A Bonds.

The Commission is hereby designated as the Fiscal Agent for the administration of the Series 2009 A Bonds Sinking Fund, and the Depository Bank is hereby designated as the Fiscal Agent for the administration of the other accounts herein provided, and all amounts required the other accounts will be deposited therein by the Issuer upon transfers of funds from the Revenue Fund at the times provided herein, together with written advice stating the amount remitted for deposit into each such fund.

All the funds provided for in this Section shall constitute trust funds and shall be used only for the purposes and in the order provided herein, and until so used, the Bondholder shall have a lien thereon for further securing payment of the Bonds and the interest thereon, but the Commission and the Depository Bank shall not be a trustee as to such funds.

The Commission and the Depository Bank at the direction of the Issuer, shall keep all funds invested and reinvested to the fullest extent possible in accordance with applicable law, and to the extent practicable, in Qualified Investments having maturities consonant with the required use thereof Investments in any fund or account under this Bond Ordinance shall, unless otherwise provided herein or required by law, be valued at the lower of cost or the then current market value, or at the redemption price thereof if then redeemable at the option of the holder,

including value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held by the "consolidated fund" managed by the West Virginia Board of Treasury Investments. Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account.

(C) Change of Depository Agent and Fiscal Agent. The Issuer may designate another bank or trust company insured by FDIC as Fiscal Agent and Depository Bank if the aforesaid Bank should cease for any reason to serve or if the Governing Body determines by ordinance that said Bank or its successor should no longer serve as Fiscal Agent or Depository Bank. Upon any such change, the Governing Body will cause notice of the change to be sent by registered or certified mail to the Purchasers,

(D) Charges and Fees. The Issuer shall remit from the Revenue Fund to the Commission and to the Depository Bank such additional sums as shall be necessary to pay the charges and fees of the Commission and the Depository Bank then due.

(E) Investment of Excess Balances. The moneys in excess of the sum insured by the maximum amounts insured by FDIC in any of such funds or accounts shall at all times be secured, to the full extent thereof in excess of such insured sum, in a lawful manner for securing deposits of state and municipal funds under the laws of the State.

(F) Remittances. Any remittances made by the Issuer to the Commission and to the Depository Bank shall clearly identify the fund or account into which each amount is to be deposited,

ARTICLE V

GENERAL COVENANTS

Section 5.01. General Statement. So long as the Bonds shall be outstanding and unpaid, the covenants and agreements contained herein shall be and constitute valid and legally binding covenants between the Issuer and the Purchasers.

Section 5.02. Issuance of Additional Parity Bonds or Obligations. Additional bonds or obligations payable out of the Tax Revenues pledged toward repayment of the Series 2009 A Bonds may be issued at any time upon the Issuer's completion, execution and tender of its certificate demonstrating a debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Series 2009 A Bonds, the Series 1998 Bonds and any additional parity bonds issued during the most recent fiscal year and a projected debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Series 2009 A Bonds, the Series 1998 Bonds, any additional bonds issued and the additional parity bonds to be issued over the next 3 years. In the event that the collection of Tax Revenues falls below one hundred ten percent (110%) the City will use its best efforts to request and secure legislative approval to increase the rates and /or percentages from the different components of Tax Revenues which are paid to the City.

Section 5.03. Insurance and Bonds. The Issuer hereby covenants and agrees that it will, as an expense of construction, operation and maintenance of the Facility, procure, carry and maintain, so long as the Bonds remains outstanding, insurance with a reputable insurance carrier or carriers covering the following risks and in the following amounts:

(a) Real Property Insurance, to be procured upon any portion of the Facility now in use, in an amount equal to the full insurable value thereof. In the event of any damage to or destruction of any portion of the Facility, the Issuer will promptly arrange for the application of the insurance proceeds for the repair or reconstruction of such damaged or destroyed portion.

(b) Public Liability Insurance, with limits of not less than $500,000 for one or more persons injured or killed in one accident to protect the Issuer from claims for bodily injury and/or death, and not less than $200,000 to protect the Issuer from claims for damage to property of others which may arise from the operation of the Facility, such insurance to be procured not later than the date of delivery of the Bonds.

(c) Vehicular Public Liability Insurance, in the event the Issuer owns or operates any vehicle in the operation of the Facility, or in the event that any vehicle not owned by the Issuer is operated at any time or times for the benefit of the Issuer, with limits of not less than $500,000 for one or more persons injured or killed in one accident to protect the Issuer from claims for bodily injury and/or death, and not less than $200,000 to protect the Issuer from claims for damage to property of others which may arise from such operation of vehicles, such insurance to be procured prior to acquisition or commencement of operation of any such vehicle for the Issuer,

(d) Workers' Compensation Coverage for all Employees of the City Eligible Therefor and Performance and Payment Bonds. Workers' compensation insurance will be maintained as required by the laws of the State of West Virginia

(e) Fidelity Bonds will be provided as to every member of the Governing Body and every officer and employee of the City having custody of the Revenue Fund or of any revenues or other funds of the Facility in an amount at least equal to the total annual debt service requirements for all outstanding loans.

(f) Flood Insurance to be procured, to the extent available at reasonable cost to the Issuer.

(g) Provided, however, and in lieu of and notwithstanding the foregoing provisions of this Section and so long as the Bonds are outstanding, the Issuer will carry insurance and Bonds or cause insurance and Bonds to be carried for the protection of the Issuer of such types and in such amounts as the Purchasers may specify, with insurance carriers or Bonding companies acceptable to the Purchasers.

Section 5.04. Statutory Mortgage. For the further protection of the holders of the Bonds, a statutory mortgage lien upon the Tax Revenues is granted and created by the Act, which statutory mortgage lien is hereby recognized and declared to be valid and binding and shall take

effect immediately upon delivery of the Bonds. Such statutory mortgage lien shall be on a parity with the statutory mortgage lien granted on behalf of the holders of the Series 1998 Bonds.

Section 5.05. Events of Default. Each of the following events is hereby declared an "Event of Default":

(A) Failure to make payment of any monthly amortization installment at the date specified for payment thereof on the Series 2009 A Bonds, the Series 1998 Bonds or any additional parity bonds issued and/or;

(B) Failure duly and punctually to observe or perform any of the covenants, conditions and agreements on the part of the Issuer contained in the Bonds or herein, or violation of or failure to observe any provision of any pertinent law or of this Bond Ordinance.

Section 5.06. Enforcement. Upon the happening of any Event of Default specified above, then, and in every such case, the Registered Owner may proceed to protect and enforce its rights by an appropriate action in any court of competent jurisdiction, either for the specific performance of any covenant or agreement, or execution of any power, or for the enforcement of any proper legal or equitable remedy as shall be deemed most effectual to protect and enforce such rights and shall have all rights prescribed by the Act, W.Va. Code and other applicable law.

Section 5.07. Reserved.

Section 5.08. Tax Covenants as to Tax Exempt Status of Bonds.

1. The Issuer covenants that (a) it shall not permit or cause to be done any act or thing which would result in the loss of exemption from tax of interest on the Bonds under Section 103(a) of the Internal Revenue Code and the regulations thereunder, or under any successor or similar provision of the Internal Revenue Code hereinafter enacted and applicable to the Bonds and regulations thereunder (b) it shall not invest or otherwise use or permit or cause to be invested or used, any of the proceeds of the Bonds, or moneys deemed to be proceeds of the Bonds under the Internal Revenue Code, directly or indirectly, in any manner which would result in such Bonds being classified as an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Service Code or regulations thereunder, and each shall comply with the requirements of such Section and (c) no part of the proceeds of the Bonds or any funds held under the Ordinance shall at any time be used directly or indirectly for any purpose for which would cause the Bonds to be subject to treatment as a "private activity bond" under the Internal Revenue Code or regulations thereunder and to that end the Issuer will comply with the applicable law as long as the Bonds are outstanding.

2. The Issuer hereby further covenants and agrees as follows:

A. PRIVATE BUSINESS USE LIMITATION. The Issuer shall assure that (i) not in excess of ten percent (10%) of the Net Proceeds of the Bonds are used for private business use if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Bonds during the term thereof is, under the terms of the Bonds or any

underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a private business use or in payments in respect of property used or to be used for a private business use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for a private business use, and that (ii) in the event that both (A) in excess of five percent (5%) of the Net Proceeds of the Bonds are used for a private business use, and (B) an amount in excess of five percent *(5%)* of the principal or five percent (5%) of the interest due on the Bonds during the term thereof is, under the terms of the Bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said private business use or in payments in respect of property used or to be used for the Issuer in respect of property or borrowed money used or to be used for said private business use, then said excess over said five percent (5%) of Net Proceeds of the Bonds used for a private business use shall be used for a Private Business Use related to the governmental use of the Project, or if the Bonds are for the purpose of financing more than one project, a portion of the Project, and shall not exceed the proceeds used for the governmental use of that portion of the Project to which such private business use is related.

B. PRIVATE LOAN LIMITATION. The Issuer shall assure that not in excess of five percent (5%) of the Net Proceeds of the Bonds are used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Investments) to persons other than state or local governmental units.

C. FEDERAL GUARANTEE PROHIBITION. The Issuer shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Bonds to be "federally guaranteed" within the meaning of Section 149 (b) of the Code and Regulations promulgated thereunder.

D. INFORMATION RETURN. The Issuer will file all statements, instruments and returns necessary to assure the tax-exempt status of the Bonds and the interest thereof including without limitation, the information return required under Section 149(e) of the Code.

E. FURTHER ACTIONS. The Issuer will take any and all actions that may be required of it (including those deemed necessary by the Holder) so that the interest on the Bonds will be and remain excludable from gross income for federal income tax purposes, and will not take any actions, or fail to take any actions (including those determined by the Holder) which would adversely affect such exclusion.

Section 5.09. Designation of Series 2009 A Bonds as "Qualified Tax-Exempt Obligations". The City hereby designates the Series 2009 A Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3)(B) of the Code and covenants that the Series 2009 A Bonds do not constitute private activity bonds as defined in Section 141 of the Code, and that not more that $30,000,000 in aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income tax purposes (excluding, however, obligations issued to currently refund any obligation of the City to the extent the amount of the refunding obligation does not exceed the amount of the refunded obligation and private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code), including the Series 2009 A Bonds, have

been or shall be issued by the City, including all subordinate entities of the City, during the calendar year 2009.

ARTICLE VI

INVESTMENTS; NON-ARBITRAGE

Section 6.01. Investments. Any moneys held as a part of the funds and accounts created by this Ordinance, other than the Revenue Fund, shall be invested and reinvested by the Commission, the Depository Bank, or such other bank or national banking association holding such fund or account, as the case may be, at the written direction of the City in any Qualified Investments to the fullest extent possible under applicable laws, this Ordinance, the need for such moneys for the purposes set forth herein and the specific restrictions and provisions set forth in this Section 6.01.

Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and the interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account. The investments held for any fund or account shall be valued at the lower of cost or then current market value, or at the redemption price thereof if then redeemable at the option of the holder, including the value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held in the "Consolidated Fund." The Commission shall sell and reduce to cash a sufficient amount of such investments whenever the cash balance in any fund or account is insufficient to make the payments required from such fund or account, regardless of the loss on such liquidation. The Depository Bank may make any and all investments permitted by this section through its own bond department and shall not be responsible for any losses from such investments, other than for its own negligence or willful misconduct.

The Depository Bank shall keep complete and accurate records of all funds, accounts and investments, and shall distribute to the City, at least once each year, or more often as reasonably requested by the City, a summary of such funds, accounts and investment earnings. The City shall retain all such records and any additional records with respect to such funds, accounts and investment earnings so long as any of the Series 2009 A Bonds are Outstanding and as long thereafter as necessary to comply with the Code and to assure the exclusion of interest on the Series 2009 A Bonds from gross income for federal income tax purposes.

Section 6.02. Arbitrage. The City covenants that (i) it will restrict the use of the proceeds of the Series 2009 A Bonds in such manner and to such extent as may be necessary, so that the Series 2009 A Bonds will not constitute "arbitrage bonds" under Section 148 of the Code and the Regulations prescribed thereunder, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a federal information return with respect to the Series 2009 A Bonds) so that the interest on the Series 2009 A Bonds will be and remain excluded from gross income for federal income tax purposes, and will not take any actions which would adversely affect such exclusion.

Section 6.03. Tax Certificate and Rebate. The City shall deliver a certificate of arbitrage, a tax certificate or other similar certificate to be prepared by nationally recognized bond counsel or tax counsel relating to payment of arbitrage rebate and other tax matters as a condition to issuance of the Series 2009 A Bonds. In addition, the City covenants to comply with all Regulations from time to time in effect and applicable to the Series 2009 A Bonds as may be necessary in order to fully comply with Section 148(f) of the Code, and covenants to take such actions, and refrain from taking such actions, as may be necessary to fully comply with such Section 148(f) of the Code and such Regulations, regardless of whether such actions may be contrary to any of the provisions of this Ordinance.

The City shall calculate, annually, the rebatable arbitrage, determined in accordance with Section 148(f) of the Code. Upon completion of each such annual calculation, the City shall deposit, or cause to be deposited, in the respective Rebate Fund such sums as are necessary to cause the aggregate amount on deposit in such Rebate Funds to equal the sum determined to be subject to rebate to the United States, which, notwithstanding anything herein to the contrary, shall be paid from investment earnings on the underlying fund or account established hereunder and on which such rebatable arbitrage was earned or from other lawfully available sources. Notwithstanding anything herein to the contrary, such Rebate Funds shall be held free and clear of any lien or pledge hereunder and used only for payment of rebatable arbitrage to the United States. The City shall pay, or cause to be paid, to the United States, from such Rebate Funds, the rebatable arbitrage in accordance with Section 148(f) of the Code and such Regulations. In the event that there are any amounts remaining in such Rebate Funds following all such payments required by the preceding sentence, the Depository Bank shall pay said amounts to the City to be used for any lawful purpose. The City shall remit payments to the United States in the time and at the address prescribed by the Regulations as the same may be from time to time in effect with such reports and statements as may be prescribed by such Regulations. In the event that, for any reason, amounts in such Rebate Funds are insufficient to make the payments to the United States which are required, the City shall assure that such payments are made by the City to the United States, on a timely basis, from any funds lawfully available therefor. The City at its expense, may provide for the employment of independent attorneys, accountants or consultants compensated on such reasonable basis as the City may deem appropriate in order to assure compliance with this Section 6.03. The City shall keep and retain, or cause to be kept and retained, records of the determinations made pursuant to this Section 6.03 in accordance with the requirements of Section 148(f) of the Code and such Regulations. In the event the City fails to make such rebates as required, the City shall pay the required rebate amounts and any and all penalties and interest from lawfully available sources, and obtain a waiver from the Internal Revenue Service, if necessary, in order to maintain the exclusion of interest on the Series 2009 A Bonds from gross income for federal income tax purposes.

ARTICLE VII

MISCELLANEOUS

Section 7.01. Defeasance of Bonds. If the Issuer shall pay or there shall otherwise be paid, to the Holder of the Bonds, the principal of and interest due or to become due thereon, at the times and in the manner stipulated therein and in this Bond Ordinance, then with respect to the Bonds, the pledge of Tax Revenues and other moneys and securities pledged under this Bonds Ordinance and all covenants, agreements and other obligations of the Issuer to the Registered Owner of the Bonds, shall thereupon cease, terminate and become void and be discharged and satisfied.

Section 7.02. Reserved.

Section 7.03. Delivery of Bonds. The Mayor and City Clerk of the Governing Body are hereby authorized and directed to cause the Series 2009 A Bonds to be delivered to the Registered Holder as soon as the Purchasers will accept such delivery.

Section 7.04. Severability of Invalid Provision. If any one or more of the covenants, agreements or provisions hereof should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions hereof and shall in no way affect the validity of all the other provisions hereof or the Bonds,

Section 7.05. Conflicting Provisions Repealed. All ordinances and orders, or parts thereof, in conflict with the provisions hereof are, to the extent of such conflicts, hereby repealed.

Section 7.06. Table of Contents and Headings. The Table of Contents and headings of the articles, sections and subsections hereof are for convenience only and shall neither control nor affect in any way the meaning or construction of any of the provisions hereof.

Section 7.07. Modification or Amendment. The Bond Ordinance may not be modified or amended in any material manner after final passage without the prior written consent of the Purchasers and/or holder of the Bonds,

Section 7.08. Covenant of Due Procedure. Etc. The Issuer 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 applicable thereto; and that the Mayor, City Clerk and members of the Governing Body were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 7.09. Supplemental Resolutions. The Issuer may pass such supplemental resolutions, if necessary, to effectuate the purposes and intent of this Ordinance.

Section 7.10. Effective Time. This Ordinance shall take effect immediately upon its adoption.

Section 7.11 Statutory Notice and Public Hearing. A notice of public hearing and abstract of this Bond Ordinance in the form set forth in Exhibit A attached hereto and incorporated by reference, shall be published once a week for two (2) successive weeks within a period of fourteen (14) consecutive days, with at least six (6) full days intervening between each publication, in the Charleston Gazette, a qualified newspaper published and of general circulation in the City of Charleston, together with a notice stating that this Bond Ordinance will be adopted and that the Issuer contemplates the issuance of the Bonds, and that any person interested may appear before the City Council upon a date certain, not less than ten (10) days subsequent to the date of the first publication of such notice and abstract of this Bond Ordinance, and present protests, and that a certified copy of the Ordinance is on file with the Governing Body for review by interested persons during office hours of the Governing Body. At such hearing, all objection and suggestions will be heard, and the Governing Body shall take such action as it shall deem proper in the premises.

Passed on First Reading – October 19, 2009.

Passed on Second Reading – November 2, 2009.

Passed Following Public Hearing – November 16, 2009.

THE CITY OF CHARLESTON

[SEAL]

By: _____
Mayor

Attest:

By: _____
City Clerk

CERTIFICATION

I, James W. Reishman, City Clerk of The City of Charleston, hereby certify that the foregoing is a true and correct copy of an Ordinance enacted at a meeting of the City Council of The City of Charleston held on November 2, 2009, and effective following a public hearing thereon held on November 16, 2009. I further hereby certify that the action of said City Council set forth therein remains in full force and effect and has not been amended or repealed.

WITNESS my signature on this 17th day of December, 2009.

James W. Reishman
Clerk

{C1612611.1}

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

The foregoing instrument was acknowledged before me this 14 day of December, 2009, by Danny Jones, the Mayor of The City of Charleston, a municipal corporation and a political subdivision of the State of West Virginia, on behalf of said municipality.

My commission expires December 20, 2016.

Donna M. O'Bryan
NOTARY PUBLIC

OFFICIAL SEAL
STATE OF WEST VIRGINIA
NOTARY PUBLIC
DONNA M. O'BRYAN
CITY OF CHARLESTON
CITY HALL; P. O. BOX 2749
CHARLESTON, WV 25330
My commission expires December 20, 2016

Prepared by:
S. Ryan White, Esquire
JACKSON KELLY PLLC
P.O. Box 553
1600 Laidley Towner
Charleston, WV 25322

{C1612611.1}

EXHIBIT A

THE CITY OF CHARLESTON, WEST VIRGINIA

NOTICE OF PUBLIC HEARING AND ABSTRACT OF BOND ORDINANCE

Notice is hereby given to any person interested that on November 2, 2009, the Council of The City of Charleston, West Virginia (the "City") adopted an ordinance which, among other things:

1. Authorizing the refunding of the Civic Center Improvement Bonds, Series 1999 of The City of Charleston; authorizing the issuance of not more than $3,500,000 in Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such purposes, to finance the cost of such refunding and to pay other costs of issuance; providing for the rights and remedies of and security for the holders of such bonds, providing a statutory mortgage lien on specified tax revenues dedicated for such purposes and providing general terms and providing when the ordinance shall take effect.

2. Directed that the Series 2009 A Bonds be issued in such principal amounts, bear interest at such rate or rates, not exceeding the then legal maximum rate, mature on such dates and in such amounts and redeemable, in whole or in part, as prescribed in a supplemental resolution.

3. Directed the continuation of the Revenue Fund and the disposition of the Tax Revenues; provided for the payment of operating expenses; provided for the monthly payment of principal and interest when due; provided for the creation of a Sinking Fund for the Series 2009 A Bonds.

4. Provided that the Series 2009 A Bonds shall not be or constitute a corporate indebtedness of the City within the meaning of any constitutional or statutory provision or limitation, but shall be payable solely from the pledged Tax Revenues; pledged the Tax Revenues to payment of the Series 2009 A Bonds and established the rights of the registered owners of the Bonds to such Tax Revenues.

5. Provided certain conditions for the issuance of additional bonds.

6. Established the events of default and the remedies of the registered owners.

The City contemplates the issuance of the Series 2009 A Bonds described in, and under the conditions set forth in the Ordinance abstracted above. Any person interested may appear before the Council of the City of Charleston at a regular meeting on November 16, 2009,

at 7:00 p.m., in the Council Chambers, City Hall, Charleston, West Virginia, and present protests and be heard as to whether the above-described Ordinance shall be put into effect.

A certified copy of the Ordinance as adopted by the Council of City on November 2, 2009, is on file with the City Clerk for review by interested persons at the City Hall during regular office hours, to-wit: 8:00 a.m. to 4:00 p.m., Monday through Friday.

James M. Reishman
City Clerk -- The City of Charleston, West Virginia

City of Charleston
Office of the City Clerk
P.O. Box 2749
Charleston, WV 25330
(304) 348-8179

I, the undersigned City Clerk of Charleston, do hereby certify that the foregoing is a true, correct and complete copy of Resolution No. 679-09, enacted by the City Council of the City of Charleston on December 7, 2009.

Witness the signature of the undersigned City Clerk of the City of Charleston, West Virginia, and the seal of the City, this 14th day of December, 2009.

James M. Reishman
City Clerk

Seal

COMMITTEE REPORT

TO: **Clerk of the Council of the City of Charleston, West Virginia**

FROM: **The Committee on FINANCE**

Your Committee on **Finance**

has had under consideration: Resolution No. 679-09, supplementing Bill No. 7403 passed by the Council of The City of Charleston on November 2, 2009, effective November 16, 2009, authorizing the refunding of the Civic Center Improvement Bonds, Series 1999, of The City of Charleston; and authorizing the issuance of Civic Center Improvement Refunding Bonds, Series 2009 A, of The City of Charleston, in the amount of not to exceed $3,500,000, to finance the cost of such refunding and the cost of issuance for such bonds; defining and prescribing or providing for the terms and provisions of the bonds; providing generally for the rights and remedies and security of the holders of the bonds; providing a statutory mortgage lien on specified tax revenues dedicated for such purposes; designating such bonds as qualified tax-exempt obligations; delegating certain authority regarding the bonds to the Mayor and the City Manager; and providing general terms and providing when this ordinance shall take effect.

and reports the same to Council with the recommendation that the committee report be adopted

CHAIRMAN

Resolution No. 679-09 :

Introduced in Council:

December 7, 2009

Adopted by Council:

December 7, 2009

Introduced by:

Robert Reishman

Referred to:

A resolution supplementing Bill No. 7403 passed by the Council of The City of Charleston on November 2, 2009, effective November 16, 2009, authorizing the refunding of the Civic Center Improvement Bonds, Series 1999, of The City of Charleston; and authorizing the issuance of Civic Center Improvement Refunding Bonds, Series 2009 A, of The City of Charleston, in the amount of not to exceed $3,500,000, to finance the cost of such refunding and the cost of issuance for such bonds; defining and prescribing or providing for the terms and provisions of the bonds; providing generally for the rights and remedies and security of the holders of the bonds; providing a statutory mortgage lien on specified tax revenues dedicated for such purposes; designating such bonds as qualified tax-exempt obligations; delegating certain authority regarding the bonds to the Mayor and the City Manager; and providing general terms and providing when this ordinance shall take effect.

WHEREAS, the Council (the "Council") of The City of Charleston, West Virginia (the "City" or the "Issuer"), on November 2, 2009, effective November 16, 2009, adopted Bill No. 7403, which Ordinance authorized the issuance of The City of Charleston Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), in an aggregate principal amount not to exceed $3,500,000, to finance the cost of currently refunding the City's Civic Center Improvement Bonds, Series 1999 (the "Series 1999 Bonds"), to pay other costs in connection therewith, and all as more fully set out therein (said Ordinance is hereinafter referred to as the "Ordinance");

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meanings set forth in the Ordinance when used herein;

WHEREAS, the Ordinance directed the City Clerk to publish an abstract of the Ordinance (the "Abstract"), together with a notice that the Ordinance has been adopted, that the Issuer contemplates the issuance of the Series 2009 A Bonds as described in the Ordinance and that any person interested may appear before the Council upon a certain day and present protests (the "Notice");

WHEREAS, the Ordinance required that the Abstract and Notice be published once a week for two successive weeks, with at least six full days intervening between each publication in the Charleston Gazette, a qualified newspaper published and of general circulation in the City of Charleston, West Virginia, and the first publication of such Abstract and Notice was to be not less than ten (10) days before the date set by the Ordinance and the Notice at which interest persons may appear before the City Council and present protests;

WHEREAS, the Abstract and Notice was published on November 5, 2009, and November 12, 2009;

WHEREAS, the Notice provided for a public hearing to be held before City Council at 7:00 p.m. on Monday, November 16, 2009, in the Council Chambers, City Hall, Charleston, West Virginia, which hearing was held and no protests were received;

WHEREAS, the Ordinance provides that matters relating to the Series 2009 A Bonds not set forth in the Ordinance shall be approved by a resolution supplemental thereto (the "Supplemental Resolution");

WHEREAS, the Series 2009 A Bonds are proposed to be purchased by Crews & Associates, Inc. (the "Original Purchaser"), pursuant to a Bond Purchase Agreement (the "Purchase Agreement") between the Original Purchaser and the City;

WHEREAS, this Council wishes to delegate to the Mayor the authority to approve, within the parameters set forth herein, the final terms of the Series 2009 A Bonds, including the exact principal amount, interest rates, redemption provisions, maturities, purchase price and other terms of the Series 2009 A Bonds as set forth in the form of the Certificate of Determination attached hereto, without the requirement of further official action by this Council; and

WHEREAS, this City Council deems it essential and desirable that this Supplemental Resolution be adopted, that the exact principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of the Series 2009 A Bonds be fixed as stated herein, that the principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of the Series 2009 A Bonds be fixed by the Mayor, by and through the execution of Certificates of Determination, within the parameters fixed herein, and that other matters relating to the Series 2009 A Bonds be herein provided for.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA, AS FOLLOWS:

1. It is hereby found and determined:

(a) The Abstract and Notice were duly published in the The Charleston Gazette, a newspaper of general circulation in The City of Charleston, West Virginia, with the first publication thereof being on November 5, 2009, and with the last publication thereof being on November 12, 2009, and a copy of the affidavit of publication reflecting such publication is attached hereto and incorporated herein as EXHIBIT A;

(b) In accordance with the Ordinance and the Notice, a copy of the Ordinance was maintained at the Office of the City Clerk for review by interested persons during the regular office hours of such office;

(c) At 7:00 p.m., prevailing time, on Monday, November 16, 2009, in the Council Chambers, Charleston, West Virginia, in accordance with the Ordinance and the Notice, City Council met for the purpose of hearing protests and suggestions regarding whether the Ordinance should be put into effect and heard all protests and suggestions with regard thereto;

(d) At the public hearing, no significant reasons and no written protest with regard thereto were presented that would require other modification or amendment of the Ordinance; and

(e) That the Ordinance has been placed into effect as of November 16, 2009, as ratified by this Supplemental Resolution and the Series 2009 A Bonds contemplated thereby shall be issued, all as provided in the Ordinance and this Supplemental Resolution.

2. Pursuant to the Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued:

The City of Charleston Civic Center Improvement Refunding Revenue Bonds, Series 2009 A shall be issued in such aggregate principal amount not to exceed $3,500,000, shall be dated such date, shall finally mature on December 1, 2024, shall bear interest and prices with interest payable on such dates, and shall have such redemption provisions and other terms as shall be approved by the Mayor or the City Manager in the Certificate of Determination the form of which is attached hereto as EXHIBIT B; provided that such price shall be such that the net present value savings from the Bonds to Be Refunded is not less than 2.5%.

3. The Mayor or the City Manager of The City of Charleston, West Virginia (the "Mayor") is hereby authorized and directed to set forth the exact principal amount, the maturities, the interest rates, the redemption provisions, the price, and other

terms and details of the Series 2009 A Bonds, subject to the parameters set forth herein in the Certificate of Determination, substantially in the form attached hereto as EXHIBIT B and incorporated herein, to be executed and delivered in connection with the sale of the Series 2009 A Bonds. Assuming such parameters are met, the Certificate of Determination shall have full force and effect as if adopted as a part of this Supplemental Resolution.

4. All other provisions relating to the Series 2009 A Bonds and the text of the Series 2009 A Bonds shall be as provided in the Ordinance, and the Series 2009 A Bonds shall be in substantially the form provided in the Ordinance, with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Series 2009 A Bonds by the Mayor shall be conclusive evidence of such approval.

5. A Bond Purchase Agreement for the Series 2009 A Bonds, by and between the Original Purchaser and the Issuer, the form of which is attached hereto as EXHIBIT C and incorporated herein, and the execution and delivery by the Mayor or the City Manager thereof shall be and the same are hereby authorized, approved, and directed. The Mayor or the City Manager shall execute and deliver the Purchase Agreement for the Series 2009 A Bonds with such changes, insertions and omissions as may be approved by the Mayor or the City Manager. The execution of the Purchase Agreement for the Series 2009 A Bonds by the Mayor or the City Manager shall be conclusive evidence of any approval required by this Section, and authorization of any action required by the Purchase Agreement relating to the issuance and sale of the Series 2009 A Bonds, including the payment of all necessary fees and expenses in connection therewith.

6. A Continuing Disclosure Certificate of the Issuer, for the Series 2009 A Bonds, to be dated as of the date of delivery of the Series 2009 A Bonds, the form of which is attached hereto as EXHIBIT D and incorporated herein, and the execution and delivery by the Mayor or the City Manager thereof shall be and the same are hereby authorized, approved and directed. The Mayor or the City Manager shall execute and deliver the Continuing Disclosure Certificate for the Series 2009 A Bonds with such changes, insertions and omissions as may be approved by the Mayor or the City Manager. The execution of the Continuing Disclosure Certificate for the Series 2009 A Bonds by the Mayor or the City Manager shall be conclusive evidence of any approval required by this Section.

7. The Escrow Agreement by and between the Issuer and the West Virginia Municipal Bond Commission as Escrow Agent, to be dated as of the date of delivery of the Series 2009 A Bonds, substantially in the form attached as EXHIBIT E, and the execution and delivery (in multiple counterparts) by the Mayor or the City Manager thereof shall be and the same are hereby authorized, approved and directed. The Mayor or the City Manager shall execute and deliver the Escrow Agreement with

such changes, insertions and omissions as may be approved by the Mayor or the City Manager. The execution of the Escrow Agreement by the Mayor or the City Manager shall be conclusive evidence of any approval required by this Section.

8. A Preliminary Official Statement and an Official Statement for the Series 2009 A Bonds, in substantially the form of the Preliminary Official Statement attached hereto as EXHIBIT F and incorporated herein (with such changes, insertions and omissions as may be necessary or advisable in the opinion of the Mayor or the City Manager), and the distribution of counterparts or copies thereof by the Original Purchaser are hereby approved. The Mayor or the City Manager shall execute and deliver the Official Statement for the Series 2009 A Bonds with such changes, insertions and omissions as may be approved by the Mayor or the City Manager. The execution of the Official Statement for the Series 2009 A Bonds by the Mayor or the City Manager shall be conclusive evidence of any approval required by this Section.

9. City Council hereby appoints and designates The Bank of New York Mellon, West Paterson, New Jersey, to serve as Registrar (the "Registrar") and Depository Bank for the Series 2009 A Bonds and authorizes the Mayor or the City Manager to enter into the Registrar Agreement as deemed appropriate by the Mayor or the City Manager.

10. Upon redemption of the Series 1999 Bonds, all funds remaining in the Series 1999 Bonds Escrow Fund shall be transferred to Series 2009 A Bonds Sinking Fund and applied to the next ensuing interest payment.

11. City Council hereby determines to invest all moneys in the funds and accounts established by the Ordinance held by the Bond Commission in Qualified Investments (except for the Escrow Funds).

12. City Council hereby approves all costs of issuance in connection with the Series 2009 A Bonds and authorizes the payment thereof.

13. The Escrow Agent is hereby authorized to mail the notice of redemption of the Series 1999 Bonds as provided in the Prior Ordinance in order to call the Series 1999 Bonds on or about January 17, 2009.

14. The Issuer shall execute and the Registrar shall authenticate and deliver the Series 2009 A Bonds, as may be directed by the Issuer, upon the filing with the Registrar of the following:

(i) A copy of the Ordinance certified by the City Clerk of the Issuer;

(ii) The Series 2009 A Bonds;

(iii) A list of the names in which the Series 2009 A Bonds are to be registered upon original issue;

(iv) A request and authorization to the Registrar by the Issuer, signed by the Mayor, to authenticate and deliver the Series 2009 A Bonds to the Original Purchaser upon payment of the Purchase Price; and

(v) A signed, unqualified approving opinion of Jackson Kelly PLLC, as bond counsel.

15. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such other documents and certificates required as desirable in connection with the issuance and sale of the 2009 A Bonds to the end that the Series 2009 A Bonds may be delivered on a timely basis to the Original Purchaser pursuant to the Bond Purchase Agreement.

16. This Supplemental Resolution shall go into effect immediately upon adoption.

Adopted this 7th day of December, 2009.

EXHIBIT A

Affidavit of Publication

[See Tab No. 10]

EXHIBIT B

Form of
Certificate of Determination

THE CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

CERTIFICATE OF DETERMINATION

The undersigned, Danny Jones, Mayor of The City of Charleston (the "City"), in accordance with Section 2 of the Supplemental Resolution adopted by the Council of the City on _____, 2009 (the "Supplemental Resolution"), with respect to The City of Charleston (West Virginia) Civic Center Improvement Refunding Bonds, Series 2009 A, hereby finds and determines as follows:

1. The Series 2009 A Bonds shall be dated as of the date of delivery.

2. The Series 2009 A Bonds shall be issued in the aggregate principal amount of $_____ . Such principal amount does not exceed $3,500,000, being the maximum principal amount authorized by the Supplemental Resolution.

3. The yield on the Series 2009 A Bonds shall be _____% which provides a net present value savings of _____% which is not less than 2.5% being the minimum net present value savings authorized by the Supplemental Resolution.

4. The Series 2009 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.

5. The Series 2009 A Bonds shall bear interest at the rates and produce the yields set forth on Schedule 1 attached hereto and incorporated herein.

6. The Series 2009 A Bonds shall be subject to optional and mandatory redemption as set forth on Schedule 2 attached hereto and incorporated herein.

7. The Series 2009 A Bonds shall be sold to Crews & Associates, Inc. (the "Underwriter"), pursuant to the terms of the Purchase Agreement by and between the Underwriter and the City, at an aggregate purchase price of $_____ (representing par value less an Underwriter's discount of $_____ and a net original issue discount of $_____).

8. Based upon the actual principal amount, maturity schedule and interest rates for the Series 2009 A Bonds, attached hereto, it is hereby determined that

the Series 2009 A Bonds show a net savings to the Issuer after deducting all expenses of the refunding.

9. The City shall provide a notice of redemption to the registered owners of the Issuer's Civic Center Improvement Bonds, Series 1999 (the "Series 1999 Bonds"), said notice to be mailed no earlier than three days after the issuance of the Series 2009 A Bonds and the notice shall provide that the Series 1999 Bonds will be exchanged for the payment of the Redemption Price of the Series 1999 Bonds.

The undersigned hereby certifies that the foregoing terms and conditions of the Series 2009 A Bonds are within the parameters prescribed by the Supplemental Resolution, and the Series 2009 A Bonds may be issued with such terms and conditions as authorized by the Supplemental Resolution.

Upon the delivery of the Series 2009 A Bonds:

(a) All funds on deposit with the West Virginia Municipal Bond Commission (the "Bond Commission") in the Debt Service Fund established and existing for the Series 1999 Bonds shall be transferred to the Series 1999 Bonds Escrow Account and be used to pay the redemption price of 102% of the outstanding principal on all Outstanding Series 1999 Bonds plus interest accrued to the Redemption Date on the Outstanding Series 1999 Bonds on _____, 2010;

(b) Proceeds of the Series 2009 A Bonds in the amount of $_____ shall be deposited in the Series 1999 Bonds Escrow Account and be used to pay the redemption price of 102% of the outstanding principal on all Outstanding Series 1999 Bonds plus interest accrued to the Redemption Date on the Outstanding Series 1999 Bonds on _____, 2010;

(c) The remaining proceeds of the Series 2009 A Bonds shall be deposited in the Cost of Issuance Fund and be used for paying costs of issuance of the Series 2009 A Bonds.

WITNESS my signature this ____ day of _____, 2009.

THE CITY OF CHARLESTON

_____
Mayor

Schedule 1

Maturity Schedule

Series 2009 A Bonds

Maturity	Amount	Interest Rate	Price or Yield	CUSIP No.

Schedule 2

Optional Redemption

At the option of the City, the Series 2009 A Bonds are subject to redemption prior to maturity on or after _____ 1, 20__, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus, interest, if any, accrued to the date of redemption.

Mandatory Sinking Fund Redemption

The Series 2009 A Bonds maturing on _____, _____ ("Term Bonds") are subject to mandatory redemption prior to maturity, by lot, from the Redemption Account at a Redemption Price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption and in the amounts set forth below:

20 - - Terms Bonds

Year	Amount	Year	Amount

*Stated maturity.

EXHIBIT C

Form of

Bond Purchase Agreement

[See Tab No. 15]

EXHIBIT D

Form of

Continuing Disclosure Certificate

[See Tab No. 18]

EXHIBIT E

Form of

Escrow Agreement

ESCROW AGREEMENT

This AGREEMENT, made and entered into the 17th day of December, 2009, by and between THE CITY OF CHARLESTON, WEST VIRGINIA (hereinafter referred to as the "City") and the WEST VIRGINIA MUNICIPAL BOND COMMISSION (hereinafter referred to as the "Escrow Trustee" or "Escrow Agent").

W I T N E S S E T H T H A T:

WHEREAS, pursuant to Bill No. _____ adopted on December 6, 1999 (the "Series 1999 Ordinance"), the City issued its Civic Center Improvement Bonds, Series 1999, dated _____, 1999, in the original principal amount of $_____, of which $3,115,000 is currently outstanding (the "Series 1999 Bonds");

WHEREAS, the Series 1999 Bonds mature on the dates and bear interest at the rates set forth in Schedule A hereto and are subject to optional redemption at the price of 102% plus interest accrued to the redemption date (the "Redemption Price") on and after December 1, 2009;

WHEREAS, the City has determined to issue its Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), pursuant to Ordinance No. _____ adopted November 2, 2009, effective November 16, 2009, as supplemented by resolution adopted on _____, 2009 (collectively, the "Ordinance"), the proceeds of which will be used to refund the Series 1999 Bonds;

WHEREAS, the City shall prepay and defease the Series 1999 Bonds by depositing with the Escrow Agent on December 17, 2009 (the "Closing Date") a portion of the proceeds of the Series 2009 A Bonds in the amount of $_____ (the "Redemption Deposit Amount"), which amount will be deposited by the Escrow Agent in the Escrow Fund, and a portion of the proceeds of the Series 2009 A Bonds in the amount of $_____ (the "Paying Agent Fees"), which amount shall be applied to fees due and owing the Municipal Bond Commission as Paying Agent for the Series 1999 Bonds;

WHEREAS, the City has found it desirable to appoint the Escrow Trustee for the purposes of holding the monies used for redemption, receiving payment of the principal thereof and interest thereon when due, disbursing to the paying agents such amounts as may be necessary to provide for the redemption of the Series 1999 Bonds;

WHEREAS, the Redemption Deposit Amount, along with funds then already on deposit in the Series 1999 Bonds Sinking Fund, therein in the total amount of $_____, are in such amounts as to insure the payment on _____, 2010 (the "Redemption Date") by the Registrar, pursuant to the Ordinance of the Redemption Price; and

WHEREAS, the City has taken all action necessary to appoint and designate the Commission as the Escrow Trustee to accomplish such purposes;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, and in order further to secure payment of the Series 1999 Bonds, as heretofore provided, the parties hereto mutually undertake, promise and agree for themselves, their respective representatives, successors and assigns, as follows:

1. Receipt of true and correct copies of the Ordinance and the Prior Ordinances are hereby acknowledged by the Escrow Trustee. Reference herein to or citation herein of any provisions of either the Prior Ordinances or the Ordinance shall be deemed to incorporate the same as a part hereof in the same manner and with the same effect as if the same were fully set forth herein.

2. There is hereby created and established with the Escrow Trustee a special and irrevocable trust fund designated the "The City of Charleston, West Virginia, Series 1999 Civic Center Improvement Revenue Bonds Escrow Fund" (hereinafter referred to as the "Escrow Fund"), to be held in the custody of the Escrow Trustee, separate and apart from other funds of the City, the Commission or the Escrow Trustee. The deposit of investments or moneys in the Escrow Fund shall constitute an irrevocable deposit of said investments or moneys in trust for, and such moneys and the investments thereof, together with any income or interest earned thereon, shall be applied, except as otherwise provided herein, to, the redemption of the Series 1999 Bonds.

3. Concurrently with the delivery of the Series 2009 A Bonds, the City shall deposit and cause to be deposited $_____ from the proceeds of sale of the Series 2009 A Bonds, and $_____ from the sinking fund created and maintained on account of the Series 1999 Bonds into the Escrow Fund with the Escrow Trustee (total deposit $_____), and the Escrow Trustee shall deposit such funds. _____, Charleston, West Virginia, independent certified public accountants, have certified, in their letter dated _____, 2009, attached hereto as Schedule C, that the funds to be deposited in the Escrow Fund, will be sufficient to pay the Redemption Price as required by the Series 1999 Ordinance.

4. The transferred funds shall be credited to the Escrow Fund. The Escrow Trustee shall deposit any proceeds (whether principal, interest or otherwise) derived from the Qualified Investments (as such term is defined in the Series 1999 Ordinance) in the Escrow Fund.

5. The Escrow Trustee shall deposit directly with the paying agent or agents therefor, in immediately available funds, from the amounts held in the Escrow Fund on _____, 2009, the amount necessary to pay the Redemption Price on the Series 1999 Bonds in accordance with the Series 1999 Ordinance and in accordance with the attached Schedule A.

6. The holders of the Series 1999 Bonds shall have an express lien on all moneys and assets in the Escrow Fund until paid out, used and applied in accordance with this Agreement.

7. After the payment of all the Series 1999 Bonds, and the interest thereon, the amounts remaining in the Escrow Fund shall be transferred to the Sinking Fund established under the Ordinance as set forth in the Supplemental Resolution.

8. Concurrently with the delivery of the Series 2009 A Bonds, the Escrow Trustee shall be paid its fees and expenses incurred with respect to this Agreement. Future fees and expenses of the Escrow Trustee and the paying agents for the Series 1999 Bonds shall be promptly paid by the City from the Tax Revenues described in the Ordinance as they accrue.

In no event, however, shall the Escrow Trustee or the paying agents have any lien whatsoever upon any of the moneys in the Escrow Fund, for the payment of such fees or expenses.

9. The City and the Escrow Trustee independently hereby covenant that no part of the moneys or funds at any time in the Escrow Fund, shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause any of the 1999 Bonds or the Series 2009 A Bonds to be "arbitrage bonds" as defined in Section 148 of the Internal Revenue Code of 1986, as amended.

10. The Escrow Trustee shall have no responsibility in respect of the validity or sufficiency of this Agreement. The liability of the Escrow Trustee for the payment of the principal of and the interest on the Series 1999 Bonds shall be limited to the application of the moneys available for such purposes in the Escrow Fund. The Escrow Trustee shall not be liable or responsible because of the failure of the City to perform any act

required of it by this Agreement or because of the loss of any moneys arising through the insolvency or the act or default or omission of any depository, other than the Escrow Trustee, in which such moneys shall have been deposited.

11. If any outstanding Series 1999 Bonds or coupons are not presented for payment when due as provided in the Redemption Notice, and moneys are held by the Escrow Trustee for payment thereof but not including any funds held by the paying agent for the Prior Bonds, such moneys shall be held for such purposes for a period of two (2) years from the date such payment was due as provided in the Redemption Notice, at which time such moneys shall be paid to the City. Prior to such repayment by the Escrow Trustee to the City, the Escrow Trustee shall notify EMMA, or any similar organization that said moneys remain unclaimed and that after a date named in said notice, which date shall be the date of such repayment and shall not be less than thirty (30) days after the date of such notice, such moneys shall be paid to the City as its absolute property and free from trust. The City shall pay any costs incurred with respect to such notice.

12. Concurrently with the execution of this Agreement and the defeasance of the lien of the Series 1999 Bonds, the Escrow Trustee, at the express direction of the City, shall pay from the funds held by it in the respective sinking funds, including the reserve accounts therein, created and maintained under the Prior Ordinances the sum of $_____ into the Escrow Fund, and the City will cause $_____ to be deposited into the Escrow Fund.

13. If any one or more of the covenants or agreements provided in this Agreement to be performed on the part of any of the parties hereto should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

14. The Escrow Trustee shall be responsible for the preparation, publication and mailing of the notice of redemption in accordance with the provisions of the Series 1999 Ordinance in the form attached as Schedule B. The costs of any required publication and mailing of any notice of redemption shall be paid by the City and under no circumstance shall the Escrow Trustee have any claim on moneys on deposit in the Escrow Fund for payment of such costs, but shall look solely to the City for such payment. The Escrow Trustee shall act on behalf of the City in the conduct of the proceedings for the redemption of the outstanding bonds to be redeemed in accordance with the Series 1999 Ordinance.

15. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

16. This Agreement is made in the State of West Virginia under the Constitution and laws of such State and is to be so construed.

17. This Agreement shall terminate on the earlier of the date on which all the outstanding Series 1999 Bonds have been paid and discharged in accordance with the respective provisions of the Series 1999 Ordinance or, as described in Paragraph 11, above, one (1) year after the last date on which payment on the Series 1999 Bonds is due, as provided in the Redemption Notice. Amounts in the Escrow Fund shall be transferred as provided in Paragraph 7 hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE CITY OF CHARLESTON, WEST VIRGINIA

By _____
Its Mayor

WEST VIRGINIA MUNICIPAL BOND COMMISSION

By _____
Its Executive Director

SCHEDULE A

Series 1999

Year	Amount	Coupon	Yield	Redemption Premium	Redemption Price
2015	$ 910,000	6.25%	6.25%	102%	$ 928,200
2019	$ 830,000	6.50%	6.50%	102%	$ 846,600
2024	$1,375,000	6.70%	6.70%	102%	$1,405,500

SCHEDULE B

FORM OF

NOTICE OF REDEMPTION

THE CITY OF CHARLESTON, WEST VIRGINIA

CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999

Dated: December 23, 1999

CUSIP NUMBERS: [insert CUSIP number of Bonds to be Redeemed]

TO THE OWNERS OF ALL THE ABOVE-CAPTIONED BONDS:

NOTICE IS HEREBY GIVEN that all The City of Charleston, West Virginia, Civic Center Improvement Bonds, Series 1999 (the "Series 1999 Bonds"), have been ordered by The City of Charleston (the "Issuer") to be redeemed on _____, 2009 (the "Redemption Date"), in accordance with the provisions of the Ordinance authorizing issuance of the Series 1999 Bonds.

All Series 1999 Bonds outstanding on the Redemption Date are to be surrendered to:

West Virginia Municipal Bond Commission
8 Capitol Street, Suite 500
Charleston, WV 25301

in exchange for the Redemption Price provided for in the Series 1999 Ordinance. Upon the surrender of the Series 1999 Bonds to the West Virginia Municipal Bond Commission, the West Virginia Municipal Bond Commission will deliver to you the monies equal to such Redemption Price.

Such redemption is subject to the issuance and delivery of the Series 2009 A Bonds on _____, 2009, and shall be of no effect unless the Series 2009 A Bonds are so issued and delivered. If the Series 2009 A Bonds are not issued and delivered on such date, the Registrar of the Series 1999 Bonds shall promptly notify the owners of the Series 1999 Bonds of such fact.

No representation is made as to the accuracy or correctness of the CUSIP numbers printed on the Series 1999 Bonds or as contained in this notice or the mailing of this notice (including any failure to mail such notice).

THE CITY OF CHARLESTON,
WEST VIRGINIA

/s/ Danny Jones
Mayor

Dated: _____, 2009

EXHIBIT F

Form of

Preliminary Official Statement

[See Tab No. 16]

$3,500,000
THE CITY OF CHARLESTON
CIVIC CENTER IMPROVEMENT BONDS,
SERIES 2009 A

TAX AND NO-ARBITRAGE CERTIFICATE

The undersigned Mayor of The City of Charleston, West Virginia (the "Issuer"), being the official of the Issuer responsible in connection with the issuance of the $3,275,000 Civic Center Improvement Bonds, Series 2009 A of the Issuer (the "Bonds"), hereby certify as follows, and as applicable:

1. This certificate is being executed and delivered pursuant to Section 148 of the Internal Revenue Code of 1986, as amended, and the temporary and permanent regulations promulgated thereunder or under any predecessor thereto (collectively, the "Code"). I am the officer of the Issuer duly charged with the responsibility of issuing the Bonds and the application of the proceeds thereof. We are familiar with the facts, circumstances and estimates herein certified and are duly authorized to execute and deliver this certificate on behalf of the Issuer. Capitalized terms used herein and not otherwise defined herein shall have the same meanings as set forth in the ordinance authorizing the Bonds, adopted on November 2, 2009, effective November 16, 2009, as supplemented by a Resolution adopted on December 7, 2009 (collectively, the "Ordinance").

2. This certificate may be relied upon as the certificate of the Issuer.

3. The Issuer has not been notified by the Internal Revenue Service of any listing or proposed listing of it as an issuer the certification of which may not be relied upon by holders of its obligations or that there is any disqualification thereof by the Internal Revenue Service because a certification made by the Issuer contains a material misrepresentation.

4. This certificate is based upon facts, circumstances, estimates and expectations of the Issuer in existence on December 17, 2009, the date on which the Bonds are to be physically delivered in exchange for the issue price thereof (the "Issuance Date"), and to the best of our knowledge and belief, the expectations of the Issuer set forth herein are reasonable.

5. In the Ordinance, the Issuer has covenanted that (i) it shall not take, or permit or suffer to be taken, any action with respect to the proceeds of the Bonds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, (ii) it will comply with, or cause compliance with, the Code and the regulations promulgated thereunder (the "Regulations") from time to time in effect and applicable to the Bonds as may be necessary in order to fully comply with Section 148(f) of the Code, and will take such actions, and refrain from taking such actions, or cause to be taken or refrained from being taken actions, as may be necessary to fully comply with

such Section 148(f) of the Code and such Regulations, regardless of whether such actions may be contrary to any of the provisions of the Ordinance, and (iii) it will file any reports or statements, and shall take any other action as may be required from time to time, with respect to the reporting requirements of Section 149(e) of the Code. The Issuer has, therefore, covenanted to not intentionally use any portion of the proceeds of the Bonds to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except as otherwise allowed under Sections 103 and 148 of the Code.

6. In the Ordinance, the Issuer has covenanted that (i) proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" under Section 148 of the Code. The Issuer will insure the proper and timely filing of a statement concerning the issue of which the Bonds are a part, on behalf of the Issuer, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, containing such information as is required under Section 149(e) of the Code.

7. The Bonds were exchanged and delivered to Crews & Associates, Inc. (the "Original Purchaser"), on December 17, 2009, for an aggregate purchase price of $3,193,125.00 (which represents the par value of $3,275,000.00, less an underwriter's discount of $81,875.00). No accrued interest has been or will be paid on the Bonds. Accordingly, the Sale Proceeds of the Bonds were $3,275,000.

8. The Bonds are being delivered simultaneously with the delivery of this certificate and proceeds of the Bonds, along with other funds, will be used for the purpose of: (i) refunding and redeeming the entire outstanding principal balance and all accrued interest on the Issuer's outstanding Civic Center Improvement Bonds, Series 1999, dated December 23, 1999, issued in the original aggregate principal amount of $4,060,000 and outstanding on the date hereof in the aggregate principal amount of $3,115,000 (the "1999 Bonds"), and (ii) paying the costs of issuance of the Bonds and related costs.

9. The 1999 Bonds were issued for the purposes of (i) paying a portion of the costs of acquisition of additions, betterments and improvements to the facility of the Issuer (the "Project"); and (ii) paying the costs of issuance of the 1999 Bonds and related costs thereof. Upon the issuance of the 1999 Bonds, the Issuer spent the proceeds thereof for the purposes descried above and the proceeds of the 1999 Bonds were not invested.

9. The sources and uses of the proceeds of the Bonds are as follows:

SOURCES

Bonds Proceeds	$3,275,000.00
Transfer from Series 1999 Sinking Fund	$ 62,869.69
Total	$3,337,869.69

USES

Deposit with Escrow Agent	$3,204,439.33
Underwriter's Discount	$ 81,875.00
Costs of Issuance	$ 51,555.36
Total	$3,337,869.69

10. The refunding of the 1999 Bonds is a current refunding, with the redemption of the 1999 Bonds to occur within 90 days from the date hereof. The Issuer has entered into an Escrow Agreement (the "Escrow Agreement") dated the date hereof with the Municipal Bond Commission, as Escrow Agent. Provision will be made for the payment of the Bonds by placing into the Escrow Fund established under the Escrow Agreement, cash sufficient to pay the redemption price of the 1999 Bonds, being 102% of par plus accrued interest, on or about January 17, 2010 (the "Redemption Date"). Any amounts remaining in the Escrow Fund after the 1999 Bonds have been discharged and all fees and expenses in connection therewith have been paid will be deposited into the Series 2009 A Sinking Fund and applied to the interest next coming due on the Bonds.

11. The proceeds deposited into the Costs of Issuance Account will be expended within 60 days from the date hereof to pay the costs of issuance of the Bonds and of refunding and redemption of the 1999 Bonds. Any funds remaining on deposit in the Costs of Issuance Account on June 16, 2010, will be deposited into the Redemption Account in the Series 2009 A Bonds Sinking Fund. The amount designated as "Cost of Issuance" of the Bonds consists only of costs which are directly related to and necessary for the issuance of the Bonds and refunding of the Series 1999 Bonds.

12. The Issuer shall not permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in a manner which would result in the exclusion of the Bonds from treatment afforded by Section 103(a) of the Code. The Issuer will take all actions necessary to comply with the Code and the Regulations promulgated or to be promulgated thereunder in order to assure that the interest on the Bonds is excludable from gross income for federal income tax purposes.

13. The Bonds bear interest payable on June 1 and December 1 of each year and mature or are subject to mandatory sinking fund redemption of June 1 of each year from 2010 to and including 2024. The Series 2009 A Sinking Fund has been created under the Ordinance for the purpose of such payment. Moneys in the Series 2009 A Sinking Fund shall be used only for the purposes of paying principal of and interest on the Bonds as the same shall become due and the redemption price of any Bonds called for redemption. Moneys deposited to the Series 2009 A Sinking Fund, including subsequent deposits thereto, will be spent within a 13-month period beginning on the date of deposit and will be depleted at least once a year, except for a reasonable carryover amount not in excess of 1/12 of the annual debt service with respect to the Bonds. The Bonds all bear interest at a fixed rate, and the average maturity of the Bonds is in excess of 5 years. The Series 2009 A Sinking Fund is designed to achieve a proper matching of the Issuer's revenues and debt service on the Bonds within each Bond Year. All moneys held in the

Series 2009 A Sinking Fund will be used to pay debt service on the Bonds. Any Proceeds of the Bonds deposited in the Series 2009 A Sinking Fund, including any funds remaining in the Escrow Fund once the 1999 Bonds have been discharged, will be applied to pay interest on the Bonds on the first interest payment date occurring after such funds become available. The Series 2009 A Sinking Fund qualifies as Bona Fide Debt Service Fund, and all moneys in the Series 2009 A Sinking Fund may be invested without restriction as to yield and are not subject to rebate.

14. No reserve or replacement fund is being established for the Bonds.

15. The Bonds are not, and will not be, in whole or part, directly or indirectly, federally guaranteed within the meaning of Section 149(b) of the Code.

16. The Issuer covenants and agrees to comply with the rebate requirements of the Code if not exempted therefrom. In such event, the Issuer covenants to calculate, annually, the rebatable arbitrage, determined in accordance with Section 148(f) of the Code. The Issuer further covenants to pay, or cause to be paid, to the United States the rebatable arbitrage in accordance with Section 148(f) of the Code and the Regulations. The Issuer shall cause such payments to be remitted to the United States at the time and at the address prescribed by the Regulations as the same may be from time to time in effect with such reports and statements as may be prescribed by the Regulations. The Issuer shall maintain records as required by the Code. In addition, the Issuer covenants to comply with all Regulations from time to time in effect and applicable to the Bonds as may be necessary in order to fully comply with Section 148(f) of the Code and covenants to take such actions, or refrain from taking such actions, as may be necessary to fully comply with Section 148(f) of the Code and the Regulations, regardless of whether such actions may be contrary to any of the provisions of the Ordinance.

18. The Issuer shall comply with any and all yield restrictions on the proceeds of the Bonds as set forth in the Code.

19. No portion of the proceeds of the Bonds will be used, directly or indirectly to acquire higher yielding investments, or to replace funds which were used, directly or indirectly, to acquire higher yielding investments, all within the meaning of Section 148 of the Code.

20. The transaction contemplated herein does not represent an exploitation of the difference between taxable and tax-exempt interest rates, the execution and delivery of the Bonds are not occurring sooner than otherwise necessary, and the Bonds are not in principal amounts greater than otherwise necessary or to be outstanding longer than otherwise necessary.

21. None of the proceeds of the Bonds will be used (directly or indirectly) in any trade or business carried on by, or will be used to make or finance loans to, any person who is not a "governmental unit" within the meaning of Section 145 of the Code.

22. The original proceeds of the Bonds will not exceed the amount necessary for the purpose of the issue.

23. The Issuer has not entered and will not enter into any transaction to reduce the yield on an investment of the gross proceeds of the Bonds so as to cause the amount to be rebated to the United States Treasury to be less than it would have been had the transaction been at arm's length and the yield on the Bonds not been relevant to either party to the transaction, and that any investments of gross proceeds will be made on an arm's length, fair market value basis.

24. No portion of the proceeds of the Bonds will be used directly or indirectly to replace funds of the Issuer that have been used directly or indirectly to acquire securities or obligations which may reasonably be expected, on the date hereof, to produce a yield materially higher than the yield on the Bonds.

25. Other than the funds and accounts described above, (a) there are no other funds or accounts of the Issuer which (i) are reasonably expected to be used to pay debt service on the Bonds or which are pledged as collateral to secure repayment of debt service on the Bonds and (ii) for which there is a reasonable assurance that amounts therein will be available to pay debt service on the Bonds; and (b) in connection with the Bonds, there has not been created or established, and the Issuer does not expect that there will be created or established, any sinking fund, pledged fund or similar fund, including without limitation any arrangement under which money, securities, or obligations are pledged directly or indirectly to secure the Bonds or any contract securing the Bonds or any arrangement providing for compensating or minimum balances to be maintained by the Issuer with any registered owner of the Bonds.

26. The Bonds are not and will not be part of a transaction or series of transactions that (i) attempt to circumvent the provisions of Section 148 of the Code, or any successor thereto, and the Regulations promulgated thereunder which enable the Issuer to exploit the difference between tax-exempt and taxable interest rates to gain a material financial advantage or (ii) increase the burden on the market for tax-exempt obligations in any manner, including, without limitation, by selling obligations that would not otherwise be sold or selling a larger amount of obligations, or issuing them sooner, or allowing them to remain outstanding longer, than would otherwise be necessary.

27. No other obligations are being issued by the Issuer or any related entity at substantially the same time and sold pursuant to a common plan of financing and which will be paid out of substantially the same source of funds (or which will have substantially the same claim to be paid out of substantially the same source of funds) as the Bonds or which will be paid directly or indirectly from proceeds of the sale of the Bonds.

28. The issuance of the Bonds will not involve the use of a "device" or an "abusive transaction" within the meaning of Section 149(d)(4) of the Code and the Regulations thereunder.

29. The Bonds are not, and will not be, in whole or part, directly or indirectly, federally guaranteed within the meaning of Section 149(b) of the Code.

30. The Issuer shall comply with the general allocation and accounting rules set forth in Section 1.148-6 of the Regulations and the special arbitrage rules for refunding issues set forth in Section 1.148-9 of the Regulations.

31. The Issuer has not entered and will not enter into any transaction to reduce the Yield on an investment of the Gross Proceeds of the Bonds so as to cause the amount to be rebated to the United States Treasury to be less than it would have been had the transaction been at arm's length and the Yield on the Bonds not been relevant to either party to the transaction, and that all investments of Gross Proceeds will be made on an arm's length, Fair Market Value basis. The funds in the Escrow Fund will be invested in [Qualified Investments (as defined in the Series 1999 Ordinance)].

32. Gross Proceeds of the Bonds, other than gross proceeds that are allocable to:

(a) the payment of principal of, premium and accrued interest on the 1999 Bonds;

(b) the payment of the Costs of Issuance of the Bonds;

(c) the payment of administrative costs allocable to repaying the 1999 Bonds, or carrying and repaying the Bonds, or the reasonable investments of proceeds of the Bonds, if any thereof;

(d) any transferred proceeds allocable to expenditures for governmental purposes of the 1999 Bonds; and

(e) amounts deposited in the Series 2009 A Sinking Fund (including investment earnings thereon) to pay debt service on the Bonds;

will not exceed 1% of the Sale Proceeds from the Bonds.

33. Under Section 1.148-2(b) of the Regulations, an officer of the Issuer must certify the Issuer's expectations as of the issue date. In accordance therewith, the undersigned Mayor or City Manager of the Issuer hereby in good faith certifies that the representations and covenants set forth in this Tax Certificate constitute the reasonable expectations of the Issuer as of the Issue Date. Accordingly, the representations and covenants set forth herein are intended and may be relied upon as the certification described in section 1.148-2(b) of the Regulations and are being delivered as part of the record of proceedings in connection with the issuance of the Bonds.

34. The Issuer covenant to comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds in order that the interest thereon be and continue to be excludable from gross income for federal income tax purposes. The Issuer shall at all times take, and refrain from taking, and shall not fail to take, any and all actions necessary in order to assure the initial and continued tax-exempt status of the Bonds and the interest thereon.

The Issuer acknowledges that the covenants and conditions set forth in this Tax Certificate are based upon the Code as it exists on the date hereof and that the Code may be subsequently interpreted or modified by the Federal government in a manner which is inconsistent with the covenants set forth herein. The Issuer agrees that any such subsequent modification or interpretation of the Code will be deemed a requirement that must be met pursuant to the general tax covenant set forth above.

The Issuer shall not be required to comply with any specific requirement of this Tax Certificate to the extent that, in the opinion of Bond Counsel furnished to the Issuer, compliance with such requirement is not necessary to maintain the tax-exempt status of the Bonds.

35. Notwithstanding any other provision hereof, any provision of this Tax Certificate may be added to, deleted or modified at any time at the option of the Issuer if the Issuer, as applicable, has provided to the Original Purchaser an opinion, in form and substance satisfactory to the Original Purchaser, of Bond Counsel that such addition, deletion or modification will not adversely affect the exclusion of interest on the Bonds from the gross income of the recipients thereof for purposes of federal income taxation.

36. On the basis of the foregoing, it is not expected that the proceeds of the Bonds will be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code.

37. The Issuer have designated the Bonds as "qualified tax-exempt obligations" for purposes of Subsection 265(b) of the Code. The Issuer does not reasonably expect and covenants not to issue, or to have issued on its behalf, more than $30,000,000 of tax-exempt obligations, including the Bonds, during the calendar year 2009.

38. The undersigned Mayor did officially execute a properly completed IRS Form 8038-G in connection with the issuance of the Bonds and will cause such executed IRS Form 8038-G to be filed in a timely manner pursuant to Section 149(e) of the Code with the applicable Internal Revenue Service Center. The information contained in such executed Form 8038-G is true, correct and complete.

39. To the best of my knowledge, information and belief, there are no other facts, estimates and circumstances which would materially change the expectations herein expressed.

40. Jackson Kelly PLLC is entitled to rely upon the representations, expectations, covenants, certifications and statements contained herein in rendering its opinions regarding the tax-exempt status of interest on the Bonds. Crews & Associates, Inc. is also entitled to rely upon the representations, expectations, covenants, certifications and statements contained herein.

41. To the best of our knowledge, information and belief, the foregoing expectations are reasonable.

IN WITNESS WHEREOF, the Issuer has caused this Tax and Non-Arbitrage Certificate to be executed on their behalf by their respective duly authorized representatives on the Issuance Date.

THE CITY OF CHARLESTON

By: _____
Its: Mayor

THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

CROSS-RECEIPT

December 17, 2009

The City of Charleston
P.O. Box 2749
Charleston, West Virginia 25330

On the date hereof, the undersigned acknowledges receipt through the Depository Trust Company of the entire issue of $3,275,000 in aggregate principal amount of Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), issued by The City of Charleston, West Virginia (the "Issuer").

The Series 2009 A Bonds are dated as of December 17, 2009, and bear interest from said date, payable semiannually on June 1 and December 1 of each year until maturity or prior redemption, commencing June 1, 2010; are in the form of one bond for each stated maturity; are numbered from AR-1 consecutively upward in order of authentication; are registered in the name of Cede & Co., as nominee for The Depository Trust Company; and are as described in the Official Statement dated December 9, 2009.

CREWS & ASSOCIATES, INC.

By _____
Its Authorized Officer

On the date hereof, the undersigned, for and on behalf of the Issuer, hereby acknowledges receipt through and confirmed by the Bank of New York Mellon, as registrar and depository bank and the Municipal Bond Commission, as Escrow Agent, of the sum of $3,193,125, constituting the aggregate principal amount of the Bonds, less an underwriting discount of $81,875.00.

THE CITY OF CHARLESTON,
WEST VIRGINIA

By _____
Its Mayor

NUMBER

AR-1

SPECIMEN

No. AR-1

$475,000

THE CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

INTEREST RATE	BOND DATE	MATURITY DATE	CUSIP
3.000%	December 17, 2009	December 1, 2012	160519BW3

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: $475,000
FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS

FOR VALUE RECEIVED, THE CITY OF CHARLESTON, a municipal corporation and political subdivision of the State of West Virginia, in Kanawha County of said State (herein called "Issuer") hereby promises to pay to the order of The Depository Trust Company, or its registered assigns, at New York New York or at such other place as may hereafter be designated in writing the principal sum of Four Hundred Seventy-Five Thousand and 00/100 Dollars ($475,000) plus interest on the unpaid principal balance at the rate of three percent (3.000%) per annum. The said principal and interest shall be paid in the following installments on the following dates: Semiannual installments of principal and interest on June 1 and December 1 of each year, beginning June 1, 2010, except that the final installment shall be paid on the Maturity Date, and except that prepayments may be made as provided hereinbelow. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

Every payment made on any indebtedness evidenced by this Bonds shall be applied first to interest computed to the effective date of the payment and then to the principal. Payments shall be made at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia, and shall be mailed to the registered owner hereof at the address as it appears on the books of the Registrar.

At the option of the City, this Bond is subject to redemption prior to maturity on or after December 1, 2015, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus interest, if any, accrued to the date for redemption.

If the Registered Owner at any time assigns this Bond and insures the payment thereof; Issuer shall continue to make payments to the Registered Owner as collection agent for the holder.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS").

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the Issuer or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Series 2009 A Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues.

Registration of this Bond is transferable by the registered owner hereof in person or by his, her or its attorney duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the herein defined Bond Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds, of authorized denomination or denominations, for the like principal amount, will be issued to the transferee in exchange herefor.

This Bond, under the provisions of the Act, is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code of the State of West Virginia, but may only be transferred by transfer of registration hereof with the Bond Registrar.

This Bond has been issued under and in full compliance with the Constitution and statutes of the State of West Virginia, including, among others, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code (herein called the "Act").

NUMBER

AR-1

IN WITNESS WHEREOF, THE CITY OF CHARLESTON has caused this Bond to be executed by its Mayor and its corporate seal to be hereunto affixed or imprinted hereon and attested by its City Clerk, all as of the date hereinabove written.

THE CITY OF CHARLESTON

(SEAL)

By: _____
Mayor

SPECIMEN

ATTEST:

By: _____
City Clerk

SPECIMEN

NUMBER

AR-1

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is to certify that this Bond is one of the Bonds described in and issued under the provisions of the within-mentioned Bond Ordinance and has been duly registered in the name of the registered owner set forth above.

Dated: December 17, 2009

THE BANK OF NEW YORK MELLON,
as Registrar

SPECIMEN

By: _____
Authorized Officer

NUMBER

AR-1

(Form of Assignment)

ASSIGNMENT

SPECIMEN

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

DATED:_____

In the presence of:

NUMBER

AR-2

No. AR-2

SPECIMEN

$580,000

THE CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

INTEREST RATE	BOND DATE	MATURITY DATE	CUSIP
3.500%	December 17, 2009	December 1, 2015	160519BX1

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: $580,000
FIVE HUNDRED EIGHTY THOUSAND DOLLARS

FOR VALUE RECEIVED, THE CITY OF CHARLESTON, a municipal corporation and political subdivision of the State of West Virginia, in Kanawha County of said State (herein called "Issuer") hereby promises to pay to the order of The Depository Trust Company, or its registered assigns, at New York New York or at such other place as may hereafter be designated in writing the principal sum of Five Hundred Eighty Thousand and 00/100 Dollars ($580,000) plus interest on the unpaid principal balance at the rate of three and ½ percent (3.500%) per annum. The said principal and interest shall be paid in the following installments on the following dates: Semiannual installments of principal and interest on June 1 and December 1 of each year, beginning June 1, 2010, except that the final installment shall be paid on the Maturity Date, and except that prepayments may be made as provided hereinbelow. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

Every payment made on any indebtedness evidenced by this Bonds shall be applied first to interest computed to the effective date of the payment and then to the principal. Payments shall be made at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia, and shall be mailed to the registered owner hereof at the address as it appears on the books of the Registrar.

At the option of the City, this Bond is subject to redemption prior to maturity on or after December 1, 2015, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus interest, if any, accrued to the date for redemption.

If the Registered Owner at any time assigns this Bond and insures the payment thereof; Issuer shall continue to make payments to the Registered Owner as collection agent for the holder.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS").

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the Issuer or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Series 2009 A Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues.

Registration of this Bond is transferable by the registered owner hereof in person or by his, her or its attorney duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the herein defined Bond Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds, of authorized denomination or denominations, for the like principal amount, will be issued to the transferee in exchange herefor.

This Bond, under the provisions of the Act, is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code of the State of West Virginia, but may only be transferred by transfer of registration hereof with the Bond Registrar.

This Bond has been issued under and in full compliance with the Constitution and statutes of the State of West Virginia, including, among others, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code (herein called the "Act").

NUMBER

AR-2

IN WITNESS WHEREOF, THE CITY OF CHARLESTON has caused this Bond to be executed by its Mayor and its corporate seal to be hereunto affixed or imprinted hereon and attested by its City Clerk, all as of the date hereinabove written.

THE CITY OF CHARLESTON

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

SPECIMEN

SPECIMEN

NUMBER

AR-2

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is to certify that this Bond is one of the Bonds described in and issued under the provisions of the within-mentioned Bond Ordinance and has been duly registered in the name of the registered owner set forth above.

Dated: December 17, 2009

THE BANK OF NEW YORK MELLON,
as Registrar

SPECIMEN

By: _____
Authorized Officer

NUMBER

AR-2

(Form of Assignment)

SPECIMEN

ASSIGNMENT

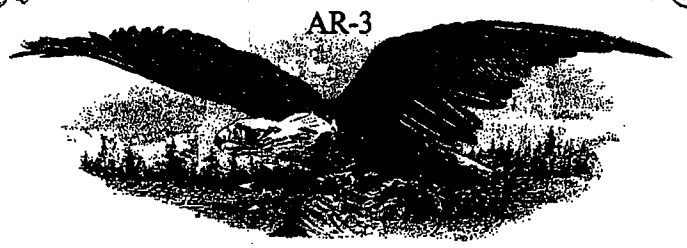
FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

DATED:_____

In the presence of:

NUMBER

AR-3



SPECIMEN

No. AR-3 $655,000

THE CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

INTEREST RATE	BOND DATE	MATURITY DATE	CUSIP
4.000%	December 17, 2009	December 1, 2018	160519BY9

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: $655,000
SIX HUNDRED FIFTY-FIVE THOUSAND DOLLARS

FOR VALUE RECEIVED, THE CITY OF CHARLESTON, a municipal corporation and political subdivision of the State of West Virginia, in Kanawha County of said State (herein called "Issuer") hereby promises to pay to the order of The Depository Trust Company, or its registered assigns, at New York New York or at such other place as may hereafter be designated in writing the principal sum of Six Hundred Fifty-Five Thousand and 00/100 Dollars ($655,000) plus interest on the unpaid principal balance at the rate of four percent (4.000%) per annum. The said principal and interest shall be paid in the following installments on the following dates: Semiannual installments of principal and interest on June 1 and December 1 of each year, beginning June 1, 2010, except that the final installment shall be paid on the Maturity Date, and except that prepayments may be made as provided hereinbelow. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

Every payment made on any indebtedness evidenced by this Bonds shall be applied first to interest computed to the effective date of the payment and then to the principal. Payments shall be made at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia, and shall be mailed to the registered owner hereof at the address as it appears on the books of the Registrar.

At the option of the City, this Bond is subject to redemption prior to maturity on or after December 1, 2015, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus interest, if any, accrued to the date for redemption.

If the Registered Owner at any time assigns this Bond and insures the payment thereof; Issuer shall continue to make payments to the Registered Owner as collection agent for the holder.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS").

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the Issuer or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Series 2009 A Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues.

Registration of this Bond is transferable by the registered owner hereof in person or by his, her or its attorney duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the herein defined Bond Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds, of authorized denomination or denominations, for the like principal amount, will be issued to the transferee in exchange herefor.

This Bond, under the provisions of the Act, is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code of the State of West Virginia, but may only be transferred by transfer of registration hereof with the Bond Registrar.

This Bond has been issued under and in full compliance with the Constitution and statutes of the State of West Virginia, including, among others, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code (herein called the "Act").

IN WITNESS WHEREOF, THE CITY OF CHARLESTON has caused this Bond to be executed by its Mayor and its corporate seal to be hereunto affixed or imprinted hereon and attested by its City Clerk, all as of the date hereinabove written.

THE CITY OF CHARLESTON

(SEAL)

By: _____
Mayor

SPECIMEN

ATTEST:

By: _____
City Clerk

SPECIMEN

NUMBER

AR-3

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is to certify that this Bond is one of the Bonds described in and issued under the provisions of the within-mentioned Bond Ordinance and has been duly registered in the name of the registered owner set forth above.

Dated: December 17, 2009

THE BANK OF NEW YORK MELLON,
as Registrar

By: _____
Authorized Officer

NUMBER

AR-3

(Form of Assignment)

ASSIGNMENT

SPECIMEN

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

DATED:_____

In the presence of:

NUMBER

AR-4

SPECIMEN

No. AR-4 $730,000

THE CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

INTEREST RATE	BOND DATE	MATURITY DATE	CUSIP
4.200%	December 17, 2009	December 1, 2021	160519BZ6

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: $730,000
SEVEN HUNDRED THIRTY THOUSAND DOLLARS

FOR VALUE RECEIVED, THE CITY OF CHARLESTON, a municipal corporation and political subdivision of the State of West Virginia, in Kanawha County of said State (herein called "Issuer") hereby promises to pay to the order of The Depository Trust Company, or its registered assigns, at New York New York or at such other place as may hereafter be designated in writing the principal sum of Seven Hundred Thirty Thousand and 00/100 Dollars ($730,000) plus interest on the unpaid principal balance at the rate of four and 2/10 percent (4.200%) per annum. The said principal and interest shall be paid in the following installments on the following dates: Semiannual installments of principal and interest on June 1 and December 1 of each year, beginning June 1, 2010, except that the final installment shall be paid on the Maturity Date, and except that prepayments may be made as provided hereinbelow. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

Every payment made on any indebtedness evidenced by this Bonds shall be applied first to interest computed to the effective date of the payment and then to the principal. Payments shall be made at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia, and shall be mailed to the registered owner hereof at the address as it appears on the books of the Registrar.

At the option of the City, this Bond is subject to redemption prior to maturity on or after December 1, 2015, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus interest, if any, accrued to the date for redemption.

If the Registered Owner at any time assigns this Bond and insures the payment thereof; Issuer shall continue to make payments to the Registered Owner as collection agent for the holder.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS").

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the Issuer or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Series 2009 A Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues.

Registration of this Bond is transferable by the registered owner hereof in person or by his, her or its attorney duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the herein defined Bond Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds, of authorized denomination or denominations, for the like principal amount, will be issued to the transferee in exchange herefor.

This Bond, under the provisions of the Act, is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code of the State of West Virginia, but may only be transferred by transfer of registration hereof with the Bond Registrar.

This Bond has been issued under and in full compliance with the Constitution and statutes of the State of West Virginia, including, among others, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code (herein called the "Act").

NUMBER

AR-4

IN WITNESS WHEREOF, THE CITY OF CHARLESTON has caused this Bond to be executed by its Mayor and its corporate seal to be hereunto affixed or imprinted hereon and attested by its City Clerk, all as of the date hereinabove written.

THE CITY OF CHARLESTON

(SEAL)

By: _____
Mayor

SPECIMEN

ATTEST:

By: _____
City Clerk

SPECIMEN

NUMBER

AR-4

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is to certify that this Bond is one of the Bonds described in and issued under the provisions of the within-mentioned Bond Ordinance and has been duly registered in the name of the registered owner set forth above.

Dated: December 17, 2009

THE BANK OF NEW YORK MELLON,
as Registrar

By: _____
Authorized Officer

SPECIMEN

NUMBER

AR-4

(Form of Assignment)

ASSIGNMENT

SPECIMEN

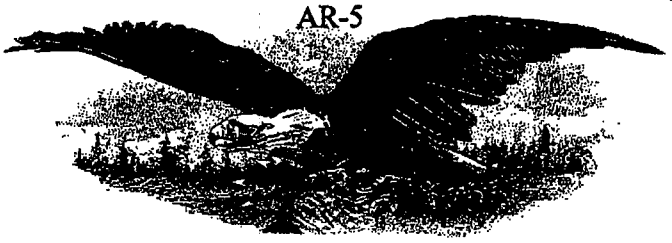
FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

DATED:_____

In the presence of:

NUMBER

AR-5



SPECIMEN

No. AR-5 $835,000

THE CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

INTEREST RATE	BOND DATE	MATURITY DATE	CUSIP
4.400%	December 17, 2009	December 1, 2024	160519CA0

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: $835,000
EIGHT HUNDRED THIRTY-FIVE THOUSAND DOLLARS

FOR VALUE RECEIVED, THE CITY OF CHARLESTON, a municipal corporation and political subdivision of the State of West Virginia, in Kanawha County of said State (herein called "Issuer") hereby promises to pay to the order of The Depository Trust Company, or its registered assigns, at New York New York or at such other place as may hereafter be designated in writing the principal sum of Eight Hundred Thirty-Five Thousand and 00/100 Dollars ($835,000) plus interest on the unpaid principal balance at the rate of four and 4/10 percent (4.400%) per annum. The said principal and interest shall be paid in the following installments on the following dates: Semiannual installments of principal and interest on June 1 and December 1 of each year, beginning June 1, 2010, except that the final installment shall be paid on the Maturity Date, and except that prepayments may be made as provided hereinbelow. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

Every payment made on any indebtedness evidenced by this Bonds shall be applied first to interest computed to the effective date of the payment and then to the principal. Payments shall be made at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia, and shall be mailed to the registered owner hereof at the address as it appears on the books of the Registrar.

SPECIMEN

At the option of the City, this Bond is subject to redemption prior to maturity on or after December 1, 2015, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus interest, if any, accrued to the date for redemption.

If the Registered Owner at any time assigns this Bond and insures the payment thereof; Issuer shall continue to make payments to the Registered Owner as collection agent for the holder.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS").

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the Issuer or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Series 2009 A Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues.

Registration of this Bond is transferable by the registered owner hereof in person or by his, her or its attorney duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the herein defined Bond Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds, of authorized denomination or denominations, for the like principal amount, will be issued to the transferee in exchange herefor.

This Bond, under the provisions of the Act, is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code of the State of West Virginia, but may only be transferred by transfer of registration hereof with the Bond Registrar.

This Bond has been issued under and in full compliance with the Constitution and statutes of the State of West Virginia, including, among others, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code (herein called the "Act").

NUMBER

AR-5

IN WITNESS WHEREOF, THE CITY OF CHARLESTON has caused this Bond to be executed by its Mayor and its corporate seal to be hereunto affixed or imprinted hereon and attested by its City Clerk, all as of the date hereinabove written.

THE CITY OF CHARLESTON

(SEAL)

By: _____
Mayor

SPECIMEN

ATTEST:

By: _____
City Clerk

SPECIMEN

NUMBER

AR-5

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is to certify that this Bond is one of the Bonds described in and issued under the provisions of the within-mentioned Bond Ordinance and has been duly registered in the name of the registered owner set forth above.

Dated: December 17, 2009

THE BANK OF NEW YORK MELLON,
as Registrar

By: _____
Authorized Officer

SPECIMEN

NUMBER

AR-5

(Form of Assignment)

ASSIGNMENT

SPECIMEN

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

DATED:_____

In the presence of:

CHARTER
PART I CHARTER*

***Editor's note:** Printed in this part is the city's Charter, being Acts 1929 (municipal charters), ch. 4, as approved by the governor on March 6, 1929, and effective on passage. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes a uniform system of headings, catchlines and citations to state statute has been used. Additions made for clarity are indicated by brackets.

Notwithstanding the preceding paragraph, the copy of the **Charter** used in preparation of this part is the copy published in the city's 1975 Code. The editorial note for same states (in part) as follows: "Many section catchlines have been changed by the editors to more clearly and more fully indicate the contents of the sections and are not to be regarded as official; years have been changed from words to numerals; a uniform system of capitalization has been adopted; in some sections italicized words are printed in Roman; and words and figures have been supplied by the editors for the purpose of clarity."

The editor's note for the **Charter** as published in the city's 1975 Code also states (in part) as follows:

According to the West Virginia Blue Book, 1973, page 820, the community which is now Charleston was "originally **chartered** in 1794 as Charles Town---, [so] named by George Clendenin, one of the earliest settlers, for his father, Charles Clendenin." It became "Charleston" by Acts of Assembly 1817-18, ch. CXV, p. 160 et seq., passed January 19, 1818, which provided, in pertinent part, that "the town of Charles Town in the county of Kanawha, as the same has been heretofore laid off and the several acts of Assembly for that purpose--shall be, and the same is hereby erected into a town corporate, to be known as distinguished by the name of 'Charleston'---." These Acts were, of course, those of the general assembly of the Commonwealth of Virginia. The first Act of the West Virginia legislature amending the town **Charter** was that of 1857, ch. 127, p. 1555; and Charleston became a city by Acts 1875, ch. 39, p. 47, which provided inter alia, for a common council consisting of a mayor, recorder and nine councilmen, a body politic by the name "The City of Charleston."

Sec. 1. Charleston made a city corporate and body politic.
Sec. 2. Corporate limits.
Sec. 3. Twenty wards established.
Sec. 4. Municipal authorities; elective officers and qualifications for holding office.
Sec. 5. Officers in addition to elective officers; salaries.
Sec. 6. Corporate power vested in council.
Sec. 7. Enumeration of numerous miscellaneous powers of council; jurisdiction beyond corporate limits.
Sec. 7-a. Authority of council, municipal judge, circuit and common pleas courts and judges relating to city licenses.
Sec. 7-b. Regulation of operation of motor vehicles.
Sec. 8. Persons entitled to vote.
Sec. 9. Boundaries of voting precincts; registration books; registering voters; transfer from one precinct to another; duties of county court.
Sec. 9-a. Special registrars; compensation of county court and clerk; delivery of registration books to city clerk; return to clerk of county court.
Sec. 10. Nomination of candidates.
Sec. 11. When county and city voting precincts to be the same; how elections to be held.
Sec. 12. Law governing preparation of ballot and method of voting.
Sec. 13. The council--Title; how constituted.
Sec. 14. Same--Qualifications; vacancies.
Sec. 15. Same--Mayor; clerk; president pro tempore.
Sec. 16. Same--Representation of new ward.
Sec. 17. Same--Exercise of legislative functions; information, etc., from officers and employees.
Sec. 18. Audit of books and accounts.
Sec. 19. Removal of officers by council or by circuit court of Kanawha County, or by officers having appointment authority.
Sec. 20. Rules and regulations for government of council; record of meetings.
Sec. 21. Regular meetings of council.

Sec. 22. Special meetings of council.
Sec. 23. Council procedure for contested elections, and right of appeal to circuit court.
Sec. 24. Oath of officers; how and within what time officers must qualify; failure to qualify vacates office.
Sec. 25. Bonds of officers and employees; record of bonds.
Sec. 26. Quorum of council; compelling attendance of absent members.
Sec. 27. Voting in council and recording of votes.
Sec. 28. City clerk is ex officio clerk of the council; council minutes and admissibility thereof in evidence.
Sec. 29. Holding two offices.
Sec. 30. Failure of mayor or other officer to make appointments.
Sec. 31. Vacancy in office of mayor or treasurer; vacancy in office of appointive officer; officers hold office until successors qualified, unless previously removed.
Sec. 32. Corruption in office.
Sec. 33. Power of council to compel attendance of witnesses and production of records, administer oaths and punish for contempt.
Sec. 34. Absence or inability of certain officers to perform duties.
Sec. 35. Election and term of office of elective officers; salary of mayor; appointments by mayor; appointment of city clerk; appointments by manager; term of appointive officers; duties of mayor and city solicitor; salary of solicitor; fees.
Sec. 36. Appointment, compensation, powers and duties of the manager.
Sec. 37. Franchises--Granting; requirements and limitations governing; vote of council required.
Sec. 38. Same--Advertisement of application; submission to voters.
Sec. 39. Committees of council; adjournment of council meetings; postponement of announcement of vote.
Sec. 40. Style of ordinances.
Sec. 41. Passage of ordinances; revision, reenactment or amendment; effective date; publication of caption or title; resolutions and orders.
Sec. 42. Ordinances to be spread on records of council; "Ordinance Record"; code of ordinances.
Sec. 43. Officers conservators of the peace.
Sec. 44. Powers and duties of municipal judge; maximum imprisonment for violation of ordinance; appeal; expense of maintaining persons committed to county jail.
Sec. 45. Qualifications of municipal judge; not to appear as counsel in criminal cases; absence or inability to perform duties; bond.
Sec. 46. Bail.
Sec. 47. Authority of council, manager and police officers relating to nuisances; duties and responsibilities of owners and occupants of property; enforcement.
Sec. 48. Connection with sewer system.
Sec. 49. Construction of sidewalks, curbs and gutters; duty of county clerk to record assessments.
Sec. 50. Annual estimate for tax levy.
Sec. 51. Authority to levy and collect taxes; limit of taxation.
Sec. 52. Collection of taxes.
Sec. 53. Powers of collector.
Sec. 54. Distress for collection of taxes.
Sec. 55. Lien on real estate for taxes--Established; enforcement by suit in court of record; priority of lien.
Sec. 56. Same--Enforcement by tax sale.
Sec. 57. Limitation on authority of county to tax persons and property within city for streets, education or poor outside city limits; control of streets and schools within city; joint ownership of bridges.
Sec. 58. Depositories.
Sec. 59. Bonds--Authority to issue; purposes; interest; limit; taxation to pay interest and principal.
Sec. 59-a. Same--For improvement of streets.
Sec. 60. Same--In anticipation of special assessments for street improvements or sewer construction; limitation on indebtedness.
Sec. 61. Contracts for improvement of streets; assessment of cost.
Sec. 62. Sewerage assessments against owners of abutting property; requiring connection with sewer; including cost of drains in cost of street improvement.
Sec. 62-a. Construction of sewer systems or common, lateral, branch, trunk or combined sewers.
Sec. 63. Resolution declaring necessity for street improvement--Required; procedure for adoption.
Sec. 64. Same--Service on property owners of notice of passage.
Sec. 65. City executive committees of political parties.
Sec. 66. Bonds to pay city's cost of improvement of streets, etc.
Sec. 67. Hearing of property owners affected by improvements; ordinance concerning improvement.
Sec. 68. Special assessments when several kinds of materials have been named in ordinance providing for improvement.
Sec. 69. Vote of council required for public improvement; petition by property owners.
Sec. 70. Assessment when public improvement passes through or by public property or property of institution.
Sec. 71. What cost of improvement shall include.
Sec. 72. Filing statement as prerequisite to action for damages arising out of improvement.
Sec. 73. Liberal construction of proceedings with respect to improvements.
Sec. 74. Election and three-fifths vote required for issuance of bonds; regulations governing.
Sec. 75. Authority of council to lay special levies in years 1929 and 1930 for special purposes.
Sec. 76. Power of council as to public buildings, hospitals, libraries, etc.
Secs. 77--79. Fire department civil service.

Sec. 80. Political activities by members of fire or police departments.
Sec. 81. Service of notice, summons, warrant, etc.
Sec. 82. Contested elections for council.
Sec. 83. Duties of city clerk as to municipal elections.
Sec. 84. Valid ordinances and regulations passed on or before May 1, 1915, not inconsistent with this Charter, to remain in effect until repealed.
Sec. 85. Powers and duties of policemen.
Sec. 86. Compensation of members of council; absence from meetings.
Sec. 87. Reports by manager to council; reports by officers and employees under supervision of manager.
Sec. 88. Additional method for paving streets; assessment certificates.
Sec. 88-a. Void, irregular or omitted assessments.
Sec. 88-b. Assessment certificates to pay for cost of construction of sewers and sewer systems.
Sec. 88-c. Subdividing abutting land for purpose of making assessments.
Sec. 89. Initiation of ordinances by voters.
Sec. 90. Reconsideration of ordinance protested by petition; submission of ordinances to voters.
Sec. 91. Recall of officers.
Sec. 92. Signatures and affidavits to petitions filed under three preceding sections; form of submission of ordinance; all city elections to conform to state law.
Sec. 93. Additional method for construction of sidewalks; assessment certificates.
Sec. 93-a. Transcript of property to be furnished by county assessor.
Sec. 94. Authority to issue warrants; vacancy in office of municipal judge.
Sec. 95. Statement of claim before action against city for damages for personal injury.
Sec. 96. Health commissioner.
Sec. 97. Police matron.
Sec. 98. Codification of ordinances.
Sec. 99. Cemeteries and burials.
Sec. 100. Building inspector.
Sec. 101. Power to buy, sell or exchange real estate.
Sec. 102. Zoning--Power of city.
Sec. 102-a. Same--Division of city into zoning districts.
Sec. 102-b. Same--Design of zoning regulations; considerations in making.
Sec. 102-c. Same--Establishment, enforcement and change of zoning regulations and boundaries of zoning districts; hearing.
Sec. 102-d. Same--Change or repeal of zoning regulations and boundaries; protests.
Sec. 102-e. ¶ 1. Same--Zoning commission.
Sec. 102-e. ¶ 2. Repeal of inconsistent laws.

Sec. 1. Charleston made a city corporate and body politic.

The inhabitants of all that part of the County of Kanawha included and centered within the limits hereafter prescribed in section two are hereby made a city corporate and body politic by the name of "The City of Charleston," and as such city it shall have perpetual succession and a common seal, and by that name it may sue and be sued, plead and be impleaded, and may purchase, hold, lease or sell real estate and personal property necessary to the discharge of its corporate duties, or needful or convenient for the good order, government and welfare of said corporation.

Editor's note: Except for the "perpetual succession" provision and the provisions incorporating and naming the city, the provisions of Charter § 1 are covered by W. Va. Code § 8-12-1. *See* W. Va. Code § 8-1-6.

Sec. 2. Corporate limits.

The corporate territorial limits of the City of Charleston shall comprise all that part of the magisterial district of Charleston and all that part of the territory of the magisterial district of Loudon in the County of Kanawha and State of West Virginia, which is bounded and described as follows, to wit:

[Description deleted.]

Editor's note: The boundary description has not been published. It has been rendered obsolete by subsequent annexations.

State law references: Annexation, W. Va. Code § 8-6-1 et seq.; decrease of corporate limits, W. Va.

Code § 8-7-1 et seq.

Sec. 3. Twenty wards established.

[Text deleted.]

Editor's note: The editor's note for Charter § 3 in the city's 1975 Code states as follows:

This section, as initially enacted by the legislature by Acts 1929, (Muni. ch.), ch. 4, § 3, divided the city into seventeen wards. By Ordinance No. 308, amendatory of this section, enacted Nov. 10, 1958, and ratified at a special election held Dec. 13, 1958, the city was redivided into nineteen wards. Due to subsequent changes in population and the resulting necessity for more proportionate representation in the city council, the council on Sept. 19, 1966, by affirmative vote of more than two-thirds of the members, enacted Ord. No. 870, amendatory of this section, by redividing the city into eighteen wards, described by metes and bounds, subject to a referendum as provided in W. Va. Code § 8-4-7; and at a special election on Nov. 8, 1966, held pursuant to prior notice duly published, a majority of the legal votes cast were in favor of the amendment, which thereupon became effective with the declaration by the council of the results of that election, all in conformity with the provisions of W. Va. Code § 8-4-7. The text of this section, as so amended, is omitted as obsolete in some respects due to subsequent addition of territory, but it has been saved from repeal and is on file in the office of the city clerk. Another reason for omission of the text of this section was that Ordinance No. 1570, 7-1-74, directed the mayor to appoint two special committees, one to take a census of the city and the other, upon completion of such census, to prepare and submit to the council a report, with recommendations for the division of the city into wards and the number and boundaries thereof, the number of councilmen to represent each ward, and the number of councilmen at large, together with a proposed ordinance to effect such recommendations. Ordinance No. 3040, adopted on Dec. 20, 1982, redivided the city into twenty wards, described by metes and bounds. For current division of the city into wards and the boundaries thereof, see the official map of the city which, when completed and approved by the city council, will be placed on file in the office of the city clerk.

State law references: Authority to alter ward boundaries or number of wards, W. Va. Code § 8-5-7.

Sec. 4. Municipal authorities; elective officers and qualifications for holding office.

The municipal authorities of the City of Charleston shall consist of a mayor, city treasurer, municipal judge, and a member of the city council from each ward of the city, and six councilmen at large, who shall be elected by the qualified voters of such city, and such officers shall for the assessment year preceding their respective elections as hereinafter provided, has been assessed with and paid taxes in the City of Charleston upon a valuation of at least one hundred dollars worth of real estate or personal property therein, and any person elected to any one of such offices who has not been assessed with and paid taxes on such amount of property shall not qualify or enter upon the performance of the duties thereof, but such office shall thereby become vacant and shall be filled by a qualified person as provided herein for other vacancies.

(Ord. No. 870, § 2, 9-19-1966; Ord. No. 1620, § 2; Ord. No. 3040, § 2)

Editor's note: The property ownership requirements in Charter § 4 violate W. Va. Const. art. III, § 17. *See State ex rel. Piccirillo v. City of Follansvee,* 160 W. Va. 329, 233 S.E.2d 419 (1977). The note for this section in the city's 1975 Code states that Ord. No. 870 was enacted by affirmative vote of more than two-thirds of the members of the city council, and it was ratified by a majority of the legal votes cast at a special election on Nov. 8, 1966.

Sec. 5. Officers in addition to elective officers; salaries.

In addition to the municipal authorities mentioned in section 4 of this act [this Charter], the city

shall have a manager, city clerk, municipal court clerk, city auditor, collector, chief of police, city solicitor, assistant city solicitor, chief of fire department, engineer, health commissioner, building inspector, lockup keeper, humane officer or officers and such member of policemen as council by ordinance may direct. All the officers named in this and the preceding sections shall be paid proper salaries which shall be fixed by the council, except as herein otherwise provided, and such salaries shall be within the limits provided for by this act [this Charter].

Editor's note: The reference in Charter § 5 to the health commissioner is obsolete. *See* Charter § 96 (note). In addition, the last sentence is covered by W. Va. Code § 8-5-12. *See* W. Va. Code § 8-1-6.

Sec. 6. Corporate power vested in council.

All the corporate power of said city shall be vested in and exercised by council or under its authority, except as otherwise provided in this act [this Charter].

Sec. 7. Enumeration of numerous miscellaneous powers of council; jurisdiction beyond corporate limits.

The council of said city shall have, and is hereby granted power to have said city surveyed, to lay out, open, vacate, straighten, broaden, change grade of, grade, regrade, curb, widen, narrow, repair, pave and repave streets, alleys, roads, squares, plots, sidewalks and gutters for public use, and to alter, improve, embellish and ornament and light the same, and to construct and maintain public sewers and laterals, and shall, in all cases, have power and authority to assess upon and collect from the property benefited thereby, such part of the expense thereof as shall be fixed by ordinance, except as hereinafter provided, to have control of all streets, avenues, roads, alleys and grounds for public use in said city, and to regulate the use thereof and driving thereon, and to have the same kept free from obstruction, pollution or litter on or over them; to have the right to control all bridges within said city, and the traffic thereover; to change the name of any street, avenue or road within said city, and regulate and cause the numbering and renumbering of houses on any street, avenue or road therein; to regulate the naming of streets, avenues and public places; to regulate and determine the width of streets, sidewalks, roads and alleys; to order and direct the curbing, recurbing, paving, repaving, and repairing of sidewalks and footways for public use in said city to be done and kept clean and in good order by the owners of adjacent property; to enter into a contract with the County of Kanawha, or any internal improvement company for the joint ownership of any bridge by the city and such county or company, upon such terms as may be prescribed in the contract, but any such bridge shall be a public highway and the interest of the company, county and city shall be only such proportionate part thereof as it may pay for or that may be named in the contract; to prohibit and punish the abuse of animals; to restrain and punish vagrants, mendicants, beggars, tramps, prostitutes, fortunetellers, palmists, drunken or disorderly persons within the city, and to provide for their arrest and manner of punishment; to prohibit and punish by fine the bringing into the city by steamboats, railroads or other carriers of persons known to be paupers, dangerous or objectionable characters or afflicted with contagious diseases; to control and suppress disorderly houses of prostitution or ill fame, houses of assignation and gaming houses or any part thereof; to punish those guilty of possessing, transporting or selling intoxicating liquors and to confiscate all automobiles, cars, wagons, boats, water[craft] and aircraft, beasts of burden and vehicles of any kind in connection with which intoxicating liquors are had, kept or possessed for the purpose of transportation or carrying in any way within the city; to punish those engaged in gaming and to suppress all gaming or gambling houses, and all places where gambling or betting is in any way carried on or permitted, and to punish all persons in any way connected therewith; to prohibit within the city or within two miles thereof, slaughterhouses, soap or glue factories and houses and places of like kind, and any other thing or business dangerous, unwholesome, unhealthy, offensive, indecent or dangerous to life, health, peace or property; to provide for the entry into and the examination of all dwellings, lots, yards, enclosures, buildings and structures, cars, boats and vehicles of every description, and to ascertain their condition for health, cleanliness or safety; to regulate the building and maintenance of party walls, partition fences or lines, firewalls, fireplaces, chimneys, boilers, smokestacks and stove

pipes; to provide for and regulate the safe construction, inspection and repairs of all public and private buildings, bridges, basements, culverts, sewers, or other buildings or structures of any description; to take down and remove, or make safe and secure, any and all buildings, walls, structures or superstructures at the expense of the owners thereof, that are or may become dangerous, or to require the owners or their agents to take down and remove them or put them in a safe and sound condition at their own expense; to regulate, restrain or prohibit the erection of wooden or other buildings within the city; to regulate the height, construction and inspection of all new buildings hereafter erected, and the alteration and repair of any buildings already erected or hereafter erected in said city, and to require permits to be obtained for such buildings and structures, and plans and specifications thereof to be submitted to the building inspector; to regulate the limit within which it shall be lawful to erect any steps, porticos, bay windows, bow windows, show windows, awnings, signs, columns, piers or other projection or structural ornaments of any kind for the houses or buildings fronting on any street of said city; to establish fire limits and to provide the kind of buildings and structures that may be erected therein, and to enforce all needful rules and regulations to guard against fire and danger therefrom; to require, regulate and control the construction of fire escapes for any building or other structures in said city, to control the opening and construction of ditches, drains, sewers, cesspools and gutters, and to deepen, widen and clear the same of stagnant water or filth, and to prevent obstruction therein, and to fill, close or abolish the same and to determine at whose expense the same shall be done; and to build and maintain fire station houses, crematories, jails, lockups, and other buildings, police stations and police courts, and to regulate the management thereof; to acquire, establish, lay off, appropriate, regulate, maintain and control public grounds, squares and parks, hospitals, market houses, city buildings, airports, libraries and other educational or charitable institutions, either within or without the city limits, and when the council determines that any real estate rights, or materials in or out of the city is necessary to be acquired by said city for any such citypurpose, or for any public purpose, or is necessary in the exercise of its powers herein granted, the power of eminent domain is hereby conferred upon said city, and it shall have the right to institute condemnation proceedings against the owner thereof, whether said property be in or out of said city, in the same manner, to the same extent, and upon the same conditions as such power is conferred upon public service corporations by chapter 42 of the Code of West Virginia of the edition of 1923, and is now or may be hereafter amended [now W. Va. Code ch. 54]; to purchase, sell, lease or contract for and take care of all public buildings and structures and real estate deemed proper for the use of such city; and for the protection of the public to cause the removal of unsafe walls, structures or buildings, and the filling of excavations; to acquire or assist in acquiring land to be donated, dedicated or conveyed to, or otherwise vested in, the State of West Virginia as a site for a state capital or other public buildings, and to donate, dedicate and convey the same to said state or otherwise procure the title to the same to be vested in said state; to prevent injury or annoyance to the business of individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated all nuisances and to that end and thereabout to summon witnesses and hear testimony; to regulate or prohibit the keeping of gunpowder and other combustible or dangerous articles, and to regulate the transportation of same through the streets, alleys and public places; to regulate, restrain or prohibit the use of firecrackers or other explosives or fireworks, and all noises or performances which may be dangerous, indecent or annoying to persons or tend to frighten horses or other animals; to provide and maintain proper places for the burial of the dead, in or out of the city, and to regulate interments therein upon such terms and conditions as to price and otherwise as may be determined; to provide for shade and ornamental trees,shrubbery, grass, flowers and other ornamentation, and the protection of the same; to provide for the poor of the city; to make suitable and proper regulations in regard to the use of the streets, public places, sidewalks and alleys by streetcars, foot passengers, animals, vehicles, motors, automobiles, traction engines, railroad engines and cars, and to regulate the running and operation of the same so as to prevent obstruction thereon, encroachment thereto, injury, inconvenience or annoyance to the public; and to regulate fares and operation of motor vehicles operating on a fixed route used in the public transportation of passengers or property; to purchase or otherwise secure life, health or accident policies on the group or other convenient plan upon the members of the city police force and fire department, and as an element of compensation of such members may appropriate the money necessary to defray the cost thereof; whenever in its opinion the safety of the public so requires to authorize or require by ordinance any railroad company operating railroad tracks upon or across any public street or streets of the city, to construct and maintain overhead or undergrade crossings wherever the tracks of said company are laid upon or across the public streets of such city, and to apportion according to general law between any

such railroad company and city the cost of such construction and maintenance and the cost of the acquisition of the necessary property and rights-of-way and the damages to abutting properties between any such railroad company and city; to prohibit prize fighting and cock and dog fighting; to license, tax, regulate or prohibit theaters, moving pictures, circuses, and exhibition of showmen and shows of any kind, and the exhibition of natural or artificial curiosities, carnivals, menageries and music exhibitions and performances, and other things or business on which the state does or may exact a license tax; to organize and maintain fire companies and departments, and to provide necessary apparatus, engines and implements for the same and to regulate all matters pertaining to the prevention and extinguishing of fires; to make proper regulations for guarding against danger and damage from fires, water or other elements; to regulate and control the kind and manner of plumbing and electric wiring, the operation and height of flying of aeroplanes, airships and balloons; to regulate wireless stations, radio stations and other appliances for the protection of the health and safety of said city; to levy taxes on property, property and licenses, to license and tax dogs and other animals and regulate, restrain and prohibit them and all other animals and fowls running at large; to provide revenue for the city and appropriate the same to its expenses; to adopt rules for the transaction of business of its own regulation and government; to promote the general welfare of the city, and to protect the persons and property of citizens therein; to regulate and provide for the weighing of produce and other articles sold in said city and to regulate the transportation thereof and other things, through the streets, alleys and public places; to have the right to grant, refuse or revoke any and all licenses for the carrying on of any business within said city on which the state exacts a license tax; to establish and regulate markets and to prescribe the time for holding the same, and what shall be sold in such market, and to let stalls or apartments and regulate the same; to acquire and hold property for market purposes; to regulate the placing of signs, billboards, posters and advertising on or over the streets, alleys, sidewalks and public grounds of said city; to preserve and protect the peace, order and safety and health of the city and its inhabitants, including the right to regulate the sale and use of cocaine, morphine, opium and poisonous or dangerous drugs; to appoint and fix the place of holding city elections; to erect, own, lease, authorize or prohibit the erection of gas works, electric light works or water works,ferry boats, in or near the city, and to operate the same, and to sell the product of services therefrom and to do any and all things necessary and incidental to the conduct of such business; to build, hold, purchase, own and operate toll bridges; to enter into an agreement with the County of Kanawha, whereby the council and the county court of Kanawha County shall have the power and authority to provide for a full time health officer in charge of all the general health and sanitation activities and of the enforcement of all laws and regulations relating to public health, in the City of Charleston, the County of Kanawha, and to provide for necessary assistants, nurses, clerks and other employees, and the expenses of the administration thereof, and to provide for a proper division of all such expenses between the city and county, and make all needful rules and regulations to fully carry into effect the said joint undertaking between the City of Charleston and the County of Kanawha; to provide for the purity of water, milk, meats and provisions offered for sale in said city, and to that end provide for a system of inspecting the same and making and enforcing rules for the regulation of their sale; and to prohibit the sale of any unwholesome or tainted milk, meats, fish, fruit, vegetables, or the sale of milk, containing water or other things not constituting a part of pure milk; to provide for inspecting dairies and slaughterhouses, whether in or outside of the city, where the milk and meat therefrom are offered for sale within said city, and to prohibit the sale of any articles deemed unwholesome, and to condemn the same or destroy or abate it as a nuisance; to provide for the regulation of public processions so as to prevent interference with public traffic, and to promote the good order of the city; to prescribe and enforce ordinances and rules for the purpose of protecting the health, property, lives, decency, morality, cleanliness and good order of the city and its inhabitants and to protect places of divineworship in and about the premises where held, and to punish violations of all ordinances, although the offense under and against the same shall also constitute an offense under the laws of the State of West Virginia or the common law; to provide for the employment and safekeeping of persons who may be committed in default of payment of fines, penalties or costs under this act [this Charter], who are otherwise unable to discharge the same, by putting them to work for the benefit of the city upon the streets or other places in or out of the city provided by said city, and to use such means to prevent their escape while at work as the council may deem expedient; and the council may fix a reasonable rate per day as wages to be allowed such persons until the fine and costs against him [them] are thereby discharged; to compel the attendance at public meetings of the members of the council; to have and exercise such additional rights, privileges and powers as are granted to

municipalities by chapter 47 [now chapter 8, the Municipal Code of West Virginia (W. Va. Code § 8-1-1 et seq.)] of the Code of West Virginia as amended.

For all such purposes, except that of taxation and for purposes otherwise limited by this act [this Charter], the council shall have jurisdiction for one mile beyond the corporate limits.

And the council shall have the right to establish, construct and maintain public markets, landing [s,] ferries, wharves, parking places and docks on any ground which does or shall belong to said city, or which it shall acquire, by purchase or otherwise, and to sell, release, repair, alter or remove any public markets, landings, ferries, wharves, dikes, buildings or docks which have been or shall be so constructed, and to levy and collect reasonable duty on vessels and other craft coming to or using said landings, ferries, wharves, dikes, docks, parking places and buildings, and to preserve and protect the peace and good order at the same, and regulate the manner in which they shall be used; and to have the sole right, under state laws and in the same manner as now control county courts, to establish, construct, maintain, regulate and control all such wharves, docks, ferries and landings within the corporate limits of said city.

To carry into effect these enumerated powers and all other powers conferred upon said city expressly or by implication in this and other acts of the legislature, the council of said city shall have the power in the manner herein prescribed, to adopt and enforce all needful orders, rules and ordinances not contrary to the laws and constitution of this state; and to prescribe, impose and enforce reasonable fines and penalties, including imprisonment in the city lockup, jail or stationhouse, and to work prisoners found guilty, as the council may prescribe, and market the products of such labor, and with the consent of the county court of Kanawha County, entered of record, shall have the right to use the jail of said county for any purpose necessary to the administration of its affairs.

Editor's note: Most of **Charter** § 7 is covered by W. Va. Code §§ 8-12-2, 8-12-5 et seq. *See* W. Va. Code § 8-1-6. The provisions of this section pertaining to punishment of possession or sale of intoxicating liquors are superseded by the Alcoholic Beverage Control Act (W. Va. Code § 60-6-1 et seq.). The provisions of this section pertaining to regulation of construction are somewhat inconsistent with W. Va. Code § 8-12-13. Notwithstanding language in this section, penalties imposed for ordinance violations cannot exceed those imposed under W. Va. Code ch. 61 for similar offenses and no term of imprisonment can exceed 30 days. *See* W. Va. Code §§ 8-1-6, 8-11-1, 8-12-5(57).

Sec. 7-a. Authority of council, municipal judge, circuit and common pleas courts and judges relating to city licenses.

The council of the City of Charleston shall have full discretion in the matter of granting, refusing and revoking licenses for keeping hotels, eating houses and restaurants, garages, taxicab stands, bowling alleys, pool and billiard tables and like tables, and for selling soft drinks, as in the case of other licenses, and shall supervise, regulate and control all places licensed for said purposes, and the municipal judge shall have jurisdiction when such city license and regulation is sought to be evaded and may prevent such evasion, provided, that no such license, regulation or control shall apply to any fraternal beneficiary society permitted under the state laws. The council shall make no provision for the licensing of automobiles or other motor vehicles, except that in the case of motor vehicles used in the transportation of passengers or property for hire the council may require from the owner or operator of any such vehicle a bond, with sureties, and in such penalty, and with such conditions as it may deem proper. The council shall have power to enact and enforce proper ordinances for the purpose of carrying into effect the powers hereby granted.

If any person fails or refuses to secure a license or to pay any license tax due the city, or fails to obtain a permit to do anything for which a permit is required by ordinance, in addition to all other penalties and remedies provided by the ordinances of the city, the circuit court of Kanawha County and the court of common pleas of Kanawha County, or the respective judge thereof, in vacation, upon application in the name of the city or of any officer of the city, shall grant an injunction, inhibiting such person from continuing the business until the full amount of the license tax and penalty prescribed by the ordinance and due the city is paid, or until the person has obtained the license or permit as required

by any ordinance.

State law references: Authority to require license for anything for which state license is required, unless prohibited by general law, and to impose a reasonable tax thereon not in excess of state tax, W. Va. Code §§ 8-13-4, 11-12-4.

Sec. 7-b. Regulation of operation of motor vehicles.

The council of the City of Charleston is hereby granted power, in addition to the powers heretofore granted it, to regulate by ordinance the operation of motor vehicles and other vehicles in said city, and the speed at which the same may be driven, and to provide for the punishment of violations of such ordinances; and said council is given specific authority to punish the violation of ordinances relating to the speed of such vehicles, or the operation thereof, by impounding or taking possession of such vehicles and retaining the same for such time as may be prescribed by ordinance not to exceed thirty days.

Editor's note: The provisions of Charter § 7-b appear superseded by W. Va. Code §§ 8-11-1, 8-23-5 (57), 17C-2-7, 17C-2-8. *See* W. Va. Code § 8-1-6.

Sec. 8. Persons entitled to vote.

Every person qualified by law to vote for members of the legislature of this state (and who shall have been a resident of said city for sixty days preceding the day of election, of the ward in which he offers to vote at least ten days preceding such day and a bona fide resident of the election precinct in which he offer to vote) shall be entitled to vote at all elections held in said city by or under the authority and control thereof.

Editor's note: The provisions of Charter § 8 are superseded by W. Va. Code § 3-1-3. *See State ex rel. Peck v. City Council,* 150 W. Va. 580, 148 S.E.2d 700 (1966). *See also* W. Va. Code § 8-1-6.

Sec. 9. Boundaries of voting precincts; registration books; registering voters; transfer from one precinct to another; duties of county court.

Voting precincts in the several wards for the city election shall be the same as to boundaries as those fixed by the county court for all state and county elections. The county clerk of Kanawha County shall carefully preserve in his office, registration books of each general state and county election for all of the precincts of the City of Charleston, and the original of said books shall be used as the registration for all regular and special city elections, with such corrections as are herein provided for. Said registration books shall never be out of the possession and control of the county court of Kanawha County, or the clerk thereof, except as hereinafter provided:

The county court of Kanawha County shall sit on the three last Saturdays and the last Monday next preceding any regular election or primary in said City of Charleston for the purpose of registering voters who have not been already registered in the various precincts, and for transferring voters from one precinct to another which shall be done, upon a proper showing, by striking the name of the voter from the registration book in which it appears, and placing the same upon the registration book of the precinct in which the voter is entitled to vote, and no other way, and for striking off the name of any voter from the registration books when it shall be shown to the satisfaction of said court that such person is no longer a voter in said city, and said court shall also strike from such registration books the name of any person known or proved to them to be dead. It shall be the duty of the clerk of said city to give notice of the time and place of the sitting of said court by publication in two newspapers of opposite politics printed and circulated in said city, once a week for four successive weeks before any such municipal election or primary. The clerk of the county court of Kanawha County shall transfer on the registration books the names of such voters as present themselves to him, in person, during such days preceding any municipal election after the first Saturday on which the county court sits, as above

provided. The two major political parties, through the chairman of their respective municipal executive committees, may appoint challengers to be present at the office of the clerk of said county court on the days when the said clerk is herein authorized to make transfers, but said clerk's decision in the matter shall control.

(Acts 1933, Reg. Sess., ch. 117)

Editor's note: The provisions of Charter § 9 are superseded by W. Va. Code §§ 3-1-5, 3-1-6, 3-2-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 9-a. Special registrars; compensation of county court and clerk; delivery of registration books to city clerk; return to clerk of county court.

No special registrars shall be appointed for any municipal election or primary and the county court of Kanawha County and the clerk thereof shall receive nothing for their services as required by this and the last preceding section [§ 9].

On the day prior to any municipal election or primary the clerk of said county court shall deliver to the city clerk of said City of Charleston all original registration books used in the last general county and state election, as corrected by the county court of said county, and the clerk of said city shall send the same to the various precincts of said city, as provided by law. After said registration books are delivered to said clerk of said city, no person shall add to the same any name, nor erase therefrom any name, and any person found guilty of either adding or erasing one or more names shall be guilty of a felony and confined in the penitentiary not less than one, nor more than five years. As soon as may be possible after the holding of any such municipal election or primary said original registration books shall be returned by the clerk of said city to the clerk of the county court of Kanawha County, West Virginia, who shall carefully preserve all of said registration books for such use as is required by law.

(Acts 1933, Reg. Sess., ch. 117)

Editor's note: The provisions of Charter § 9-a are superseded by W. Va. Code § 3-2-1 et seq. *See* W. Va. Code §§ 8-1-6, 8-5-13.

Sec. 10. Nomination of candidates.

Candidates to be voted for at municipal elections may be nominated by convention, or primary election, as may be decided by the executive committees of any of the parties recognized by law in said city, and candidates may be nominated by petition in the manner provided by chapter 3 of the Code of West Virginia [W. Va. Code § 3-1-1 et seq.]. Each of the political parties having the right to make a nomination under the election laws of West Virginia shall give notice of the manner of such nomination by publication thereof in some daily newspaper printed in the City of Charleston for ten days prior to the date of such convention or primary election.

State law references: Municipal political party executive committees and municipal primary elections, W. Va. Code § 8-5-14.

Sec. 11. When county and city voting precincts to be the same; how elections to be held.

Whenever the county court of Kanawha County shall arrange the voting precincts in the City of Charleston for state and county elections, according to the lines of the city wards, then such precincts with the same boundaries and the same voting places as provided for such state and county elections shall be the precincts for all city elections. Except as may be otherwise provided, by this act [this Charter], all city elections shall be held by the council and the officers therefor appointed in the way and manner prescribed in chapter 3 of the Code of West Virginia, but no double election boards shall

be appointed for any city election.

Editor's note: Charter § 11 appears superseded by W. Va. Code §§ 3-1-5, 3-1-6. *See* W. Va. Code § 8-1-6.

Sec. 12. Law governing preparation of ballot and method of voting.

The preparation of the ballot and the method of voting and all other requirements of chapter 3 of the Code of West Virginia [W. Va. Code § 3-1-1 et seq.], except as changed or modified by this act [this Charter], shall govern all city elections held under the provisions hereof.

Sec. 13. The council--Title; how constituted.

The City of Charleston shall have a council, which shall be known and styled as the "Council of the City of Charleston" and shall consist of one resident of each of the wards of the city, and five councilmen to be voted for by all the voters of said city, all of whom shall be nominated, voted for and elected in the manner herein provided.

Editor's note: The provisions of Charter § 13 mandating the size of the council are superseded by the provisions of Charter § 4.

Sec. 14. Same--Qualifications; vacancies.

Only citizens entitled to vote and residents and voters of their respective wards and having the proper qualifications hereinbefore provided shall be eligible to be elected to the office of councilmen [councilman] from their respective wards and at large, and each councilman so elected from a ward shall continue to be a resident of the ward from which he is elected during his entire term of office.

At the election to be held on the third Tuesday in May 1999, there shall be elected one member of the council from each ward and five members of the council from the city at large. If any person elected to council fails to qualify within twenty days after he is declared elected, or resigns as a member of the council, or ceases to be a resident of the ward from which he is elected, then his office shall thereby be vacated and the council shall fill such vacancy by the election of some qualified person for such unexpired term. No person shall be declared elected by the council unless he receives the votes of at least a majority of the members elected thereto and the minutes of such meeting shall show that fact.

(Ord. No. 6050, 12-5-1994)

Editor's note: The number of at-large councilmembers stated in Charter § 14 is superseded by the provisions of Charter § 4.

Sec. 15. Same--Mayor; clerk; president pro tempore.

The mayor shall be the presiding officer of the council and be a member thereof, with the right to vote on all questions the same as any other member of said council, and the city clerk shall be ex officio clerk of the council, and the mayor and city clerk shall each perform such other duties as the council may require of them. The council shall, at its first meeting after each election, select one of its body as president pro tempore, who shall in the absence of the mayor, preside as chairman of the meeting of the council, and in the absence of both the mayor and president pro tempore at any meeting of the council, some member of the council shall be elected to preside over such meeting.

Editor's note: Most of the first sentence of Charter § 15 is covered by W. Va. Code §§ 8-9-1, 8-9-2, 8-10-3. *See* W. Va. Code § 8-1-6.

Sec. 16. Same--Representation of new ward.

Whenever by the extension of the corporate boundaries of the city a new ward is created as part of the city, such new ward shall have representation in the city council and within thirty days after the act creating such new ward takes effect, the council shall proceed to elect one qualified resident thereof, as a member of said council, to hold office until the next general city election.

Sec. 17. Same--Exercise of legislative functions; information, etc., from officers and employees.

The council shall exercise all of the legislative functions of the city government and shall have the right to demand of any city official, or employee, information, explanations, facts, details, correspondence, or other papers affecting the city's interest; and it shall be malfeasance and neglect of duty for any such official or employee to fail or refuse to comply with such demands.

State law references: Powers of municipal governing bodies generally, W. Va. Code §§ 8-11-1 et seq., 8-12-5.

Sec. 18. Audit of books and accounts.

The council shall by proper ordinance provide for the auditing of all the books and accounts of the city at least once in each year, and shall employ a reputable certified public accountant for such purpose, and such audit shall show the complete financial condition of the city at the time thereof and the receipts and disbursements of all moneys during such year. The council may also provide by ordinance for the publication of the report of the accountant on the financial condition of the city at least once in each year, and such report of the accountant shall be spread upon the records of the council and be a public record for all purposes.

Editor's note: The provisions of Charter § 18 appear to be covered by, inconsistent with, and not needed in light of W. Va. Code §§ 6-9-7, 8-13-18, 8-13-23. *See* W. Va. Code § 8-1-6.

Sec. 19. Removal of officers by council or by circuit court of Kanawha County, or by officers having appointment authority.

Any member of the council, and any city official, either elected or appointed, may be removed from his office by the council for any of the following causes: official misconduct, incompetence, habitual drunkenness, neglect of duty, or gross immorality. The charges against any such officer shall be reduced to writing and entered of record by the council, and a summons shall thereupon be issued by the city clerk containing a copy of the charges and requiring the officer named therein to appear and answer the same on a day to be named therein, which summons may be served in the same manner as a summons commencing an action may be served, and the service must be made at least five days before the return day thereof, and it shall require the affirmative vote of two-thirds of all the members elected to council to remove any such official. The circuit court of Kanawha County shall have concurrent jurisdiction with the council to try, hear and determine any proceedings for the removal of any city official for any of the causes herein mentioned.

The mayor, or any other city official having the power of appointment, shall have the absolute right in his discretion to remove any of his appointees and appoint another qualified person in his place, but such removal shall be in writing and served upon said official so removed, and all the rights and powers of such official shall cease and end from the time of such service.

Sec. 20. Rules and regulations for government of council; record of meetings.

The council shall make proper rules and regulations for its own government and the conduct of its business, which rules shall not be contrary to, or inconsistent with, any of the provisions of this act [this Charter], and such rules shall be duly entered of record and shall be published by the council in any municipal code or other publication made by the council of this act and the ordinances of said city. The council shall cause a record of its meetings to be kept and recorded by the city clerk in a well bound book provided by the council for that purpose, which book shall remain in the custody and at the office of the city clerk, and all the books containing the proceedings of former councils or other governing bodies of the City of Charleston, shall likewise remain in the custody and be kept at the office of the city clerk, and all such books and all city records shall at reasonable hours and in a reasonable manner be open to the inspection of the public.

Editor's note: The provisions of Charter § 20 appear to be covered by W. Va. Code §§ 6-9A-5, 8-9-3, 8-12-5(45), 29B-1-3. This section may be somewhat inconsistent with such provisions. *See also* W. Va. Code § 8-1-6.

Sec. 21. Regular meetings of council.

The council shall hold regular meetings on the first and third Mondays of each month, and the hour and place of such meetings shall be fixed by the council in the rules adopted by it.

Sec. 22. Special meetings of council.

Special meetings of the council shall be held when called by the mayor or ten members thereof. In either case, the call therefor shall be in writing and signed by the mayor or members issuing it, and shall state the time, place and business to be considered thereat, and a copy thereof shall be served upon each member of the council then in the city, and also be published on two successive days in two daily newspapers printed and circulated therein. No business, other than that stated in such call, shall be considered at such meeting.

Sec. 23. Council procedure for contested elections, and right of appeal to circuit court.

All contested elections shall be heard and determined by the council and such contests shall be made and conducted in the same manner as provided for in the case of contests for county and district officers; and the council shall conduct its proceedings in such cases as nearly as practicable in conformity with the proceedings of the county court in such cases, and there shall be the same right of appeal, in the same way, to the circuit court of Kanawha County.

Editor's note: The provisions of Charter § 23 appear to be superseded by W. Va. Code §§ 3-7-1 et seq., 8-5-17. *See* W. Va. Code § 8-1-6.

Sec. 24. Oath of officers; how and within what time officers must qualify; failure to qualify vacates office.

All officers elected and appointed shall take an oath, before some one authorized to administer oaths, that they will support the Constitution of the United States, the constitution of this state, and will faithfully and impartially discharge the duties of their respective offices to the best of their skill and judgment; that they are not and will not during their term of office, in any way or manner become pecuniarily interested directly or indirectly in any contract with the city, in any franchise granted by it, or

in the purchase of supplies therefor. When the officer shall have made such oath in writing and filed the same with the city clerk and shall have given the bond required of him, he shall be considered as having qualified for the office to which he was elected or appointed; provided, that if any person so elected or appointed shall not qualify for said office as herein prescribed, within twenty days after he shall have been officially declared elected or appointed thereto, said office shall ipso facto become vacant, and said vacancy shall be filled in the same manner as other vacancies therein are provided for in this act [this Charter].

State law references: Oath of municipal officers, W. Va. Code § 8-5-8.

Sec. 25. Bonds of officers and employees; record of bonds.

The mayor, manager, city clerk, municipal court clerk, treasurer, city solicitor, city collector, municipal judge, health commissioner, chief of police and chief of fire department, each shall, before entering upon the discharge of their respective duties, give an official bond, conditioned for the faithful performance of such duties as are prescribed in this act [this Charter] or any ordinance now or hereafter passed, in amounts as follows: The mayor, one thousand dollars; manager, ten thousand dollars; city collector, ten thousand dollars; the treasurer, sixty thousand dollars; the city clerk, municipal court clerk, municipal judge and city solicitor, three thousand dollars, respectively; health commissioner, chief of police and chief of the fire department, one thousand dollars, respectively.

The council may require additional bond from any of said appointive officers, and may likewise require bond, in whatever sum they may fix, of any other appointive officer or employee. All bonds of officers or employees shall, before their acceptance, be approved by the council. The minutes of the meeting of council shall show all matters touching the consideration or approval of all bonds, and when said bonds are approved and accepted, they shall be recorded by the city clerk in a well-bound book kept by him at his office for that purpose, which book shall be open to public inspection; and the recordation of such bonds as aforesaid shall be prima facie proof of their correctness, and they, as so recorded, as well as copies thereof duly attested by the city clerk under the seal of the city, shall be admitted as evidence in all courts of this state. The city clerk shall be the custodian of all bonds, except that given by him, and as to it, the city treasurer shall be custodian. All bonds, obligations or other writings taken in pursuance of any provisions of this act [this Charter], shall be made payable to "the City of Charleston," and the respective persons, and their heirs, executors, administrators and assigns bound thereby shall be subject to the same proceedings on said bonds, obligations and other writings, for the purpose of enforcing the conditions of the terms thereof, by motion or otherwise, before any court of record held in and for the County of Kanawha, that collectors of county levies and their sureties are or shall be subject to on their bonds for enforcing the payment of the county levies.

Sec. 26. Quorum of council; compelling attendance of absent members.

A majority of the whole number of members elected to the council shall be necessary for the transaction of business, but a smaller number may adjourn from time to time and may compel the attendance of absent members, in such manner and under such penalties as it may by rules provide.

Editor's note: The quorum requirement in Charter § 26 is covered by W. Va. Code § 8-9-1. The "compelling attendance" requirement in such section may be inconsistent with such statute. *See also* W. Va. Code § 8-1-6.

Sec. 27. Voting in council and recording of votes.

Unless otherwise herein provided, the vote upon any question or motion before the council may be viva voce when unanimous; but if the question or motion does not receive the unanimous vote of the members present, the vote shall be taken by roll call of the members and made a part of the minutes of the meeting, and when the vote is unanimous the minutes shall so state.

State law references: Records of meetings, W. Va. Code § 8-9-3.

Sec. 28. City clerk is ex officio clerk of the council; council minutes and admissibility thereof in evidence.

The city clerk shall be ex officio clerk of the council and shall keep detailed minutes of its meetings and proceedings in a well-bound book for that purpose, which shall remain in the custody of the city clerk at his office and open to public inspection. The minutes of every meeting after being corrected, shall be signed by the mayor and city clerk, and, if thus recorded and signed, they shall be admitted as evidence in any court of record in this state.

State law references: Council records and minutes of proceedings, W. Va. Code § 8-9-3; duty of municipal recorder to keep the journal of proceedings of governing body, W. Va. Code § 8-10-3.

Sec. 29. Holding two offices.

No officer of the city shall hold two offices with the city at the same time, or be employed by the city in any other capacity, without first having the consent of the council.

Sec. 30. Failure of mayor or other officer to make appointments.

Whenever the mayor or other officer shall fail to make any and all appointments under him, or required to be made by him, for a period of thirty days from the time such appointment should have been made, his office may be declared vacant by the council, and his successor appointed, in the manner herein provided.

Sec. 31. Vacancy in office of mayor or treasurer; vacancy in office of appointive officer; officers hold office until successors qualified, unless previously removed.

Whenever a vacancy for any cause whatever shall occur in the office of mayor or treasurer, the council shall elect some qualified person to fill said vacancy until the next city election, and until his successor shall have been elected and qualified; and when such vacancy shall occur in the office of any appointive officer, his successor shall be appointed by the person making the original appointment, or his successor in office, as hereinbefore provided, and all elective and appointive officers of said city shall hold their respective offices until their successors are elected, or appointed, and qualified, unless sooner removed.

Sec. 32. Corruption in office.

Any member of council or any officer of, or connected with, the city government pursuant to any law of this state or ordinance of the city now or hereafter passed, who shall, in his official capacity or under color of his office, knowingly or willfully, or corruptly vote for, assent to or report in favor of, or allow, or certify for allowance, any claim or demand against the city, which claim or demand shall be on account or under color of any contract or agreement not authorized by or in pursuance of the provisions of this act [this Charter], or the ordinances of the city, or any claim or demand against the city and which claim or demand or any part thereof shall be for work not performed for and by authority of said city, or for supplies or materials not actually furnished thereto pursuant to law or ordinance, and every such member or officer as aforesaid who shall knowingly vote for, assent to, assist or otherwise permit, or aid in the disbursement or disposition of any money or property belonging to the city to any other than the specific use or purpose for which such money or property shall be or shall have been received

or appropriated or collected or authorized by law to be received, appropriated or collected, shall, upon conviction thereof, be punished by imprisonment in the county jail for a period of not less than sixty days nor more than one year or by fine of not less than five hundred dollars, nor more than two thousand dollars, or by both. But the council shall pay any just obligations made by the city and keep and perform all contracts, agreements and obligations made under the law as it was the day before this act goes into effect [this Charter became effective on March 6, 1929], and for which and on which the city is liable or obligated.

Sec. 33. Power of council to compel attendance of witnesses and production of records, administer oaths and punish for contempt.

The council in the exercise of its powers and the performance of its duties, as prescribed by this act [this Charter], and by the laws of the state, shall have the power to enforce the attendance of witnesses, the production of books and papers, and the power to administer oaths in the same manner and with like effect, and under the same penalties, as notaries public, justices of the peace, and other officers of the state authorized to administer oaths under state laws; and said council shall have the power to punish for contempt as is conferred on county courts by section 13 of chapter 39 of the [state] Code [now W. Va. Code § 7-1-6]. All process necessary to enforce the powers conferred by this act on the council shall be signed by the mayor (or acting mayor), and may be executed by any member of the police force.

Sec. 34. Absence or inability of certain officers to perform duties.

Whenever for any reason the mayor shall be absent from the city, or unable to attend to the duties of his office temporarily, the president pro tempore of the council shall perform them during such absence or inability, and in the absence or inability of the manager to attend to the duties of his office temporarily, the mayor shall designate someone to perform such duties, provided, that such temporary absence or inability shall not exceed thirty days, but if such absence or inability shall exceed thirty days, then such appointment or designation shall be submitted to the council, for confirmation or rejection. In the absence or inability of any other appointive city official to perform the duties of his office, the person or body making the original appointment, or his successor in office, shall designate someone to fill such office temporarily, or if such absence or inability extends over a period of sixty days, he may appoint someone to fill such office permanently.

Sec. 35. Election and term of office of elective officers; salary of mayor; appointments by mayor; appointment of city clerk; appointments by manager; term of appointive officers; duties of mayor and city solicitor; salary of solicitor; fees.

The mayor, members of council, municipal judge and treasurer elected on the third Monday in April 1995, shall begin their term on the first Monday in May after their election and shall hold office until the third Monday in June, 1999, and their successors shall be elected on the third Tuesday in May, 1999, and at intervals of four years thereafter and their term shall begin on the third Monday of June after their election. The mayor's salary shall not be less than three thousand nor more than five thousand dollars per annum.

The mayor shall appoint the city solicitor, an assistant city solicitor, the chief of police, human officer or officers, building inspector, collector, city auditor, engineer, health commissioner, lockup keeper, municipal court clerk, and the chief of the fire department, and these appointments shall not require any confirmation by the council but shall be made at the discretion of the mayor, who shall, with like discretion, have the full and complete power of removal thereof. The mayor shall appoint the manager, by and with the advice and consent of the council. The council shall, either at a regular or special meeting called for that purpose, pass upon such nomination and either confirm or reject the same, and if such nomination is rejected, then the mayor shall submit to the council a further

nomination of some other person or persons until the nomination is confirmed by council, for said office of manager, but it shall be the duty of the council to pass upon all nominations without unreasonable delay; and in any event within two weeks after the submission of the same, and the failure of members of the council to pass thereon within such time shall be cause for the removal from office of such members of the council as shall have refused to act thereon.

The council shall appoint a city clerk. The manager shall appoint or employ such persons as the ordinances of the city may require or the council may authorize by proper resolution. All such officers shall be appointed for the term of four years and until their successors are appointed and qualified, unless they are removed in the way and manner in this act (this Charter) provided.

It shall be the duty of the mayor to attend all meetings of the council and preside over that body.

It shall be the duty of the mayor to see that all of the laws and ordinances of the city are enforced and he shall have a general oversight over the peace, health and good order of the city.

The duties of the city solicitor or assistant city solicitor shall be to attend the sessions of council (and) to prosecute all suits in behalf of the city and defend all suits against the city, to advise the council and all of the departments of the city and in general to look after the interests of the city when it shall need legal services. The salary of the solicitor shall be not less than three thousand nor more than five thousand dollars per annum.

All fees of every kind collected by any officer or employee, including the municipal judge when acting as a justice, shall be paid to the city treasurer.

(Ord. No. 6050, 12-5-1994)

Editor's note: The provisions of Charter § 35 relative to the salaries of the mayor and solicitor are superseded by W. Va. Code § 8-5-12. *See* W. Va. Code § 8-1-6. The provisions of Charter § 35 relative to the mayor attending council meetings and presiding at same (i.e., the fourth paragraph) are covered by W. Va. Code § 8-9-1. See W. Va. Code § 8-1-6. The fifth paragraph of Charter § 35 is covered by W. Va. Code § 8-10-1. *See* W. Va. Code § 8-1-6.

Sec. 36. Appointment, compensation, powers and duties of the manager.

The manager shall be appointed in the way and manner hereinbefore provided and shall receive such salary as council may by ordinance prescribe, provided such amount shall not be less than three thousand nor more than five thousand dollars per annum, and he shall have the right to employ one clerk at such salary as council may fix, and such other help as he may require and as council may from time to time allow.

The manager shall devote his entire time and attention to the duties of his office, and shall have supervision and control of the executive work and management of the heads of all departments under his control as directed by the mayor. He shall make all contracts for labor and supplies, and generally perform all of the administrative work of the city, and such other duties as council may require of him, and shall possess such other powers and perform such other duties as council shall prescribe.

Editor's note: The provisions of Charter § 36 relative to the salary of the manager are superseded by W. Va. Code § 8-5-12. *See* W. Va. Code § 8-1-6.

Sec. 37. Franchises--Granting; requirements and limitations governing; vote of council required.

Franchises or permits granting the right of occupancy of any portion of the streets or alleys for works of public utility or other use, or granting any right or privilege, which the city has the power to grant to individuals, firms or corporations, in order that the latter may serve the public, may be made only upon the following restrictions and conditions: Such franchises, rights and privileges shall be granted only by ordinance duly passed by the council.

No grant of any such franchise shall be made without, at the time of making it, providing that the grantee shall indemnify the city against all damages caused by construction, maintenance or operation of such works. Additional provisions and conditions shall be made for the protection of the public against damage or inconvenience by reason of the construction, maintenance or operation thereof.

No grant of a franchise for the extension of or an addition to any line or work of public service through, over or under any additional street or territory of the city, shall be made for a period extending beyond the time limit for the expiration of franchise of the principal work of which it is an extension and if the franchise of the principal work is one granted before this act [this Charter] goes into effect and not limited as to time, any franchise granted for an extension or addition thereto shall nevertheless be made subject to the conditions thereof, including a time limit for a period not exceeding twenty-five years. All franchises hereafter granted shall embody therein a plainly expressed condition, where the franchise is for work to be useful chiefly to the citizens of the city, that at the expiration of such franchise or certain periods therein mentioned, the grantee shall, if required by the governing body of the city, sell to the city the plant at its actual value, exclusive of any value for the franchise granted by the city or its earning capacity or productive worth, and no exclusive franchise shall be granted.

If the city and the owner of the plant cannot agree upon its worth, then the value shall be ascertained by an impartial arbitration, one arbitrator to be selected by the city, one by such owner of the plant, these two to select a third and the decision of any two to be binding upon both parties, and if they shall fail for a period of thirty days to select such third arbitrator, then either party may apply to the judge of the circuit court of Kanawha County who shall then appoint such third arbitrator.

No franchise shall be granted without the affirmative vote of two-thirds of all the members elected to said council.

Editor's note: The provisions in Charter § 37 requiring that a franchise can only be granted by ordinance are covered by W. Va. Code § 8-11-3. *See* W. Va. Code § 8-1-6. The 25-year time limitation in Charter § 37 is superseded by W. Va. Code § 8-31-1. *See* W. Va. Code § 8-1-6. The last sentence in Charter § 37 appears inconsistent with W. Va. Code § 8-11-4. *See* W. Va. Code § 8-1-6.

Sec. 38. Same--Advertisement of application; submission to voters.

When any franchise, permit or license granting the right to use the streets, alleys, or public grounds, shall be applied for, the application or petition shall be advertised in two newspapers, published in said city, thirty days before the same shall be heard and determined by the council; and any ordinance granting such rights and franchises shall, on the petition of ten percent of the votes cast for all candidates for the office of mayor at the last preceding election, be submitted to the voters at a special election, for adoption or rejection, which shall be by a majority of the votes cast; said election to be held and conducted as other municipal elections are held; except that all of the expenses of said election shall be borne by the party or corporation desiring said rights and franchise. All such ordinances shall protect the interests of the city, as provided in section 37, as well as such additional conditions, compensations or limitations as council may prescribe.

Editor's note: The notice requirements in Charter § 38 are inconsistent with W. Va. Code § 8-31-1. *See* W. Va. Code § 8-1-6. The referendum provisions in Charter § 38 appear inconsistent with W. Va. Code § 8-11-4. *See* W. Va. Code § 8-1-6.

Sec. 39. Committees of council; adjournment of council meetings; postponement of announcement of vote.

Council shall have the right to appoint such committees of its own body as it may deem proper, and may give such committees power and authority to perform any duties and make any reports to council concerning the duties of council, and council may adjourn its meetings from time to time, pending the consideration of any matter, franchise or ordinance, and may postpone the announcement of any vote to an adjourned meeting or to a future meeting.

Sec. 40. Style of ordinances.

The style of all ordinances enacted by the council shall be "Be it Ordained by the Council of the City of Charleston."

State law references: Ordinance adoption, W. Va. Code § 8-11-4.

Sec. 41. Passage of ordinances; revision, reenactment or amendment; effective date; publication of caption or title; resolutions and orders.

No ordinance shall be passed, except by bill, and no bill shall be so amended in its passage as to change its original purpose. All bills must be in writing and read in full when presented at a regular or special meeting of council, and except in case of emergency and when so authorized by a vote of four-fifths of the members elected, taken by yeas and nays, no bill shall be considered for final passage at the meeting at which it is introduced; but at any subsequent regular or special meeting bills may be taken up for consideration and final action. No bill except in case of emergency evidenced by a vote of four-fifths of the members of council elected shall be considered for final passage unless the same has been referred to a committee for report. All amendments made by a committee to a bill shall be reported to council and incorporated in said bill, and before final action on said bill, the bill with any amendments shall be fully and distinctly read, after which reading, whether at the meeting at which the bill is reported or a subsequent meeting, the bill may be considered for final action. No bill shall become an ordinance unless on its final passage the vote be taken, the names of the members voting for and against the same be entered of record in the minutes of council, and a majority of all members elected recorded thereon as voting in its favor. Bills referred to a committee may be withdrawn therefrom at any subsequent meeting for present consideration by an affirmative vote of a majority of the members of council present. No bill except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and bills fixing the annual salaries of officers and employees of the city, and bills, providing for the paving or improving of streets, or construction of sewers, shall contain more than one object and that shall be expressed in the title, but if any object shall be embraced in an ordinance which is not so expressed the ordinance shall bevoid only as to so much thereof as shall not be so expressed. No ordinance shall be revised or reenacted by mere reference to the title thereof, but the same shall be set forth at length as if it were an original ordinance, nor shall any ordinance be amended by providing that, designated words thereof be stricken out and others inserted in lieu thereof, but the ordinance or sections amended shall be set forth in full as amended. All ordinances in force at the time [March 6, 1929] this act [this **Charter**] goes into effect, not inconsistent herewith, shall remain in full force until altered or repealed as herein provided, and all rights, actions, prescriptions and contracts of the city not inconsistent therewith shall continue to be valid as if this act [this **Charter**] had not been passed.

Any ordinance heretofore passed which may be void on account of failure of council properly to observe any provisions of the **Charter** of the City of Charleston or ordinances in force at the time said ordinance was passed shall so far as it may affect the validity of any paving or sewer assessments heretofore laid, be in full force and effect until repealed or amended, the same as if legally passed. No ordinance of the council shall take effect until the expiration of five days after its final passage, unless the council shall by a vote of three-fifths of its members elected, taken by yeas and nays, otherwise direct. It shall be the duty of the city clerk to make publication of the caption or title of every ordinance in a newspaper of general circulation in the City of Charleston within five days after its passage, but failure so to do shall not affect the validity of any such ordinance.

Resolutions and orders of council other than ordinances may be considered for final passage at the meeting at which they are proposed, and shall, unless otherwise provided therein, be in force and effect from and after their passage.

Editor's note: Except for the last paragraph, the provisions of **Charter** § 41 are superseded by W. Va. Code § 8-11-4. *See* W. Va. Code § 8-1-6.

Sec. 42. Ordinances to be spread on records of council; "Ordinance Record"; code of ordinances.

All ordinances passed, shall be spread in extenso upon the records of the council when adopted. The council shall also provide a well-bound book designated as "Ordinance Record," in which shall be copied by the city clerk all ordinances, in the order in which they are passed, which ordinances, when so copied, shall be compared with the originals by the mayor and shall be signed by him when found correct. Such books shall be indexed so as to show in brief form the substance of the ordinance, and shall be received by all courts and justices in this state as evidence, but the council may adopt by ordinance properly designating and describing it, a code of laws and ordinances, which when adopted shall be printed in book form, or said council may designate any committee, or attorney, or the city solicitor to prepare a code of ordinances for the government of the City of Charleston, and said council may by ordinance adopt the code so prepared as a whole, and when said ordinance adopting said code shall have been passed by the council, the said code shall be and become the law and ordinances of said city, and may be printed by order of the council, and the same shall be so received as evidence of what is printed therein, until errors or omissions be affirmatively shown therein.

Editor's note: The requirement in **Charter** § 42 that ordinances be placed in a well-bound book is superseded somewhat by W. Va. Code § 57-1-7a. *See* W. Va. Code § 8-1-6. The codification authority in **Charter** § 42 is superseded by W. Va. Code § 8-11-4(b). *See* W. Va. Code § 8-1-6.

Sec. 43. Officers conservators of the peace.

All persons elected or appointed to the offices named in this act [this **Charter**] shall be conservators of the peace within said city, and they, and any other officer provided for under this act [this **Charter**], may be given authority of police officers by the council.

Sec. 44. Powers and duties of municipal judge; maximum imprisonment for violation of ordinance; appeal; expense of maintaining persons committed to county jail.

The municipal judge shall be ex officio a justice and a conservator of the peace, and with authority to issue processes for all offenses committed within the police jurisdiction of the City of Charleston, of which a justice of the peace has jurisdiction under state statutes, and for all violations of any city ordinances, and shall have charge of and preside over the municipal court of such city; and may commit persons charged with felony or misdemeanor to jail or take bond for their appearance before the grand jury of the circuit, intermediate or other courts of Kanawha County; he shall keep an accurate record of all his judicial proceedings in said court, showing the style of each case, which record shall be indexed and numbered. It shall be his duty to hold daily sessions of his said court, Sunday excepted. Before trying any person charged with any violation of any state law or ordinance a warrant specifying the offense or violation charged shall be issued as herein provided and the municipal judge shall render judgment in any case as the law of the state or the ordinance of the city applying thereto may require; he shall also have the power to issue executions for all fines, penalties and costs imposed by him and he may require immediate payment thereof, and in default of such payment, may commit the party so in default to the jail of the City of Charleston or of the County of Kanawha, or other place of imprisonment in said city, until the fine and penalty and costs shall be paid or satisfied, to be employed during the term of imprisonment as hereafter provided, but for violation of any city ordinance the term of imprisonment in any such case shall not exceed thirty days, and in all cases where a person is sentenced to imprisonment or to the payment of a fine of ten dollars or more, such person shall be allowed an appeal from such decision to the intermediate court of said Kanawha County upon the execution of an appeal bond, with surety deemed approved by the said municipal judge or municipal court clerk in apenalty double the amount of the fine and costs imposed by said judge, conditioned that the person proposing to appeal will appear before the intermediate court of

Kanawha County on the first day of the next term thereof to answer for the offense wherewith he is charged and not depart thence without leave of the court and to satisfy all costs and fines imposed against him; and in no case shall judgment for a fine of less than ten dollars be given by the municipal judge if the defendant, his agent or attorney object thereto. When the judgment on appeal is against the appellant for any sum of money, judgment shall be rendered by the intermediate court against the appellant and those who signed the appeal bond as surety thereon. Before said municipal judge or clerk shall accept any natural person as surety upon any bond or recognizance under the provisions of this section, such surety shall furnish a certified statement of the clerk of the county court of any county in this state in which such surety owns real estate, and shall also file an affidavit, the form of which may be prescribed by the municipal judge, showing the bonds and recognizances upon which he is then surety and the amount of each bond or recognizance. If the amount of such bond or recognizance, together with other bonds and recognizances as shown by the affidavit aforesaid, exceeds in amount the assessed value of the surety's property as shown by the certificate of the clerk of the county court, of if any such bond or recognizance theretofore given, by such surety be forfeited and unsatisfied, then such surety shall be disqualified; and if any bond or recognizance be accepted and it subsequently appears that the surety thereon is disqualified then such bond shall be declared void by the municipal judge and the person whose appearance in the intermediate court of Kanawha County and whose payment of fine and costs are thereby secured may be forthwith apprehended and held in the city jail until a proper bond or recognizance is given; provided, however,that whenever any surety is offered less than one hour before the county clerk's office is closed or after it is closed, surety shall make an affidavit that he owns real estate in Kanawha County to an assessed value above encumbrances thereon, of at least double the amount of bond required. Any person making or procuring to be made a false statement in any such affidavit, with intent to deceive said municipal judge, shall be guilty of perjury. If such appeal be taken, the warrant of arrest, the transcript of the judgment, the appeal bond and other papers of the case shall be forthwith delivered by the said judge to the clerk of the intermediate court and the court shall proceed to try the case as upon indictment or presentment and render such judgment, including that of costs, as the law and the evidence may require.

On appeals from said municipal court the intermediate court of Kanawha County shall be governed by the same principles with respect to the forfeiture of bonds and recognizances, and the issuance and execution of capiases and writs of fieri facias as prevail in cases in which the state is a party.

The expense of maintaining persons committed to the jail of the county by such municipal judge shall be paid by the city. The municipal judge shall account for and pay over the amount of all fines collected by him weekly to the treasurer of the city and shall make monthly reports thereof, and of all other matters, pertaining to his office to the council of said city.

Editor's note: The first sentence of **Charter** § 44 is superseded by W. Va. Code §§ 8-10-1, 8-10-2. *See* W. Va. Code § 8-1-6. Provisions in the second sentence of **Charter** § 44 referencing violations of state law are invalid, as the municipal judge only has jurisdiction over ordinance violations. *See* W. Va. Code §§ 8-10-1, 8-10-2. *See* W. Va. Code § 8-1-6. The provisions of **Charter** § 44 pertaining to an appeal are superseded by W. Va. Code § 8-34-1. *See* W. Va. Code § 8-1-6.

Sec. 45. Qualifications of municipal judge; not to appear as counsel in criminal cases; absence or inability to perform duties; bond.

The municipal judge shall be an attorney at law and shall have attained the age of twenty-eight years at the date of the beginning of his term of service and shall have been a resident of this state for the period of five years and of the City of Charleston previous to the beginning of his term of service for the period of five years. He shall not appear as counsel in any criminal case in any court during his term of service. In the absence of, or in case of the inability of the municipal judge to perform his duties, the municipal court clerk shall act as municipal judge in his stead, and in the event that neither the municipal judge nor the municipal court clerk can for any cause perform such duties, then the mayor shall act as municipal judge. The official bond of a justice of the peace shall not be required of the municipal judge.

Editor's note: The reference in the last sentence of Charter § 45 to a "justice of the peace" should now be to a "magistrate." *See* W. Va. Code § 50-1-17.

Sec. 46. Bail.

In all cases of arrest by the police of the city, except in cases of murder and rape, the person arrested shall have the absolute right to give a reasonable and proper bond for his appearance at police court [municipal court] for a trial of his case, and the municipal judge, city clerk, municipal court clerk, mayor, chief of police and the desk sergeant or person in charge of police headquarters shall have the power, and it shall be their duty, to accept such bond from such person so arrested, and upon the giving of such bond he shall be released, and it shall be their further duty to permit such person arrested to communicate in any reasonable way with any person or persons with whom he may desire to have communication in reference to his giving bail in order to obtain his release, and each of said officers and all policemen shall render reasonable aid in assisting such person arrested to communicate with any person that he may desire for the purpose of securing such bail. In case one so arrested fail to give bond as aforesaid, the municipal judge, or if said judge be not then sitting, either of the officers named above may order such person committed to the city jail for safekeeping until the trial of his case.

Editor's note: Charter § 46 is invalid to the extent that it relates to other than ordinance violations. *See* W. Va. Code §§ 8-10-1, 8-10-2. *See also* W. Va. Code § 8-1-6.

Sec. 47. Authority of council, manager and police officers relating to nuisances; duties and responsibilities of owners and occupants of property; enforcement.

The manager of said city shall have authority to abate and remove all nuisances in said city. He may compel the owners, agents, assignees, occupants or tenants of any lot, premises, property, building or structure, upon or in which any nuisance may be, to abate and remove the same by orders therefor, and the council shall by ordinance provide a penalty for the violation of such orders. Council may by ordinance regulate the location, construction, repair, use, emptying and cleaning of all water closets, privies, cesspools, sinks, plumbing drains, yards, lots, areaways, pens, stables and other places, where offensive, unsightly, unwholesome, objectionable or dangerous substances or liquids are, or may accumulate, and provide suitable penalties for the violation of such regulations, which may be enforced against the owner, agent, assignee, occupant or tenant of any premises, or structure where such violation may occur. It shall be the duty of all police officers to report to the manager the facts as to the existence of any nuisance known to them.

If the owner, agent, tenant, assignee or occupant of any such premises, lot, property, building or structure, as is mentioned herein, shall fail or refuse to abate or remove any such nuisance, as mentioned herein, or to comply with the provisions of any such ordinance and the regulations herein contained, the manager may have said nuisance abated or the provisions of said ordinances carried out, after reasonable notice to said owner, occupant, tenant, agent or assignee of his intention so to do, and collect the expenses thereof, with one per centum per month interest added from the date of said notice, from the said owner, occupant, tenant, agent or assignee, by distress or sale, in the same manner in which taxes levied upon real estate for the benefit of said city are herein authorized to be collected, and the expense shall remain a lien upon said lot, or part of lot, the same as taxes levied upon real estate in said city; which lien may be enforced by a suit in equity before any court having jurisdiction, as other liens against real estate are enforced. In case of nonresident owners of real estate such notice may be served upon any tenant, occupant, assignee or rental agent, or by publication thereof once a week for not less than two consecutive weeks in two newspapers of opposite politics, published in said city.

And in all cases where any tenant, occupant or agent is required to abate and remove any nuisance under the provisions of this section, or comply with the provisions of any such ordinance as is mentioned herein, the expense thereof may be deducted out of the accruing or accrued rent of said

property or amount due said owner from said agent, and such tenant, occupant or agent may recover the amount so paid from the owner, unless otherwise especially agreed upon.

Any expense incurred by the manager as herein provided, in the manner aforesaid, may be collected in the manner herein provided, notwithstanding the imposition of any other penalty or penalties upon any of the persons named herein, under any of the provisions of this act [this Charter]. The abatement or removal of any such nuisance by the city at the expense of said city, as herein provided, shall be prima facie proof that the said notice to the owner, occupant, agent or assignee was given as herein prescribed.

Sec. 48. Connection with sewer system.

The manager may require all owners, tenants or occupants of improved property which may be located upon or near any street or alley along which may be extended any sewer or system of sewerage, which the said city may construct, own or control, to connect with such sewer, or system of sewerage, all privies, ponds, water closets, cesspools, drains or sinks, located upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage.

Editor's note: Charter § 48 is covered by W. Va. Code § 8-18-22. *See* W. Va. Code § 8-1-6.

Sec. 49. Construction of sidewalks, curbs and gutters; duty of county clerk to record assessments.

The council shall have the right and authority to establish the width of any sidewalk on any street, alley or public square, or any portion thereof in said city, to cause to be put down a suitable curb of brick, stone or other material alone for the footways and sidewalks of the streets, alleys or public squares or portion thereof, and to order the construction, relaying and repair of sidewalks and gutters of such material and width, and in such manner, as the council may reasonably prescribe by the owners or occupiers of the lots or parts of lots facing upon said streets, alleys and public squares; and in case of a failure or refusal of any such owners or occupiers of the lots or parts of lots to construct, relay or repair such sidewalks and gutters, when required, it shall be lawful for the council to have such sidewalks and gutters constructed, relaid or repaired, and levy and collect the expense thereof, with one per centum per month interest added after a demand of thirty days has been made by the treasurer of the city from the said owner, owners, occupier, occupiers or any of them; and in all cases of such assessment, whether for the construction, relaying or repairing of sidewalks or gutters, payment thereof shall be made to the treasurer within thirty days after the completion of the work and demand made, and if not so paid the city is hereby authorized to collect or cause to be collected the expense thereof, with one per centum per month interest added after work has been completed and a demand of thirty days, and they shall have the power to collect, or cause to be collected, the same from said owner, owners, occupier or occupiers or any of them, by distress and sale, in same manner in which taxes levied upon real estate for the benefit of the said city are herein authorized to be collected, and in addition there shall be a lien upon the real estate against which such assessment has been levied for the construction, relaying and repairing of sidewalks and gutters as herein provided, which lien may be enforced by a suit in equity before any court having jurisdiction, as other liens against real estate are enforced, and it shall be the duty of the city clerk to cause to be certified to the clerk of the county court of Kanawha County the order laying an assessment authorized by this section. The clerk of the county court of Kanawha County is hereby required to record and index such assessments in the proper trust deed book in the name of persons against whose property assessments appear therein; provided, however, that a reasonable notice shall first be given to said owner or occupier or their agent, that they are required to construct, relay or repair such sidewalks or gutters. In case of nonresidents who have no known agent in said city, such notice may be given by publication for a period not less than once a week for two consecutive weeks in any newspaper printed in said city; and in all cases where a tenant shall be required to construct, relay or repair sidewalks or gutters in front of the property of his or her occupancy, the expense of such construction or relaying or repairing may be deducted out of the

accruing rent of said property, and he may recover the amounts paid from the owner; unless otherwise especially agreed upon. The laying or construction of any such sidewalks by said city shall be prima facie proof that the said notice to the owner (resident or nonresident) or occupier, or their agent, was given as herein required.

Editor's note: Charter § 49 is preempted to general law by W. Va. Code § 8-13-1. *See* W. Va. Code § 8-1-6.

Sec. 50. Annual estimate for tax levy.

The council shall ascertain the total expense of the city to be provided for by levy for the fiscal year in which said levy is made, and it shall make a detailed itemized estimate of the sum of money necessary to pay interest accruing on the bonded indebtedness of said city, the amount required for the several sinking funds for the reduction of the principal thereof, the amounts necessary for the support of the various departments of the city and for the improvements of its streets, alleys, avenues and public grounds, real and personal property, contingent expenses and other expenses, together with an itemized statement of the estimated receipts other than that to be derived by the annual levy, and after receiving such estimates, and before making the levy, it shall apportion the rate thereof, including the estimated receipts from licenses and all other sources among the several funds so ascertained and provided for, which apportionment shall be spread upon the records of this city, and in making said estimate, providing for the revenue for the fiscal years, etc., it shall be the duty of the council strictly to observe all the provisions of chapter 9 of the Acts of the Legislature, 1908, entitled, "An act to regulate the rate and manner of laying levies for taxation in counties, magisterial and school and independent school districts, and municipal corporations, and to provide penalties for the illegal expenditure of public moneys, incurring of illegal obligations and the laying of illegal levies by any tax levying body, and for the distribution of a portion of the school fund," [W. Va. Code § 11-8-1 et seq.] and all amendments thereto, except where said last-named act shall be inconsistent with this act [this Charter] as to limit of taxation.

Editor's note: Charter § 50 is covered by W. Va. Code § 11-8-1 et seq. *See also* W. Va. Code § 11-8-14.

Sec. 51. Authority to levy and collect taxes; limit of taxation.

The council shall have authority to levy and collect an annual tax on real estate and personal property in said city and to impose a license and assess a tax on all dogs kept within the city and to impose a tax upon all other subjects of taxation under the several laws of the state, which shall be uniform with respect to persons and property within the jurisdiction of said city, and shall only be levied on such property, real, personal and mixed, on which the state imposes a tax; provided, that with the exception of the special levies authorized by law, no greater levy shall be laid by said council on the taxable property of said city than fifty cents upon each hundred dollars of the assessed valuation of the property of the municipality; and, provided, further, that the council shall, in making such levy, be subject to all provisions of chapter 9 of the Acts of the Legislature of 1908 [now codified as art. 8, ch. 11 of the Code of West Virginia] and any and all amendments thereto, except as herein provided. There shall be a tax of two dollars annually assessed on each and every male inhabitant of said city over the age of twenty-one years who is subject to a capitation tax under the laws of the State of West Virginia. The same shall be set out and included in the personal property book against every such inhabitant, and shall be collected under the authority of the city at the time of collecting other levies and taxes.

Editor's note: To the extent that Charter § 51 relates to taxation of real and personal property, it is preempted to general law by W. Va. Code § 8-13-1. *See* W. Va. Code §§ 8-1-6, 11-6-6d. Authority to tax dogs is also found in W. Va. Code § 8-13-10. As there apparently no longer is a state capitation tax, the provisions in this section relative to same are obsolete.

Sec. 52. Collection of taxes.

The city taxes annually levied by the council shall be collected as follows: Immediately after the annual levy for city taxes is laid the council shall direct the proper officer of the city to extend the same on the property books made out by him, including therein the proper capitation tax; he shall make out therefrom proper tax tickets in the following manner: That is to say, instead of a single ticket for the whole amount charged to any person, firm or corporation there shall be two tickets, each for one-half of said amount; these half tickets shall be severally numbered or designated "first" and "second" and the same, after being examined and compared by the council and found to be correct, shall be turned over to the treasurer of the city on the first day of October following the levy and the treasurer's receipt for the gross amount thereof shall be returned, entered upon its record and the treasurer charged therewith. The treasurer shall give notice by publication for twenty days in two newspapers of opposite politics published in said city, that said tickets are in his hands for collection stating the penalty for nonpayment thereof and the time and place when the same may be paid; provided, however, that the taxpayers shall have the right to anticipate the payment of the whole or any part of the taxes assessed against them.

The one-half ticket designated "first" may be paid to the treasurer of the city any time before the first day of November next succeeding said levy; the one-half ticket designated "second" may be paid to the treasurer of the city at any time before the first day of May next succeeding said levy. To all the half tickets designated "first" remaining unpaid in the treasurer's hands on the said first day of November succeeding said levy, a penalty of ten percent shall be added and collected from the taxpayers. To all half tickets designated "second" remaining unpaid in the treasurer's hands on the first day of May succeeding said levy a penalty of ten percent shall be added as a penalty and shall be collectible from the taxpayers. On said first day of November succeeding said levy all such half tickets designated "first" and on said first day of May succeeding such levy all such half tickets designated "second" remaining unpaid in the treasurer's hands shall be taken up by the council and settlement had with said treasurer on said days respectively, or on the next succeeding days, respectively, if said days shall fall upon Sunday, and thereupon the council shall place said tickets in the hands of the city collector for collection and shall take his receipt therefor; provided, however, that the council shall have the power any year, by resolution, to extend the time within which the tickets may remain in the treasurer's hands and be paid to him without adding the penalty, for a period named therein not exceeding, however, a total of fifteen days.

The city collector shall have the power to collect said tickets so placed in his hands, together with the penalties thereon herein provided to be added thereto, and the compensation of such city collector for making such collection of the taxes aforesaid shall be fixed by the council.

The city collector shall be charged with the gross amount of said tax tickets so delivered to him for collection, including the penalties accrued thereon so delivered, and no deduction therefrom shall be allowed, unless on or before the first day of August of each year he makes out and returns to the council a delinquent list of taxes uncollected for such year, with his oath attached hereto, stating that such list is correct and just and that he has received no part of the taxes mentioned therein, and that he has used due diligence to find property liable to distress for taxes, has found none, and that he could not collect the same.

Neither the treasurer nor the city collector shall take or collect anything but money for payment of taxes.

Editor's note: Charter § 52 is preempted to general law by W. Va. Code § 8-13-1. *See* W. Va. Code § 11A-1-1 et seq.

Sec. 53. Powers of collector.

The city collector shall have the power to collect the city taxes placed in his hands except as otherwise provided in this act [this Charter], and he shall also have power to collect the city claims which may be placed in his hands by the council for collection, except that fines imposed by the municipal judge shall not be collected by him.

Sec. 54. Distress for collection of taxes.

All goods and chattels belonging to a person, firm, corporation or estate, assessed with any city taxes, whether the same be a capitation tax or a tax upon real estate or personal property or an assessment for paving or other improvements, shall be liable for said tax, and may be distrained therefor in whosoever's possession they may be found, and the city collector shall have the same power to collect said tax or assessment from any person owing a debt to or having in his possession any estate belonging to a person assessed with any tax or assessment of any kind that the sheriff has to collect state taxes in such cases. The city collector may distrain and sell for all city taxes and assessments and in all respects have the same power to enforce the collection thereof as the sheriff has to enforce the collection of state taxes.

Editor's note: The provisions of **Charter** § 54 are obsolete insofar as they relate to the capitation tax. As to other taxes, **Charter** § 54 appears preempted to general law by W. Va. Code § 8-13-1. *See* W. Va. Code § 11A-1-1 et seq.

Sec. 55. Lien on real estate for taxes--Established; enforcement by suit in court of record; priority of lien.

There shall be a lien upon all real estate within said city for the city taxes assessed thereon, including such penalties added thereto for nonpayment thereof as are prescribed by this act [this **Charter**], from the first day of January of the year in which said taxes are assessed. Said liens may be enforced by appropriate suit in any court of record in Kanawha County; provided, such suit be instituted within five years from the time the said liens attached as herein provided, and such suit may either be instituted by and in the name of the City of Charleston as plaintiff, or said city may intervene by petition in any suit pending to sell or enforce liens against any real estate which is subject to such lien for said taxes. The liens herein created shall have priority over all other liens except those for taxes due the state.

Editor's note: The provisions of **Charter** § 55 are preempted to general law by W. Va. Code § 8-13-1. *See also* W. Va. Code § 11A-1-1 et seq.

Sec. 56. Same--Enforcement by tax sale.

Said liens for city taxes and attendant penalties may also be enforced by certifying the same to the clerk of the county court of Kanawha County for certification to the state auditor, and the same may be certified down by said auditor, and sold for taxes, interest, penalties and commissions thereon, in the same manner, at the same time, and by the same officer as real estate is sold for taxes, interest, damages, cost and commission due the state thereon, which officer shall account therefor on settlement with the city and pay over the same to the treasurer of the city.

Editor's note: The provisions of **Charter** § 56 are preempted to general law by W. Va. Code § 8-13-1. *See* W. Va. Code § 11A-1-1 et seq.

Sec. 57. Limitation on authority of county to tax persons and property within city for streets, education or poor outside city limits; control of streets and schools within city; *joint ownership of bridges.*

No taxes or levies shall be assessed upon or collected from the taxable persons or property within the corporate limits of said city, for the construction, improvement or keeping in repair of roads, or the building, leasing or repairing of schoolhouses, or the purchase of lands for the same, or for the support of schools, or for the support of the poor of Kanawha County, outside of said corporate limits,

for any year in which it shall appear that said city shall at its own expense provide for its own poor and keep its own roads, streets, sewers and bridges in good order. And neither the county court of Kanawha County nor the authorities of the district in which said city is situated, shall have or exercise jurisdiction within the corporate limits with relation to the roads, streets, alleys, bridges, wharves, docks, ferries, schools or schoolhouses, but the same shall be and remain under the exclusive jurisdiction and control of the municipal authorities of said city, except that the board of education in the independent school district of the City of Charleston shall have jurisdiction, supervision and control of the schools and schoolhouses in said district; and said city shall be liable only for the construction, improvement, repair and good order of the roads, streets, sewers, alleys, wharves and bridges in its corporate limits, except that the County of Kanawha may become a joint owner and controller with the City of Charleston in a bridge or bridges across Kanawha River.

Editor's note: Insofar as Charter § 57 relates to roads, it is superseded by W. Va. Code § 17-10-1 et seq.

Sec. 58. Depositories.

It shall be the duty of the treasurer of the city to keep all funds of the city in some bank or banks within said city, which shall pay interest on such deposits and which shall pay interest on the average daily balance of such funds in all accounts of the percent [percentage] equal to that paid by state depositors on all funds of the State of West Virginia and in the same manner and at the same time. If no bank within the city is willing at any time to receive deposits of the treasurer and to pay such interest thereon, the treasurer shall report this fact to the council, who shall thereupon designate a bank or banks in which he shall deposit said funds for the time being and until some bank in said city will receive such deposits on such terms. Before receiving any such deposits such bank or banks shall give bond in such penalty as the council shall prescribe, and with securities to be approved by said council, conditioned for the prompt payment, whenever lawfully required, of all the city moneys or parts thereof which may be deposited with them, which bond shall be renewed at such times as the council may require.

Editor's note: Charter § 58 is superseded by W. Va. Code § 18-13-22a et seq. *See* W. Va. Code § 8-1-6.

State law references: Investment of municipal funds, W. Va. Code §§ 8-13-22a, 12-6-1 et seq.

Sec. 59. Bonds--Authority to issue; purposes; interest; limit; taxation to pay interest and principal.

The City of Charleston is hereby authorized to issue and sell bonds of said city, for the purposes of buying and building bridges, electric light plants, waterworks, gas lines and fields, and other public utilities; and for the purpose of acquiring and providing land for public parks, public streets, avenues and alleys, airports and other public grounds, and acquiring or assisting in acquiring property to be donated, dedicated or conveyed to, or otherwise vested in, the State of West Virginia, as a site for a state capitol and other public buildings, which donation, dedication and conveyance are hereby authorized to be made, and also to provide ground for and erect an incinerator plant or garbage crematory, or other plant or means for the disposal of garbage and refuse; and such bonds shall be sold for not less than par, and shall be payable in a period not to exceed thirty-four years, and shall bear interest, not to exceed six per centum per annum; and in the issuance and sale of said bonds the city shall be governed by all the restrictions of the Constitution of this state and the statutes of this state, with respect to the issuance and sale of other bonds; provided, that said city shall not, by the sale or issue of bonds for the purposes above mentioned, cause the aggregate of its indebtedness, of every kind whatever, to exceed five per centum of the value of the taxable property therein, but may for the above purposes issue bonds to the maximum limit of said five percent; nor shall said city make such issue and sale of bonds without, at the same time, providing for the collection of a direct annual tax sufficient to pay annually the interest on the same, and a sinking fund to pay the principal within the

time for which said bonds shall be issued.

Editor's note: Charter § 59 appears obsolete in light of W. Va. Code § 13-1-1 et seq.

Sec. 59-a. Same--For improvement of streets.

The City of Charleston is hereby authorized to issue and sell bonds of said city, for the purpose of paying the city's part of the cost of grading, curbing, paving, sewering or otherwise improving the avenues, streets, roads and alleys of said city, and for the purpose of providing funds to cover all or any part of the cost of grading, curbing, paving or sewering that may be assessed against abutting property owners in the manner provided for by law; and said city is hereby given full power to employ the proceeds of such bonds in the purchase of paving certificates or other permanent improvement certificates issued under the provisions of the Charter and made liens or assessments against real estate in said city, at not to exceed their par value, and may hold and collect or otherwise dispose of the same; provided, that said city shall not by the sale or issuance of bonds for the purposes above mentioned, cause the aggregate of its indebtedness, of every kind whatever, to exceed five per centum of the value of the taxable property therein.

The proceeds of any bond issue, authorized under this section, shall be set aside as a separate fund, and all special assessments covering improvements, the cost whereof has been advanced out of this fund, shall be paid into and become a part of said special fund and be used for the same purpose and in the same manner as the proceeds of said original fund.

This fund shall continue to be used for the purposes mentioned herein, until such time as the city's part of the cost of grading, curbing, paving, sewering or otherwise improving the avenues, streets, roads or alleys of the city equals the original proceeds of the bond issues authorized for the purposes mentioned herein. The issuance and sale of bonds, authorized by this section, shall be governed by all of the restrictions of the constitution of this state and statutes of this state with respect to the issuance and sale of other bonds of said city. No issuance and sale of bonds, under this section, shall be made, unless at the same time provision is made for the collection of a direct annual tax, sufficient to pay the annual interest on the same and create a sinking fund to pay the principal within the time for which said bonds shall be issued. The direct annual tax, provided for in this section, shall be set aside as a separate fund, to be known as an interest and sinking fund. All interest collected on special assessments authorized or referred to in this section shall be placed in and become a part of said special interest and sinking fund, until the principal and interest of said bonds are paid.

Whenever, in the opinion of the council, the special improvement fund created by this section, or any part thereof, is no longer needed the council may order direct that said special assessments, when collected, be applied to retiring such of the bonds provided for herein, as may be outstanding at that time.

Editor's note: Charter § 59-a is preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 60. Same--In anticipation of special assessments for street improvements or sewer construction; limitation on indebtedness.

The City of Charleston is hereby authorized to issue and sell the bonds of the said city for the purpose of providing for grading, paving and otherwise improving the streets and alleys of said city or constructing sewers for the proper drainage of same in anticipation of special assessments to be made upon the property abutting upon the streets and alleys so improved, or property so sewered or drained, and such bonds may be in such an amount as shall be sufficient to pay the entire estimated cost and expense of said improvements, for which such special assessments are levied; provided, that the price for which said bonds are sold shall not be below par value thereof; said bonds may be payable in groups of one-fifth of the whole issue payable in two, four, six, eight and ten years respectively, and all payable in not to exceed ten years from the date of issue thereof, and shall bear interest at a rate not

exceeding six per centum per annum, payable annually; and in the issuance and sale of said bonds, the city shall be governed by all the restrictions and limitations of the constitution of this state and the restrictions and limitations of the statutes of this state with respect to the issuance and sale of other bonds, and the assessments as paid and provided for in this act [this Charter] shall be applied to the liquidation of said bonds and the interest thereon; and if by reason of the penalties collected with the delinquent assessments, there be any balance after the payment of said bonds and all accrued interest and costs, the said balance shall be turned into the city treasury to the credit of the interest and sinking fund of the city.

Provided, that said city shall not by the sale or issue of such bonds cause the aggregate of its debt of every kind whatsoever to exceed five per centum of the value of the taxable property therein; and provided, further, that nothing herein contained shall be construed as authorizing said city to become indebted in any other manner or for any other purpose, to an amount including the existing indebtedness in the aggregate exceeding two and one-half per centum on the value of the taxable property therein (as provided in chapter 51 of the Acts of 1905) except for the purpose of grading, paving, sewering and otherwise improving the streets and alleys of said city and as provided for in this act [this Charter], and except for the purpose of buying or building bridges, electric light plants, waterworks, gas lines and fields and other public utilities; nor shall they make such issue and sale of bonds for grading, paving, sewering and improving the streets and alleys of said city without, at the same time, providing for the collection of a direct annual tax sufficient to pay annually the interest on such debt and principal thereof within a period not exceeding ten years.

All assessments, interest and penalties thereon, collected from the abutting property owners, on account of grading, paving, sewering or otherwise improving the streets and alleys of such city under the provisions of this act [this Charter], shall annually be applied to the annual tax required to pay the interest on such debt and such principal within and not exceeding said period of ten years and in the event that the assessments, interest and penalties so called do not amount to a sum sufficient to pay annually the interest on such debt, said city shall collect so much of said levy as will pay annually the interest on such debt, and the principal thereof within and not exceeding ten years.

Editor's note: The provisions of Charter § 60 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 61. Contracts for improvement of streets; assessment of cost.

Whenever the council of said city shall deem it expedient to cause any street or alley in said city or portion thereof to be paved, curbed or macadamized, or otherwise improved in a permanent manner, it shall order the work done in the following manner and upon the following terms: The contract for such paving or other improvements shall, after due advertisement in which the council shall reserve the right to reject any and all bids, be let to the lowest reasonable bidder. The contractor shall look only to the city for the payment of the work, and in no sense to the abutting landowners, except as hereinafter provided. The total cost of grading and paving or otherwise improving any such street or alley (with the exception that where a street is occupied by the street car tracks or other railways, such cost of opening or otherwise improving the distance between the rails and two additional feet outside of each rail, shall be borne and paid entirely by the streetcar or other railway company operating such street or other railway unless otherwise provided by the franchise of such streetcar or other railway company granted previous to the passage of this act [this Charter]), shall be borne by the owners of the land abutting upon said street, alley or portion thereof, according to the following plan, that is to say: Payment is to be made by all landowners on either side of such portion of a street or block so paved or improved in such portion of the total cost, less the portion, if any, chargeable to such street or other railway company, as the frontage in feet of his land so abutting bears to the total frontage of all lands so abutting on such street, alley or portion thereof so paved or improved as aforesaid.

When the paving of any street, or alley, or portion thereof shall have been let to contract and the work done as hereinbefore provided, it shall be the duty of the engineer of said city to cause the several frontages abutting thereon to be measured, and to calculate the assessment upon each and every landowner so abutting and to certify the same to the council, showing the proper amount to be

determined, as provided in the foregoing plan. It shall be the duty of the council to examine and compare such assessment, amounts and names so certified to it, and thereupon give notice by publication once a week for two successive weeks in a newspaper of general circulation published in said city, that an assessment under this act [this Charter] is about to be laid against the abutting property for paving or improvements done on said streets, or alleys, describing the location of such paving or improvements, and any owner or owners thereof shall have the right to appear before said council, within two weeks from the first publication thereof, and move to correct an apportionment or assessment excessive or improperly made as charged, which correction said council shall have the power to make according to the intent of this act [this Charter], and if found to be correct or when corrected by the council aforesaid, it shall enter the same, together with a description of the lots of land as to location, frontage, depth and ownership, so far as the same may be ascertained, upon its records and to enter in its records that such owners and lots be assessed and chargeable with the amount so ascertained to be borne by them respectively; and when so approved, certified and entered on record, the same shall be and constitute an assessment against said owners and lots for such respective amounts. And it shall be the duty of the council to immediately certify such assessment to the treasurer for collection as herein provided, and a copy of said order shall be certified by the city clerk to the clerk of the county court of Kanawha County, who shall record and index the same in the proper trust deed book in the name of each person against whose property assessments appear therein. The amount so assessed against said abutting landowners shall be paid in ten payments, as follows: That is to say, one-tenth of said amount, together with interest on the whole assessment, shall be paid into the city treasury, before the first day of May next after said work is completed and said assessments have been certified to the county clerk. And a like one-tenth, together with interest for one year upon the whole amount remaining unpaid on or before the first day of May in each succeeding year thereafter until all has been paid, and each of said installments of one-tenth beginning with the first, shall bear interest on the amount of said installments as six per centum per annum from the date of record of same in the county clerk's office until paid; provided, however, that any abutting owner so liable for any portion of the cost of such paving shall have the right at any time after the same is certified as aforesaid to the treasurer for collection to anticipate the payment of any or all of said assessments and shall be allowed to pay the face of said assessments with interest at six percent per annum only from the time of recordation to the time of payment. To each of such installments of assessments remaining unpaid in the treasurer's hands on the day herein specified for the payment thereof, a penalty of ten per centum on the principal sum shall be added and any assessment so remaining unpaid in the treasurer's hands on such date, shall be taken up on such settlements had with the treasurer on such dates, and thereupon place such assessments with the penalty added thereto, in the hands of the city collector to be treated and considered, and payment thereof enforced in all respects as hereinbefore provided for the collection of taxes due the city, and they shall be a lien upon the property liable therefor the same as for taxes, which lien may be enforced in thesame manner as provided for taxes. The lien hereinbefore provided for shall have priority over all other liens except those for taxes due the state and shall be on a parity with taxes and assessments due the city, and shall be effective as of the date that the assessment is laid by the council. Whenever all such assessments, for paving, sewerage, macadamizing or other improvements shall be paid in full to the treasurer, he shall deliver to the party paying the same a release of the lien therefor which may be recorded in the office of the clerk of the county court of Kanawha County as other releases of liens, and whenever any such assessments shall not be in the hands of the treasurer for collection, but the same shall be shown to the satisfaction of the city auditor or other official performing the duties of auditor, to have been paid in full or any officer entitled to receive the same, such auditor or the mayor may in like manner execute such release.

Editor's note: The provisions of Charter § 61 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 62. Sewerage assessments against owners of abutting property; requiring connection with sewer; including cost of drains in cost of street improvement.

Whenever the council shall order the construction of any public sewer in said city, the owners of the property abutting upon any street in which such sewer shall be constructed, shall be charged with and liable for sewerage assessments as follows: When said sewer is completed the engineer of said

city shall report to the council in writing the total cost of such sewer, and a description of the lots and lands as to the location, frontage, depth and ownership liable for such sewer assessment, so far as the same may be ascertained, together with the amount chargeable against each lot and owner, calculated in the following manner: The total cost of constructing and laying the sewer shall be borne by the owners of the land abutting upon the streets, alleys, right-of-ways or easements or portions thereof, in which the sewer is laid, according to the following plan: Payment is to be made by each landowner on either side of such portion of a street, alley, right-of-way or easement in which such sewer is laid, in such proportion as such frontage of his land upon said street, alley, right-of-way or easement bears to the total frontage of all lands so abutting on such street, alley, right-of-way or easement; provided, that the charge laid against any owner of property shall not exceed three dollars per linear foot of frontage on each side of the portion of such street, alley, right-of-way or easement in which any such sewer is laid. In case of a corner lot, frontage is to be measured along the longest dimension thereof abutting on such street, alley, right-of-way or easement in which such sewer is laid. Any lot having a depth of two hundred feet or more and fronting on two streets, alleys, rights-of-way or easements, one in the front and one in the rear of said lot shall be assessed on both of said streets, alleys, rights-of-way or easements, if a sewer is constructed in both such streets, alleys, rights-of-way or easements. Where a corner lot has been assessed on the end it shall not be assessed on the side, and where it has been assessed on the side, it shall not be assessed on the end. Thereupon said council shall give like notice by publication as is required in case of street paving assessments, and the same rights shall exist as to the persons and property affected and the same duty as to corrections by said council as are prescribed with reference to paving, which report shall in like manner be examined by the council, and if found to be correct, or corrected as aforesaid, and such estimated assessments to be a fair and equitable apportionment of the cost of such sewer upon the basis hereinbefore described, it shall enter an order upon its records, setting forth such location, depth, ownership and said amount of such sewer assessments, against each, respectively, calculated as aforesaid, and the entry of such order shall constitute and be an assessment for such proportion and amount so fixed therein against such respective owners and lots, and if after such advertisements, notice and hearing, said council shall find that such apportionment at such rate is unjust or inequitable, and contrary to the intent of this act [this Charter], it shall ascertain, fix and assess the cost thereof among and upon the abutting owners respectively, justly and equitably and according to the intent hereof, and in like manner, assess and enter the amount so fixed respectively upon its records, and the council shall, in either event, thereupon certify the same to the treasurer for collection, and certify a copy of such order to the clerk of the county court of Kanawha County, who shall record the same in the proper trust deed book, and index the same in the name of each owner of any such lot so charged with such assessment, and such assessment so made shall constitute and be a lien upon said lots respectively, which shall have priority over all other liens, except those for taxes due the state, and shall be on a parity with other taxes and assessments due the city. Said amounts so assessed against the said several landowners shall be paid by theparties liable therefor to the said treasurer at all times, in the manner and with the attendant penalties for failure to pay promptly at the time prescribed in all respects as hereinbefore provided in the case of assessments for paving streets and alleys in a permanent manner, and the parties liable therefor shall, in the same manner, and to the same extent, have the right and be entitled to anticipate any or all of such installments thereon as in such case provided. The owners of, or the tenants, occupants or agents in control of any lot abutting on or near or adjacent to any street, avenue, alley, right-of-way or easement in said city, in which a public sewer is or may hereafter be laid and constructed, upon which lot any business or residence building is or may hereafter be erected, or upon which any water stands not connected with a public sewer, may be required and compelled to connect any such building or lot with such sewer. Notice to so connect may be given to the owner, lessee, or occupant of such building. Each day's failure to comply with such notice and connect with such sewer by such owner or owners, ten days after such notice is given, shall be a misdemeanor and a separate and new offense under this section, and every such offense shall be punishable by fine of not less than five nor more than twenty-five dollars. The expense incurred by any tenant, occupant, or agent in complying with the order of said council to make such sewer connection may be deducted out of the accruing rents as provided for in section forty-seven relating to the abatement of nuisances. Jurisdiction to hear, try, determine and sentence for violation of this section is vested in the municipal court of such city.

In the paving, curbing, macadamizing or otherwise improving streets and alleys and providing

for the assessment of the cost thereof under section 61 or section 88 of the **Charter** of the City of Charleston there may be included in any such assessment the cost of constructing the necessary drains for the disposal of surface water.

Editor's note: The provisions of **Charter** § 62 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 62-a. Construction of sewer systems or common, lateral, branch, trunk or combined sewers.

The council is authorized and empowered to order and cause to be constructed, in said city, or part within and part outside of the limits of said city, public, common, lateral, branch, trunk and combined sewers or public sewer systems, or both, by contract or directly by the city, for the benefit of said city or any part thereof, and to purchase lands or easements therein or to condemn lands or easements therein in the manner provided by law, for such sewers or sewer systems, and when the council shall order and complete the construction of any such sewer or sewer system or any part thereof in said city, the owners of the property abutting on such sewer or abutting upon an avenue, street, alley, right-of-way or easement in which such sewer shall be constructed, or abutting on any avenue, street, alley, right-of-way, easement in which any common sewer, part of a sewer system, is constructed and laid, may be charged with all or any part of the cost thereof, including the cost of such sewer or sewer system at and across intersections at avenues, streets, roads and alleys adjacent thereto. If said work is let to contract, the provisions of the **Charter** of the City of Charleston relating to street paving contracts shall apply.

A sewer system shall be deemed to include all the common sewers, whether they be lateral, branch, trunk or combined sewers, which serve to drain a definite drainage area as specified in the order of the council directing the work to be done.

A common sewer shall be deemed to be a sewer in which all abutters have equal rights of entrance and use.

A lateral sewer shall be deemed to be a sewer which does not receive the sewage from any other common sewer.

A branch sewer shall be deemed to be a sewer into which the sewage from two or more lateral sewers is discharged, including storm and surface water sewers.

A trunk sewer shall be deemed to be a sewer into which the sewage from two or more branch sewers is discharged.

A combined sewer shall be deemed to be a sewer intended to receive domestic sewage and industrial wastes.

When said sewer or sewer system is completed the engineer of said city shall report to the council in writing the total cost of such sewer or sewer system, and a description of the lots and lands as to the location, frontage, depth and ownership liable for such sewer assessment, so far as the same may be ascertained, together with the amount chargeable against each lot and owner, calculated in the following manner: The total cost of constructing and laying the sewer or sewer system, including the portions thereof laid in the intersections of streets and alleys, shall be borne by the owners of the land abutting upon the streets, avenues, alleys, rights-of-way or easements or portions thereof in which the sewer or some part of the sewer system, is constructed and laid; payment is to be made by each landowner on either side of such portion of a street, alley, right-of-way or easement in which a common sewer is laid, in the proportion that the frontage of his land upon such portion of said street, alley, right-of-way or easement in which such sewer or sewer system is laid bears to the total frontage of all lands so abutting on such street, alley, right-of-way or easement; in which the sewer or some part of the sewer system is laid; provided, that the charge laid against any owner of property shall not exceed three dollars per linear foot of frontage on each side of such street, alley, right-of-way or easement in which any such sewer or part of a sewer system is laid. In case of a corner lot, frontage is to be measured along the longest dimension thereof abutting on such street, alley, right-of-way or easement

in which such sewer is laid, but if sewered on both sides then such a corner lot is to be charged only with the side first sewered. Any lot having a depth of two hundred feet or more and fronting on two streets, alleys, rights-of-way or easements, one in the front and one in the rear of said lot shall be assessed on both of said streets, alleys, rights-of-way, or easements, if a sewer is constructed on both suchstreets, alleys, rights-of-way, or easements. When a corner lot has been assessed on either or both ends, it shall not be assessed on the side, and where it has been assessed on the side, it shall not be assessed on the end.

In the case of corner lots where the cost of sewering along one dimension is not assessed against the owner thereof, and in case of lots less than two hundred feet deep abutting at both ends on a street, alley, right-of-way or easement in which a sewer is laid, the cost of sewering along the dimension or end not assessed against the property owner shall in every case be borne by the City of Charleston.

Thereupon said council shall give like notice by publication as is required in case of street paving assessments, and the same rights shall exist as to the persons and property affected and the same duty as to corrections by said council as are prescribed with reference to paving. The report of the city engineer shall in like manner be examined by the council, and if found to be correct or corrected as aforesaid, and such estimated assessments to be a fair and equitable apportionment of the cost of such sewer or sewer system upon the basis hereinbefore described, it shall enter an order upon its records, setting forth such location, depth, ownership and said amount of such sewer assessments, against each respectively, calculated as aforesaid, and the entry of such order shall constitute and be an assessment for such proportion and amount so fixed therein against such respective owners and lots; and, if after such advertisement, notice and hearing, said council shall find that such apportionment at such rate is unjust or inequitable, and contrary to the intent of this act [this Charter], it shall ascertain, fix and assess the cost thereof among and upon the abutting owners respectively, justly and equitably and according to the intent hereof, and in like manner assess and enter the amount so fixed respectively upon its records; and, the council shall, in either event, thereupon certify the same to the treasurer for collection and certify a copy of such order to the clerk of the county court of Kanawha County, who shall record the same in the proper trust deed book, and index the same in the name of each owner of any such lot so charged with such assessment, and such assessment so made shall constitute and be a lien upon said lots respectively, which shall have priority over all other liens, except those for taxes due the state, and shall be on a parity with other taxes and assessments due the city. Said amounts so assessed against the said several landowners shall be paid by the parties liable therefor to the saidtreasurer at all times, in the manner and with the attendant penalties for failure to pay promptly at the time prescribed in all respects as hereinbefore provided in the case of assessments for paving streets and alleys in a permanent manner, and the parties liable therefor shall, in the same manner, and to the same extent, have the right and be entitled to anticipate any or all of such installments thereon as in such case provided. The owners of, or the tenants, occupants or agents in control of any lot abutting on or near or adjacent to any street, avenue, alley, right-of-way or easement in said city, in which a public sewer is or may hereafter be laid and constructed, upon which lot any business or resident building is or may hereafter be erected, or upon which any water stands not connected with any public sewer, may be required and compelled to connect any such building or lot with such sewer. Notice to so connect may be given to the owner, lessee, or occupant of such building. Each day's failure to comply with such notice and connect with such sewer by such owner or owners, ten days after such notice is given, shall be a misdemeanor and a separate and new offense under this section, and every such offense shall be punishable by fine of not less than five nor more than twenty-five dollars. The expense incurred by any tenant, occupant, or agent in complying with the order of said council to make such sewer connection may be deducted out of the accruing rents as provided for in section 47 relating to the abatement of nuisances.

Editor's note: The provisions of **Charter** § 62-a are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 63. Resolution declaring necessity for street improvement--Required; procedure for adoption.

Whenever it is deemed expedient by the council of said city to provide for the grading, paving, sewering, macadamizing or otherwise improving any street or alley therein to be paid for in whole or in part by special assessment said council shall declare by resolution, by aye and no vote, the necessity of such improvement. At the time of the passage of said resolution the said council shall have on file in the office of the city engineer, plans, specifications, estimates and profiles of the proposed improvements, showing the proposed grade of the street and improvement, after completion, with reference to the property abutting thereon, which plans, specifications, estimates and profiles shall be open for the inspection of all persons interested. Said resolution shall determine the general nature of the improvement, what shall be the grade of the street, alley or other public place to be improved, as well as the grade or elevation of the curb, and said council shall approve the plans, specifications, estimates and profiles for the proposed improvement. The council shall also determine in said resolution the method of paying for the work contemplated in said plans and specifications whether by an appropriation from funds in the treasury unappropriated, or whether or not bonds shall be issued in anticipation of the collection of special assessments, to be made against the abutting property owners as provided for in section 61 of this act [this Charter]. Said resolution shall further show the approximate estimated cost of said proposed improvement per front foot of the property abutting thereon, and shall fix a date, at some regular or special meeting of the council, on which the owners of property to be assessed for such improvement may appear before council and protest against the same or be otherwise heard in reference thereto. Assessments shall be payable in ten installments as provided for in said section 61. The resolution herein provided for, declaring the necessity for said improvement, shall be published at least once a week for two successive weeks after its adoption, in a newspaper of general circulation published in the city, and an affidavit of the publisher showing publication for such time, together with a copy of said notice attached, shall be filed with the city clerk of the said city and spread upon the record of the minutes of the next meeting of the council. Said resolution shall be in effect from and after the first publication thereof as herein provided for.

Editor's note: The provisions of Charter § 63 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 64. Same--Service on property owners of notice of passage.

A notice of the passage of the resolution required in the last preceding section, embodying a copy of said resolution, shall be served upon the owner of each piece of property to be assessed, said service to be made in the manner provided by this act [this Charter] for serving notices herein required or in other lawful manner; provided, that if any of the owners or persons be not residents of the City of Charleston, or if it appears by the return in any case, that the owner cannot be found, then a notice of the passage of said resolution shall be published in some newspaper of general circulation in said city once a week for two successive weeks, which notice shall be deemed completed on the day of the second publication thereof, and such notice whether by service or publication, shall be completed at least three days before the date fixed for hearing thereon, as aforesaid, and before the introduction of any ordinance providing for said improvement, as hereinafter provided for; and the return of the officer, or sworn return of any other person, serving such notice or a certified copy of said return, or when published, the certificate of the publisher of said newspaper, shall be prima facie evidence of the service of the notice as herein required. Notice upon infants may be served on their guardian, and upon insane persons by service upon their committee. It shall be the duty of the city manager to cause such notice to be served upon said property owners as aforesaid.

Editor's note: The provisions of Charter § 64 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 65. City executive committees of political parties.

The city executive committees of the two political parties casting the highest vote at the last preceding general election, shall each consist of one person from each of the wards of the city to be

selected in the same manner and at the same time that candidates for municipal offices are selected. Vacancies in a committee shall be filled and members to represent newly created wards shall be elected by the committee to serve until the next general city election.

State law references: Municipal executive committees, W. Va. Code § 8-5-14.

Sec. 66. Bonds to pay city's cost of improvement of streets, etc.

It shall be lawful for said City of Charleston to issue and sell its bonds as provided in this act [this **Charter**] for the sale of other bonds, to pay the city's part of the cost of said improvements as required by this act [this **Charter**], and it may levy taxes in addition to all other taxes authorized by law, to pay such bonds and interest thereon, provided that the total indebtedness of the city for all purposes shall not exceed five per centum of the total value of all taxable property therein.

Editor's note: The provisions of **Charter** § 66 are deleted as preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 67. Hearing of property owners affected by improvements; ordinance concerning improvement.

After the expiration of not less than ten days from the time of the giving and publication of the notices as provided for in section 64, the council shall sit at the time and place fixed for the purpose of hearing all property owners to be affected, with reference to such proposed improvements, and shall hear and consider any protests or objections thereto; and the council shall thereupon, or as soon as may be, determine whether it will proceed with the proposed improvement or not, and if it decides to proceed therewith an ordinance for the purpose shall be passed. Said ordinance shall set forth the streets and alleys upon which the abutting property is to be assessed for the improvement, and shall contain a statement of the general nature of the improvement, and the character of the materials which may be bid upon therefor, of the mode of payments therefor; a reference to the resolution therefor passed for said improvement, giving the date of its passage and a statement of the intention of the council to proceed therewith in accordance with said resolution and in accordance with the plans, specifications, estimates and profiles provided for said improvement. In setting forth the lots and lands abutting upon the improvement it shall be sufficient to describe them as the lots and lands *abutting upon the improvement it shall be sufficient to describe them as the lots and lands* [italics supplied by the editors, to indicate probably unintended repetition] bounding and abutting upon said improvements between and including the termini of said improvements, or by the description by which they are described on the land books of the County of Kanawha, and this rule of description shall apply in all proceedings in which lots or lands are to be charged with a special assessment.

Editor's note: The provisions of **Charter** § 67 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 68. Special assessments when several kinds of materials have been named in ordinance providing for improvement.

In any case in which special assessments have been made, or shall hereafter be made, upon property for the construction of any improvement authorized by this act [this **Charter**] or previous statutes and several kinds of materials have been named in the ordinance or ordinances providing for the same, and on which bids have been received for the construction of said improvements with any, either or all of said material, said assessments shall be valid and binding assessments on the property so assessed. In the case of the construction of sewers required under the provisions of this act [this **Charter**], notice of the passage of said resolution therefor, as provided for in section 64 of this act [this **Charter**], shall be given in the manner provided for in said section of this act [this **Charter**].

Editor's note: The provisions of **Charter** § 68 are preempted to general law by W. Va. Code §§ 8-13-

1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 69. Vote of council required for public improvement; petition by property owners.

No pavement, sewer or sewer system, or other public improvement the cost of all or a part of which is to be especially assessed against abutting property, or against the owners thereof, shall be made without the concurrence of two-thirds of all the members elected to council, unless the owners of a majority of the foot frontage of property to be so assessed, petition in writing therefor, in which event the said council shall have power upon the affirmative vote of a majority of all the members elected thereto to proceed with such improvement in the manner provided by law.

Editor's note: The provisions of Charter § 69 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 70. Assessment when public improvement passes through or by public property or property of institution.

When the whole or any portion of the improvement authorized by this act [this Charter] passes through or by a public wharf, market space, park, cemetery, structure for the fire department, waterworks, school building, infirmary, market house, work house, hospital, house of refuge, bridge, gas works, public prisons, courthouse, church or any other public structure or public grounds within said corporation, and belonging to said corporation, or to the county, state, or any church, association or eleemosynary institution, the council may authorize the proper proportion of the estimated cost and expense of the improvement to be certified to the clerk of the county court of Kanawha, and it shall be the duty of those persons having charge of the fiscal affairs of any such property or institution to make proper arrangements for the payment of such assessments when due and payable.

Editor's note: The provisions of Charter § 70 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 71. What cost of improvement shall include.

The cost of any improvement contemplated in this act [this Charter] and for which assessments may be made, shall include the cost and expense of the preliminary and other surveys, and of printing and publishing all notices required to be published, and serving the notices upon the property owners and the cost of construction and inspection.

Editor's note: The provisions of Charter § 71 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 72. Filing statement as prerequisite to action for damages arising out of improvement.

No person shall bring any action whatever in any court in this state for damages arising out of improvements or change of grade unless he shall have filed with the council at some time after the publication of the notice provided for in section 64, and before the time of the introduction of the ordinance providing for said improvement a statement of the damage which, in his opinion, he will sustain by reason of said improvement or the change of grade therefor, which statement shall be duly sworn to and be spread upon the minutes of said council.

Editor's note: The provisions of Charter § 72, while not directly relating to a special assessment (so that it is preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq.– *see* W. Va. Code § 8-1-6), reference a section that is so preempted and to the extent a claim

is based upon negligence, this section is superseded by W. Va. Code § 8-12-20.

Sec. 73. Liberal construction of proceedings with respect to improvements.

Proceedings with respect to improvements shall be liberally construed by the courts to secure a speedy completion of the work at reasonable cost, and a speedy collection of the assessments after the time has elapsed for their payments and merely formal objection in such cases shall be disregarded.

Editor's note: The provisions of Charter § 73 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 74. Election and three-fifths vote required for issuance of bonds; regulations governing.

It is especially provided that no bonds shall be issued under the provisions of this act [this Charter] unless and until the question of issuing said bonds shall have first been submitted to a vote of the people of the city and shall have received three-fifths of all votes cast at said election for or against the same.

The council may provide by ordinance for an election every year, at which the question shall be submitted to the people, as to whether the city shall be authorized to issue bonds for the purpose and under the provisions of this act, to an amount not to exceed in the ensuing year the amount recommended by said ordinance for said ensuing year; but the ordinance providing for said election need not specify in detail the location of the improvements contemplated to be paid for during the ensuing year out of said aggregate issue authorized for said year, but before issuing any bonds the council shall pass separate ordinances for such street or alley to be improved, dealing with all the requirements set forth in section 67 of this act [this Charter], and notwithstanding the provisions of sections 2, 3 and 6 of chapter 47 of the Code [see now W. Va. Code § 8-16-9 et seq.], it shall be sufficient description for the purpose for which said election is held if the ordinance providing for said election shall recite that it authorized the council of said city to issue bonds for the purpose of grading, paving, sewering or otherwise improving the streets and alleys of said city, at such time as to the council shall seem fit during the ensuing year ending on the _____ day of _____, 19_____, to an amount not exceeding in the aggregate during the said year the sum of _____ and when the council shall have been once authorized by a vote of the people to issue bonds for the purpose and in a sum not to exceed the amount set forth in the ordinance providing for the said election, no further election shall be necessary for the issuing of bonds during said ensuing year up to the amount stipulated in said ordinance providing for said election, but the council shall from time to time during said ensuing year, by ordinance authorize the issue of said bonds, in such sums and for the improvement of such streets or alleys as to it may seem best, providing the requirements of this act are complied with. The aggregate amount of bonds authorized by said annual election shall not be exceeded during said ensuing year, unless and except the same be authorized by special election held at a subsequent time in said year and duly called as provided for the calling of the annual bond election.

Editor's note: The provisions of Charter § 74 are obsolete in light of W. Va. Code § 13-1-1 et seq. and/or preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 75. Authority of council to lay special levies in years 1929 and 1930 for special purposes.

[Text deleted.]

Editor's note: The editor's note in the city's 1975 Code for Charter § 75 states as follows:

The text of this section, being Acts 1929 (Munl. ch.), ch. 4, § 75, is omitted as executed and obsolete. It authorized special levies in the years 1929 and 1930 for the purposes of (1) construction of trunk and branch line sewers; (2) the acquisition of a ramp at the C. & O. Ry. passenger station on the south side of the Kanawha River; and (3) maintenance and care of a municipal cemetery within the city.

Sec. 76. Power of council as to public buildings, hospitals, libraries, etc.

The council shall have the authority to erect, buy, sell and lease all buildings necessary for the use of the city government and to provide for and regulate the same, and to establish and maintain public hospitals, libraries and reading rooms, and to purchase books, papers and manuscripts therefor, and to receive donations, gifts or bequests for same in trust or otherwise.

Editor's note: The provisions of Charter § 76 are covered by W. Va. Code §§ 8-12-1, 8-12-5.

Secs. 77--79. Fire department civil service.

[Text deleted.]

Editor's note: The editor's note in the city's 1975 Code for Charter §§ 77, 78 and 79 states as follows:

The text of these sections, being Acts 1929 (Munl. ch.), ch. 4, §§ 77, 78 and 79, is omitted as obsolete, having been superseded by the provisions of West Virginia Code, chapter 8, article 15, part IV (§ 8-15-11 et seq.), captioned "Civil Service for Paid Fire Departments."

Sec. 80. Political activities by members of fire or police departments.

No member of the fire department or police department shall actively engage in any primary election, convention or election in which any officer in the city, county or state is to be nominated or elected, nor shall such member, directly or indirectly, give or offer to give, contribute or offer to contribute any money or thing of value or profit to any political committee or party organization to be expended in behalf of any political party, nor to any candidate or candidates for nomination for or election to any office in the city, county or state. The violation of any of the provisions of this section by any member of the fire department or police department shall be deemed misconduct in office. Any member of the fire department or police department guilty of misconduct, shall be dismissed from the service of the city by the head of his department or by council, upon charges preferred and proven by any citizen of said city.

Editor's note: Insofar as Charter § 80 relates to firefighters, it is inconsistent with W. Va. Code § 8-15-24. *See* W. Va. Code § 8-1-6.

State law references: Political activity of members of paid police departments, W. Va. Code § 8-14-19.

Sec. 81. Service of notice, summons, warrant, etc.

When any notice is required to be given, or any summons, warrant or other process is required to be served or otherwise executed, under the provisions of this act [this Charter], it shall be sufficient if such notice, summons, warrant, or other process be executed by an officer of the police department or other employee of said city in the same way or manner in which the laws of the state prescribe for executing summonses and subpoenas by state officers, unless otherwise provided by this act [this Charter].

Sec. 82. Contested elections for council.

Whenever one or more members of the council shall be a candidate for reelection, it shall be the duty of the council to meet and appoint some person or persons, qualified to act in hearing contested election matters and cases. The place and stead of such disqualified member or members shall be filled in each case by a member or members of the same political party as the person or persons respectively, in whose place or places he or they are so appointed. Every person so appointed shall take an oath of office to faithfully and impartially perform the duties of said office. In all matters concerning such contests, such person or persons so appointed shall act in the place and stead of such member or members, so being candidates, and it shall be unlawful for any member of the council to act as such in hearing any contest in relation thereto, when such member is a candidate at such election; and anyone violating this section shall be deemed ineligible to the office for which he is a candidate.

Editor's note: The provisions of Charter § 82 are superseded by W. Va. Code §§ 8-5-17, 3-7-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 83. Duties of city clerk as to municipal elections.

The city clerk, acting under the state laws insofar as they are not in conflict with this act [this Charter], shall perform such duties relating to all municipal elections held under the municipal authorities of said city as the clerks of the county and circuit courts of Kanawha County perform under state laws in relation to state, county and district elections in said county; and he shall likewise be the custodian of all ballots, tally sheets, etc., pertaining to all municipal elections.

Charter
Sec. 84. Valid ordinances and regulations passed on or before May 1, 1915, not inconsistent with this Charter, to remain in effect until repealed.

All valid ordinances and regulations passed and adopted by the council, or by the board of affairs and council on or before the first day of May, 1915, and not inconsistent with this act [this Charter], shall be and remain in force unless and until repealed, and the council now [March 6, 1929] in office shall continue to exercise its powers as such until the officers elected in 1931 shall have been qualified.

Editor's note: The editor's note in the city's 1975 Code for Charter § 84 states as follows:

The "board of affairs" herein referred to was the governing body of the city under a Charter enacted in 1907, which was superseded by a new Charter enacted in 1915 providing for a mayor-council form of government.

Sec. 85. Powers and duties of policemen.

The mayor shall appoint such number of policemen as are or may be hereafter prescribed by the city council by ordinance, and the mayor shall have at his discretion, the absolute right and power to dismiss any policeman and appoint another in his stead. The policemen shall be under command of the mayor and the chief of police, to be appointed as in this act [this Charter] provided for, and shall perform any and all duties incident to the office of policeman under the instructions and command of the mayor and the chief of police, and, in addition to the usual and customary duties prescribed by the laws of this state and under the provisions of this Charter required of them, it shall specially be the duty of each police officer to report to the chief of police, or some one designated by said chief of police to receive such report, daily and oftener if occasion demands, the condition of all streets, sidewalks, alleys, basements, backyards, buildings, unimproved lots and all other things and matters within the

limits of said city that may come under the notice of such policemen which may relate to the health of the citizens thereof, the sanitary conditions, the necessity of the removal of any obstructions upon any of the streets, alleys or sidewalks, and it shall be the duty of the policemen under their instructions to perform all the duties and exercise all the powers ordinarily imposed upon or given to the officers now known as health officers. It shall also be the duty of each police officer to perform all the duties of humane officer and to exercise all the functions, power and authority relating thereto which are or may be prescribed by any law of this state or ordinance of the city. A police officer in making arrests shall have all of the power and authority of a constable under the laws of the State of West Virginia.

Editor's note: The provisions of Charter § 85, insofar as they relate to the appointment, promotion, dismissal, etc., of police, are superseded by W. Va. Code § 8-14-6 et seq. In the last sentence the term "constable" should now be "deputy sheriff." *See* W. Va. Code § 50-1-17.

Sec. 86. Compensation of members of council; absence from meetings.

Each member of the city council shall be paid during his term of office the sum of two dollars and fifty cents for each meeting of the council that he shall attend; provided, that the aggregate amount to be paid to each member of the council shall not exceed the sum of one hundred dollars per annum. The roll of the members of the council shall be called at the beginning and at the end of each meeting thereof, and those members only who answer in person at each roll call shall be entitled to receive their pay for such meeting. The names of those members present at each roll call shall be entered upon the record. If there should not be a quorum present at the first roll call and the meeting be adjourned for that reason, then it shall not be a meeting that will entitle those present to the payment of the sum of two dollars and fifty cents as provided in this section. It shall be the duty of all councilmen to attend all of its meetings, and if any councilman shall be absent from the meetings of council as shown by its records for three consecutive meetings, then his office shall ipso facto become vacant, unless the council shall authorize or excuse such absence. If the office of any councilman shall become vacant under the provisions of this section, then the council shall proceed to fill the same as it is authorized to do in the case of vacancies.

Editor's note: The compensation provided for in Charter § 86 probably is obsolete. *See* W. Va. Code § 8-5-12.

Sec. 87. Reports by manager to council; reports by officers and employees under supervision of manager.

It shall be the duty of the manager, not later than the tenth day of any month after his appointment, to make a detailed report to the council for the preceding month. Such report shall show under distinct heads, first, the names and salaries of all employees under the control and supervision of manager; second, all expenditures or disbursements in the several departments under the supervision of the manager; third, an itemized statement of all purchases, together with the cost thereof, for each and every such department; fourth, all such other matters and things as the council may by proper ordinance or resolution require of said manager. Such report shall be entered of record in the minutes of the council and be a public record, open to the inspection of all persons. All officers or employees in any of the departments under the supervision of the manager shall, whenever required by said manager, make full and complete reports of all things done by them as such officers or employees in connection with the business of the city.

Sec. 88. Additional method for paving streets; assessment certificates.

In addition to the method provided for paving streets, by section 61 of the Charter of the City of Charleston, the council may order any street, avenue, public alley, or portion thereof, to be graded and paved, repaved, or otherwise permanently improved, and the council may order the mayor and city

clerk to issue a certificate for each installment of the amount of the assessment to be paid by the owner of any lot or fractional part thereof fronting on such street, avenue, or alley. The amount specified in said assessment certificate shall be a lien as aforesaid [in § 61] in the hands of the holder thereof upon the lot or part of a lot fronting on such street, avenue, or alley, and such certificate shall draw interest from the date of said assessment and the payment may be enforced in the name of the holder of said certificate by proper suit in equity in any court having proper jurisdiction to enforce such lien; the council shall fix the amount of such assessment, advertise for bids and do all other things in connection therewith as is provided for paving or permanently improving any street or alley or any portion thereof in section 61, except that such assessment laid under this section shall include the whole cost of such improvement, including the cost of grading and paving squares at intersections of streets and curbing, the costs of which intersections shall be apportioned against the several properties fronting upon the street or portion thereof so improved; and such certificates shall be issued in the same number of installments and payable at the same time as other paving or permanent improvements are provided to be paid for, and shall be a lien in the hands of the holder thereof upon the particular lot against which they are assessed in the same way and manner that assessments are liens under section 61 of said **Charter**. And nothing contained in this act, or in the **Charter** of the City of Charleston, shall be construed as imposing a time limit upon the enforcement by appropriate suit of any lien for public improvements, heretofore or hereafter created.

Certificates authorized by this section may be issued, sold or negotiated to the contractor doing the work, or to any other person if the council deem it expedient; provided, the city in issuing such certificates shall not be held as guarantor or in any way liable for payment thereof.

Certificates so issued shall contain a provision to the effect that in the event of default in the payment of any one of said certificates, when due, and said default continuing for a period of sixty days, then all unpaid certificates shall become due and payable and the holder of said certificates may proceed to collect all of such unpaid certificates in the manner hereinbefore provided. Certificates issued in pursuance of this section shall be negotiable at any bank in the City of Charleston.

The owner of the land or lot of land assessed under this section may at any time anticipate and pay such assessment or certificate with accrued interest thereon.

Provided, that no street, avenue or alley shall be paved or otherwise permanently improved pursuant to this section except and unless two-thirds of all the members elected to the council shall concur in the passage of the ordinance providing therefor, and the vote thereon shall be taken by ayes and noes, and duly entered upon the record.

Editor's note: The provisions of **Charter** § 88 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 88-a. Void, irregular or omitted assessments.

In the case of the construction of any pavement, sewer, sidewalk or other permanent improvement under the provisions of this **Charter** where an assessment has heretofore been laid, or may hereafter be laid for the cost thereof, which said assessment is or shall be void or voidable by reason of errors, irregularities or defects in the proceedings under which such improvement was made, or in case such assessment shall have been made against the wrong person or shall have been omitted to be made in a case where the same was proper, it shall be the duty of the council within two years after the completion of such permanent improvement, or after any court shall have declared such assessment invalid, to cause notice to be given to any person against whom the cost of said improvement might properly be or have been assessed under said **Charter**, of its intention to lay such assessment against him and fixing a time and place at which he may appear and show cause against the same. Said notice shall be served as provided in the said **Charter** for the giving of notices in assessment proceedings, or in any other manner provided by law, including by publication where the person is a nonresident of the city or cannot be found. At the time and place fixed for hearing under the notice aforesaid, or at any time thereafter, the council shall proceed to lay and levy an assessment for the cost of such permanent improvement in such manner as would have been lawful under proper proceedings at the time said improvement was made, unless the person so notified shall show good

cause against the same, and no further notice of such assessment shall be necessary. The assessment so laid shall be a lien upon the property liable therefor and may be recorded and enforced in the same manner as provided for other liens for permanent improvements. This section shall apply to assessments made and certificates issued under section 88 of this **Charter**, as well as to other assessments and liens for public improvements.

Editor's note: The provisions of **Charter** § 88-a are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 88-b. Assessment certificates to pay for cost of construction of sewers and sewer systems.

In addition to the method for the payment of the cost of construction of sewers and sewer systems provided by sections 62 and 62-a of the **Charter** of the City of Charleston, the council may order any sewer or sewer system constructed and laid, in any block, street, avenue, alley or in any right-of-way or easement, or portion thereof, and the council may order the mayor and city clerk to issue a certificate for each installment of the amount of the assessment to be paid by the owner of any lot or fractional part thereof fronting on such street, avenue, alley, right-of-way or easement in which such sewer system is constructed and laid, and the amount specified in said assessment certificate shall be a lien as aforesaid in the hands of the holder thereof upon the lot or part of lot fronting on such street, avenue or alley, right-of-way or easement, and such certificate shall draw interest from the date of said assessment and the payment may be enforced in the name of the holder of said certificate by proper suit in equity in any court having proper jurisdiction to enforce such lien; the council shall fix the amount of such assessment, advertise for bids and do all other things in connection therewith as is provided in section 61 of said **Charter** for paving or permanently improving any street or alley or any portion thereof, the costs of which shall be apportioned against the several properties fronting upon the street, avenue, alley, right-of-way or easement or portion thereof in which the sewer or sewer system is laid according to the provisions of section 62 or section 62-a, as the case may be. Such certificates shall be issued in the following number of installments.

Where the assessment shall not exceed fifty dollars, the assessment and certificate issued thereon shall be in one amount, due and payable in ninety days from the completion and acceptance of the work; if over fifty dollars and not more than one hundred dollars, then such amount shall be covered by only two certificates of equal amounts, payable in ninety days and one year, respectively; if over one hundred dollars and not more than one hundred and fifty dollars, then such amount shall be covered by only three certificates of equal amounts payable in ninety days, one year and two years, respectively; if over one hundred and fifty dollars and not more than two hundred dollars, then such amount shall be covered by only four certificates of equal amounts, payable in ninety days, one year, two years and three years, respectively; and if more than two hundred dollars, then in five certificates of equal amounts, payable in ninety days, one year, two years, three years and four years, respectively; and the term "equal amounts" herein shall mean as nearly equal as practicable, that is, four certificates being expressed in terms of blank dollars each, and, when practical, in multiples of five, the cents and odd amounts being covered by the first certificate.

Every such certificate shall be a lien in the hands of the holder thereof upon the particular lot against which it is assessed in the same way and manner that assessments are liens under sections 62 and 62-a of this act [this **Charter**]. And nothing in this act, or in the **Charter** of the City of Charleston shall be construed as imposing a time limit upon the enforcement by appropriate suit of any lien for public improvements heretofore or hereafter created.

Certificates authorized by this section may be issued, sold or negotiated to the contractor doing the work, or to any other person if the council deem it expedient; and shall be negotiable at any bank in the City of Charleston; provided, the city in issuing such certificates shall not be held as guarantor or in any way liable for the payment thereof. Certificates so issued shall contain a provision to the effect that in the event of default in the payment of any one of said certificates when due, said default continuing for a period of sixty days, unpaid certificates shall become due and payable and the holder of said certificates may proceed to collect all of such unpaid certificates in the manner hereinbefore provided.

Provided, that no sewer or sewer system shall be constructed or laid pursuant to this section except and unless two-thirds of the members elected to the council shall concur in the passage of the ordinance providing therefor, and the vote thereon shall be taken by ayes and noes, and duly entered upon the record.

Editor's note: The provisions of Charter § 88-b are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 88-c. Subdividing abutting land for purpose of making assessments.

If the abutting land on any avenue, street, road or alley sought to be graded, paved, repaved or otherwise improved, or on any avenue, street, road, alley, right-of-way or easement in which a sewer or sewer system is ordered laid, under any of the provisions of the Charter of the City of Charleston, is not subdivided or laid off in lots by a map or deed of record, the council may, for the purpose of making the assessments provided for in this section and other sections herein, subdivide said land into lots of such size as the council deems advisable for the purpose of laying the proper assessment against such land.

Editor's note: The provisions of Charter § 88-c are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 89. Initiation of ordinances by voters.

Any proposed ordinance, or amendment to any ordinance already in effect, may be submitted to the city council by the petition of qualified voters in said city, but such petition must be signed by such number of voters as shall amount to at least ten percent of the number of votes cast for the office of mayor at the last preceding municipal election. Such proposed ordinance, or amendment to an ordinance, shall be passed without alteration or change by the city council within thirty days after such petition is filed, or the city council shall, in lieu of passing such ordinance or amendment to an ordinance, submit such proposed ordinance, or amendment to an ordinance, in the manner hereinafter prescribed for ratification or rejection to the qualified voters of the city at the next regular municipal election which is to be held not less than sixty days after such petition is filed. If such petition contains a request for a special election and is signed by sufficient qualified voters to equal in number at least fifteen percent of the votes so cast for the office of mayor at the last preceding regular municipal election, the ordinance or amendment thereby proposed shall be passed by the city council without amendment or change, within thirty days after such petition is filed, or the city council shall submit such proposed ordinance or amendment for ratification or rejection to the qualified votes at a special election which shall be called within thirty days and held not less than sixty nor more than ninety days after such petition is filed, unless a general or special election is fixed by law to be held within said period of time. In the latter event, said proposed ordinance or amendment shall be submitted for ratification or rejection at such election. The city council shall cause such proposed ordinance or amendment to be printed and published in some newspaper of general circulation in the city once each week from the time the council decides to submit the same to the voters until such election is held. No ordinance or amendment to an ordinance adopted by the voters at any such election shall be repealed or amended by the city council.

The ballot used for any such election shall have printed on it the title of each ordinance, or amendment to an ordinance, submitted for ratification or rejection and on separate lines under said title the words "for said ordinance" and "against said ordinance" (or the amended part thereof, as the case may be). If a majority of the qualified voters of the city voting on any proposed ordinance, shall vote in favor thereof, the same shall thereupon become a valid ordinance and be in full force and effect at the expiration of the period of ten days from and after said election. If two or more ordinances, or amendments to ordinances, adopted at the same election are inconsistent, then the respective ordinance, or amendment to an ordinance, receiving the largest affirmative vote at such election shall prevail, and the form of submission of inconsistent ordinances, or parts thereof, or amendments to

ordinances, shall be in such form that the voters may clearly express their choice.

Sec. 90. Reconsideration of ordinance protested by petition; submission of ordinances to voters.

If within the period of five days after the passage of any ordinance a petition signed by sufficient qualified voters of said city, being in number at least fifteen percent of the votes cast for all the candidates for the office of mayor at the last preceding regular municipal election, shall be filed protesting against such ordinance, or any part thereof, taking effect, such ordinance, or such part thereof so protested against, shall thereupon and thereby be suspended from taking effect, and the city council shall immediately again consider the same, and if it be not repealed or so amended as to meet the requirements of the said protest, the city council shall submit the same for ratification or rejection to the qualified voters of the city at the next regular municipal election which shall be held not more than thirty days after such petition is filed, or at a special election to be called thereafter by the city council for that purpose to be held in not less than sixty days nor more than ninety days after such petition is filed, and such ordinance, or part thereof so protested, shall not take effect unless a majority of the votes cast at such election thereon shall be for the ratification thereof. If such petition shall only be signed by sufficient qualified voters to equal in number at least five percent but not sufficient to equal in number at least fifteen percent of the votes cast for the candidate for said office of mayor at the last preceding municipal election, the city council shall submit such ordinance, or such part thereof so protested, for ratification or rejection at the next ensuing regular municipal election which is to be held more than thirty days after such petition is filed. The city council may, on its own motion, without any petition being required therefor, submit at a regular or special municipal election any ordinance passed by it in the same manner and with the same force and effect as hereinbefore provided. No ordinance, or part of an ordinance, rejected at any election shall be enacted or passed by the city council within the period of twelve months thereafter.

Sec. 91. Recall of officers.

Any officer of the City of Charleston elected by the voters under the provisions of this act [this **Charter**], may be recalled and the office declared vacant as provided in this act. Such officer may be removed from office by a recall election held thereunder, but no such officer shall be removed from office within the period of four months after he enters upon the discharge of his duties as such. Before any such recall election shall be held a petition, stating the name or names and the office or the officer or officers sought to be recalled, and signed by sufficient qualified voters of the said city as shall equal in number the quantity of twenty-five percent of the votes in the whole city or in the ward, as the case may be, for all the candidates for the office of mayor at the last preceding regular municipal election, and containing a sworn statement of the grounds upon which it is sought to remove the said officer or officers, shall be filed with the city clerk. No such petition shall be filed within the period of six months before the end of the term of such officer. The city council shall immediately, upon the filing of said petition, call a special election in the manner in this act [this **Charter**] provided for calling special elections and submit to the voters the question of recalling such officer or officers. The ballot at such election, with respect to each person whose recall is sought, shall be substantially as follows: "Shall (name of person) be removed from the office (name of office) by recall?" Immediately following such question there shall be on the printed ballot the two propositions in the order set forth:

"For the recall of (name of person)."

"Against the recall of (name of person)."

Immediately to the left of said proposition shall be printed a square in which the voters, by marking a cross mark (X), or in some other way declaring their intention, may vote for either of such propositions. If sixty percent of the voters registered voting on said propositions vote in favor of the recall of such officer or officers, then he or they shall thereby be forthwith removed from such office and such vacancy or vacancies shall be filled as provided in this act; provided, however, that within fifteen

days after the returns of such recall election shall have been canvassed by the city council, a petition signed by sufficient qualified voters to equal in number at least thirty percent of the votes cast in the city, or ward, as the case may be, for the candidates for the office of mayor at the last preceding regular municipal election, and praying that such vacancy or vacancies be filled by a special election to be held not less than thirty days nor more than forty-five days thereafter, the city council shall order a special election to be held in the same manner as other special elections are provided for in this act for the purpose of filling such vacancy or vacancies.

Editor's note: It appears that the 25 percent figure in Charter § 91 should be 20 percent. *See* W. Va. Code § 8-12-4(3).

Sec. 92. Signatures and affidavits to petitions filed under three preceding sections; form of submission of ordinance; all city elections to conform to state law.

The signatures to petitions filed under the provisions of the last three sections [§§ 89–91] need not be all on one paper or one sheet of paper, but separate petitions may be circulated and signed and the aggregate number of names on all of such petitions, if equal to the number required in this act [this Charter], shall be sufficient. The circulator of each paper shall make and append thereto an affidavit that each signature thereon is the signature of the person whose name it purports to be. The residence address of each signer shall accompany the signature. All such petitions shall be filed with the city clerk and shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers and such signers shall be deemed and held to be qualified voters, unless a protest in writing, under oath, shall be filed with the city clerk by some qualified voter within fifteen days after such petitions are filed, which protest shall set forth the name of each signer protested against and the ground therefor. It shall be the duty of the city clerk as soon as possible and within twenty-four hours after the filing of such protest to mail a notice to each signer so protested against at his address as given in the petition, requiring him to be and appear before the city registrars at a time fixed in said notice, not less than twenty-four hours nor more than forty-eight hours after the mailing of such notice, for the purpose of defending his right to sign said petition. If it shall be proven by satisfactory evidence that such person is not a qualified signer of such petition, then his name shall be stricken therefrom. All evidence taken shall be under oath, and any signer present at the hearing may be called as a witness by the protestant or testify in his own behalf. All hearings shall be summary and shall be concluded within fifteen days after such petition is filed. The city registrars [see § 9] shall forthwith certify the result of their examination to the city clerk and such city clerkshall serve a copy of such certificate upon the person or persons named in the petition as representing the signers thereof. When the petition contains a sufficient number of qualified signatures the city registrars shall forthwith file the same with the city clerk, and he shall transmit the same to the city council, which shall call an election as provided for in the three preceding sections [§§ 89–91] of this act [this Charter]. All petitions filed in the city clerk's office shall be public records. When any petition contains a form of submission of the ordinance petitioned for and such form is a reasonably fair description thereof, the same shall be placed on the ballot and no petition filed subsequently shall be permitted to use any form of submission that is so similar to the one previously filed as to tend to confuse the voter, and, in case of such conflict, the person presenting the subsequent petition may file a form of submission which shall be placed upon the ballot, provided, the same shall fairly describe the ordinance, or amendment to an ordinance, petitioned for and shall not be in conflict with any prior forms of submission or tend to confuse the voter.

The city council shall so frame all forms of submission that the voter can, by making a cross in a square in front of some appropriate words, vote either for the ratification or the rejection of the proposed measure, but no ballot shall be rejected from which the reasonable intention of the voter however he shall have marked the same, can be ascertained. All city elections, regular or special, shall conform as nearly as possible to the election statutes contained in chapter 3 of the Code of West Virginia.

Sec. 93. Additional method for construction of sidewalks; assessment certificates.

In addition to the method of securing the laying of sidewalks set out in section 49 of this chapter [this Charter], the council of said city may cause any sidewalk to be constructed, laid, relaid, or otherwise permanently improved in the City of Charleston in the following manner and upon the following terms: Plans and specifications shall be prepared and filed, resolutions and ordinances shall be adopted and notices shall be prepared and served in the same way and manner as near as may be, as in the case of the paving and improvement of streets and alleys. The contract for same shall, after due advertisement in which council shall reserve the right to reject any and all bids, be let to the lowest responsible bidder and upon completion and acceptance of the work, council shall order the mayor and city clerk to issue to the contractor doing the work a certificate for the amount of the assessment to be paid by the owner of any lot or fractional part thereof fronting on such sidewalk, and the amount specified in said assessment certificate shall be a lien in the hands of the holder thereof upon the lot or part of a lot fronting on such sidewalk as well as a debt against the owner of said lot, and such certificate shall draw interest from the date of said assessment, and the payment may be enforced in the name of the holder of such certificate by a proper suit in equity in any court having proper jurisdiction to enforce such liens, and council shall fix the amount of such assessments and do all things in connection therewith necessary to make them valid and do all other things in connection therewith as is provided for paving or improving streets and alleys and such certificates shall be issued one for each abutting lot or portion thereof payable six months from the date of the completion and acceptance of the work and shall be a lien in the hands of the holder thereof upon the particular lot against which they are assessed in the same way and manner that assessments for street paving are liens under the other provisions of the aforesaid act creating and amending the Charter of the City of Charleston; providing, however, that council shall not order any but concrete sidewalks; and, provided, further, that council shall not advertise for bids for any one letting of less than five thousand square feet; and, further, provided, that council shall not receive any bids or let any sidewalk contract between the first day of October and the first day of March of any year. Nothing in this section shall be so construed as to prevent any abutting lot owner from having his own sidewalk put in if done before the advertising hereinbefore mentioned and provided same is done according to the lines, grades and specifications of the city engineer, for which no charge shall be made. The total cost of constructing, laying, relaying, or otherwise permanently improving any sidewalk or walks shall be borne by the owners of the land abutting upon said sidewalk or sidewalks according to the following plan, that is to say, payment is to be made according to the proportion of square feet in front of any lot or portion thereof bears to the whole letting. The contract for sidewalks referred to in this section does not necessarily have to be one continuous sidewalk, but the five thousand square feet required for a letting as aforesaid may be made up of or composed of any number of sidewalks in any parts of the city.

Editor's note: The provisions of Charter § 93 are preempted to general law by W. Va. Code §§ 8-13-1, 8-16-1 et seq., 8-17-1 et seq. and 8-18-1 et seq. *See* W. Va. Code § 8-1-6.

Sec. 93-a. Transcript of property to be furnished by county assessor.

The county assessor shall furnish transcript of real and personal property on or about the tenth day of September of each year and his fee for same shall be not less than four hundred nor more than one thousand dollars for such work.

Editor's note: The provisions of Charter § 93-a are superseded by W. Va. Code § 11-3-6.

Sec. 94. Authority to issue warrants; vacancy in office of municipal judge.

The municipal judge, mayor, city clerk, municipal court clerk, chief of police, or in the absence of the chief of police, the captains of police and lieutenants of police shall each have authority to issue warrants for all offenses committed within the police jurisdiction of the City of Charleston. Any vacancy in the office of municipal judge shall be filled by appointment by the mayor until the next election.

Editor's note: To the extent that Charter § 94 relates to various officials of the police department, it is superseded by W. Va. Code §§ 8-10-1, 8-10-2, 8-10-4. *See* W. Va. Code § 8-1-6. This section is also

invalid to the extent that it applies to other than ordinance violations. *See* W. Va. Code §§ 8-10-1, 8-10-2, 8-10-4; *State ex rel. Hill v. Smith,* 305 S.E.2d 771 (W. Va. 1983). *See* W. Va. Code § 8-1-6.

Sec. 95. Statement of claim before action against city for damages for personal injury.

No action shall be maintained against the City of Charleston for damages for a personal injury alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless a written verified statement of the nature of the claim and of the time and place at which such injury is alleged to have been received shall have been filed with the city clerk within thirty days after the cause of action shall have accrued. The cause of action shall be deemed to have accrued at the date of the sustaining of the injury, except that where death results therefrom the time for the personal representative to give notice shall run from the date of death. An action at law for damages for personal injuries or death shall not be commenced until the expiration of thirty days after the filing of the notice as provided in this section.

Editor's note: The provisions of **Charter** § 95 are superseded by W. Va. Code § 8-12-20. *See* W. Va. Code § 8-1-6.

Sec. 96. Health commissioner.

The health commissioner shall be a physician of good standing in his profession and may devote his time to city work alone. It shall be his duty to administer to all charity cases that he may, in his discretion, deem deserving. He shall, in conjunction with the city manager, have charge of the general health and sanitation of the city and it shall be his duty to carefully investigate all complaints and make a careful detailed report of all his official acts as health commissioner to the city manager and council at least once every month. He shall be appointed in the way and manner provided in the **Charter** of the City of Charleston and shall receive such salary as council may by ordinance prescribe. Nothing herein, however, shall be construed as in any way affecting the police officers of the city relative to their powers and duties in regard to city sanitation contained and set forth elsewhere [see § 85] in said **Charter**.

Editor's note: The editor's note for **Charter** § 96 in the city's 1975 Code states:

In lieu of a city health commissioner and health department, the Kanawha-Charleston combined board of health now exercises their functions within the city, pursuant to an agreement between the city and the county court dated Oct. 18, 1956, a copy of which is on file in the office of the city clerk.

State law references: Combined city-county boards of health, W. Va. Code § 16-2-3; local health officers generally, W. Va. Code § 16-2-1 et seq.

Sec. 97. Police matron.

It shall be the duty of the mayor to appoint a reputable woman who shall be known as police matron, and such police matron shall have all the qualifications and be subject to all the provisions of chapter 18 of the Acts of the Legislature of 1911 [now codified in W. Va. Code § 8-14-4]. The council of the City of Charleston shall provide a reasonable salary not to exceed twelve hundred dollars therefor and do all of the things required by the council under the provisions of said chapter 18 of the Acts of the Legislature of 1911 and any amendments thereto.

Editor's note: The second sentence of **Charter** § 97 is superseded by W. Va. Code § 8-5-12. *See* W. Va. Code § 8-1-6. In addition, the editor's note in the city's 1975 Code states as follows:

As of Sept. 30, 1974, the city was not operating a jail, and city prisoners were confined in the county jail, pursuant to an agreement with the county court. For that reason, the city does not have a police matron.

Sec. 98. Codification of ordinances.

The city council shall cause any contract for the codifying and indexing of all the ordinances of the city to be fully completed, and such ordinances shall include all in force and effect up to the last day possible. Before such work is accepted by the council, it shall be completed in every respect and the council shall then cause it to be properly printed and securely bound in a permanent book. The council may by ordinance adopt the code to be prepared as a whole and when said ordinance adopting said code shall have been passed by the council, the said code shall be and become the law and ordinances of said city up to such time according to the tenor and effect thereof, and when printed in a book, the same shall be received as evidence as the ordinances of said city, unless errors or omissions be affirmatively shown therein, and no other publication thereof shall be made or required under the Charter, and the council shall cause all the ordinances of said city, either by printing a supplement thereof, to be brought up to date within a reasonable time after the printing of such ordinances, and in any event such supplement shall be printed, or, if necessary, a new copy of the ordinances shall be printed within every four years, and the council shall cause a sufficient number of said books of the ordinances to be printed and to sell such number thereof as it may do so at such price as may be reasonable, and the number of books printed shall be fixed by the council.

State law references: Ordinance codification, W. Va. Code § 8-11-4(b).

Sec. 99. Cemeteries and burials.

It shall be the duty of the City of Charleston to provide suitable and proper places for the burial of the dead, which places may be in or out of the corporate limits of the said city. The city shall cause such places to be laid off into cemetery lots in a reasonable and proper way and shall sell said lots for a reasonable price, but it may take into consideration the location of each of such lots in fixing the prices thereof. The city council shall have all the powers and rights of condemnation of any real estate that it may wish for such purpose in the manner provided by law, and it may acquire by means of condemnation any real estate which has already been laid out as a cemetery by any person, association or corporation.

No burials of the bodies of deceased persons shall hereafter be permitted within the incorporated limits of the City of Charleston or within the space of one mile of such incorporated limits without the permission of said city shall be first had and obtained, and the City of Charleston, through its proper authorities, shall have power to pass all proper ordinances providing suitable penalties to carry out the powers here given said city.

No moneys received from the sale of lots in any cemetery so owned, or hereafter owned, by said city shall be used for any other purpose than the proper care and preparation of the ground, upkeep and expenses of said cemetery, the roads and ways to and through the same and for the purchase of additional property for cemetery purposes.

State law references: Authority to acquire and maintain cemeteries and to regulate interments therein, W. Va. Code § 8-12-5(42).

Sec. 100. Building inspector.

The building inspector shall be a competent person for the duties of his office and shall devote all his time to city work. He shall not be engaged or interested in the building business in any way or manner. The council shall by ordinance fix a proper salary for him. He shall see that the ordinances of the city and laws of the state concerning buildings are enforced and perform such other duties as the manager or council may direct.

Sec. 101. Power to buy, sell or exchange real estate.

The council shall have power to buy, sell, or exchange any real estate found necessary or convenient, in the opening, construction, straightening, widening or otherwise altering of any street, alley or public way within the city, and by resolution and proper deed to convey to any person, firm or corporation any land used, or heretofore or hereafter used, for street or other public purpose, when in the judgment of the council such land shall no longer be needed for such public use.

Editor's note: The provisions of Charter § 101 are covered by W. Va. Code § 8-12-1. *See* W. Va. Code § 8-1-6.

Sec. 102. Zoning--Power of city.

For the purpose of promoting health, safety, morals, or the general welfare of the city and community, the council is hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residents or other purposes; provided, however, that any ordinance or bylaws enacted under the authority of this act [this Charter] shall exempt from the operation thereof any building or structure used or to be used by a public service corporation (not otherwise exempted) as to which proof shall be presented to the council of the City of Charleston provided for in this act [this Charter], that the exemption of such building or structure is reasonably necessary to the convenience or welfare of the public.

Editor's note: The provisions of Charter § 102 are covered by W. Va. Code § 8-24-39 et seq. *See* W. Va. Code § 8-1-6.

Sec. 102-a. Same--Division of city into zoning districts.

For any or all of said purposes the council may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purpose of this and the four succeeding sections [§§ 102-b--102-e], and within such districts it may regulate and restrict the erection, construction, alteration, repair or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Editor's note: The provisions of Charter § 102-a are covered by W. Va. Code § 8-24-39 et seq. *See* W. Va. Code § 8-1-6.

Sec. 102-b. Same--Design of zoning regulations; considerations in making.

Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; or to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Editor's note: The provisions of Charter § 102-b are covered by W. Va. Code § 8-24-39 et seq. *See* W. Va. Code § 8-1-6.

Sec. 102-c. Same--Establishment, enforcement and change of zoning regulations and boundaries of zoning districts; hearing.

The council shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, when demanded by any party in interest, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in at least two newspapers of general circulation, published in the City of Charleston.

Editor's note: The provisions of **Charter** § 102-c are superseded by W. Va. Code § 8-24-45 et seq. *See* W. Va. Code § 8-1-6.

Sec. 102-d. Same--Change or repeal of zoning regulations and boundaries; protests.

Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending one hundred feet therefrom, or of those directly opposite thereto, extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of council. The provisions of the previous section relative to public hearings and official notice shall apply to all changes or amendments.

Sec. 102-e. ¶ 1. Same--Zoning commission.

In order to avail itself of the powers conferred by this act [this **Charter**], the council shall appoint a commission to be known as the zoning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and such council shall not hold its public hearings or take action until it has received the final report of such commission.

Editor's note: The provisions of **Charter** § 102-e. ¶ 1 are superseded by W. Va. Code § 8-24-39 et seq. *See* W. Va. Code § 8-1-6.

Sec. 102-e. ¶ 2. Repeal of inconsistent laws.

All acts heretofore passed relating to or amendatory of the **Charter** of the City of Charleston, and all other acts or parts of acts, coming within the purview of this act and inconsistent herewith, are hereby repealed.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia; City of Charleston, County of Kanawha, to wit:

I, Danny Jones,

who has been duly elected to the office of Mayor of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL:
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

OFFICER'S OATH

(Sec. 24. City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, James M. Reishman, WHO HAVE BEEN DULY APPOINTED TO THE OFFICE

OF City Clerk OF THE CITY OF CHARLESTON, WEST VIRGINIA, DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF WEST VIRGINIA, AND THAT I WILL FAITHFULLY AND IMPARTIALLY DISCHARGOE THE DUTIES OF SAID OFFICE, DURING MY CONTINUANCE THEREIN, TO THE BEST OF MY SKILL AND JUDGMENT; AND THAT I WILL NOT, IN ANY WAY, OR MANNER, BECOME PECUNIARILY INTERESTED DIRECTLY OR INDIRECTLY IN ANY CONTRACT WITH THE CITY, IN ANY FRANCHISE GRANTED BY IT, OR IN THE PURCHASE OF SUPPLIES THEREFOR, SO HELP ME GOD.

Subscribed and sworn to before me the undersigned authority, this 22nd day of June, 1999.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
Melissa D. Hughes
Office of City Clerk
P. O. Box 3646
Charleston, WV 25336
My Commission Expires February 3, 2003

Melissa D. Hughes

Notary Public in and for Kanawha County

My commission expires on the 3 day of February, 1999.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Patrick Jones,

who has been duly elected to the office of Council for the 1st Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, William J. Harris,

who has been duly elected to the office of Council 28 of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

this 22 day of March, 2004.

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14 day of Nov., 2011.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Joseph Deneault,

who has been duly elected to the office of Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(Signature)

Subscribed and sworn to before me the undersigned authority, this 20th day of April, 2009.

Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, James Ealy,

who has been duly elected to the office of Council 4th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority, this 15th day of March, 2004.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25329
My Commission Expires Nov. 14, 2011.

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Teresa Reed,

who has been duly elected to the office of Council for the 5th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Teresa Reed
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Edward Talkington,

who has been duly elected to the office of Council for the 6th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore; so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 231 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Bob White,

who has been duly elected to the office of Council for the 8th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Bob White
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 201 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia; City of Charleston, County of Kanawha, to wit:

I, Marc Weintraub,

who has been duly elected to the office of Council for the 11th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God,

(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Jim Harris, Jr.,

who has been duly elected to the office of Council for the 12th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

James J. Harris
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Jack Harrison,

who has been duly elected to the office of Council for the 14th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Jack E. Harrison
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, David Higgins,

who has been duly elected to the office of Council for the 15th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

DK Higgins
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Bobby Reishman,

who has been duly elected to the office of Council for the 17th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, John Miller, Jr.,

who has been duly elected to the office of Council for the 18th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

John H. Miller Jr.
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Cheryle Hall,

who has been duly elected to the office of Council for the 20th Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Cheryle M Hall
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 201 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Mike Clowser,

who has been duly elected to the office of Council for the 21st Ward of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Thomas J. Lane,

who has been duly elected to the office of Council ~~At-Large~~ of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm: 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Jerry Ware,

who has been duly elected to the office of Council At-Large of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Jerry L. Ware
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Mary Jean Davis,

who has been duly elected to the office of Council At-Large of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Mary Jean Davis
(signature)

Subscribed and sworn to before me the undersigned authority,

this 16th day of June, 2003.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ELIZABETH BALDWIN
Office of City Clerk
Rm. 301 City Hall, PO Box 2749
Charleston, WV 25330
My Commission Expires Nov. 14, 2011

Elizabeth Baldwin
Notary Public in and for Kanawha County

My commission expires on the 14th day of November, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Erin Henry Kraff,

who has been duly elected to the office of City Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

This 18th day of June, 2007.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Robert Edward Sheets,

who has been duly elected to the office of City Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Robert Edward Sheets
(signature)

Subscribed and sworn to before me the undersigned authority,

This 18th day of June, 2007.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, _____,

who has been duly elected to the office of City Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

_____
(signature)

Subscribed and sworn to before me the undersigned authority,

This 18th day of June, 2007.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

_____
Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Kasey Russell,

who has been duly elected to the office of City Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Kasey Russell
(signature)

Subscribed and sworn to before me the undersigned authority,

This 18th day of June, 2007.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

Erin Vriendt
Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Susan Salisbury,

who has been duly elected to the office of City Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

Susan F. Salisbury
(signature)

Subscribed and sworn to before me the undersigned authority,

This 18th day of June, 2007.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

Erin Vriendt
Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, William Q. Tierney,

who has been duly elected to the office of City Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

William Q. Tierney
(signature)

Subscribed and sworn to before me the undersigned authority,

This 18th day of June, 2007.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

Erin Vriendt
Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Gregory A. Burton,

who has been duly elected to the office of City Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

This 18th day of June, 2007

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

CITY OF CHARLESTON
WEST VIRGINIA

OFFICER'S OATH
(Sec. 24, City Charter)

The State of West Virginia, City of Charleston, County of Kanawha, to wit:

I, Lewis Payne,

who has been duly elected to the office of City Council of the City of Charleston, West Virginia, do solemnly swear that I will support the constitution of the United States and the State of West Virginia, and that I will faithfully and impartially discharge the duties of said office, during my continuance therein, to the best of my skill and judgment; and that I will not, in any way, or manner, become pecuniarily interested directly or indirectly in any contract with the City, in any franchise granted by it, or in the purchase of supplies therefore, so help me God.

(signature)

Subscribed and sworn to before me the undersigned authority,

This 18th day of June, 2007.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
ERIN VRIENDT
OFFICE OF CITY CLERK
RM. 301 CITY HALL, PO BOX 2749
CHARLESTON, WV 25330
My commission expires September 19, 2011

Notary Public in and for Kanawha County

My commission expires on the 19th day of September, 2011.

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

OCTOBER 19, 2009

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF OCTOBER ON THE 19th DAY, IN THE YEAR 2009, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY MILLER.

BURTON	CLOWSER	DAVIS
DEITZLER	DENEAULT	EALY
HALL	HANNA	HARRIS
HARRISON	HIGGINS	JONES
KIRK	KNAUFF	LANE
MILLER		REED
REISHMAN	RUSSELL	SALISBURY
SHEETS	SMITH	TALKINGTON
		WHITE

MAYOR JONES

WITH TWENTY- FIVE MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

PUBLIC SPEAKERS

CLAIMS

1. A claim of John Charnock,1410 Sweetbrier Rd, Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

2. A claim of William Alvord,1635 Troy Rd., Charleston, WV; alleges damage to property.
Refer to City Solicitor

3. A claim of Claudia Jones, 700 Adams St., Charleston, WV; alleges damage to property.
Refer to City Solicitor

4. A claim of Andrew Higginbotham, 3819 Kanawha Ave., SE, Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

PROCLAMATIONS

The clerk read the following proclamations:

WHEREAS: The Honorable Henry Austin Knauff was a man who brought character to the city of Charleston, honesty and integrity to the City Council of Charleston and joy to the lives of so many of our citizens; and

WHEREAS: Mr. Knauff served his city as a member of City Council from 1999 to 2003 after serving his country, both as a Vietnam veteran in the United States Army and as an Army Reservist for 15 more years following the war; and

WHEREAS: Councilman Knauff was well known for his practical thinking in dealing with issues that arose during this term on City Council, for his candor in dealing with his colleagues on Council and for his ardent advocacy on behalf of the citizens of his Ward; and

WHEREAS: Mr. Knauff has a positive influence on many lives, especially on young people in and around our city, as a school teacher for 30 years, coach of basketball, soccer, tennis and chess teams, soccer referee and baseball umpire; and

WHEREAS: A man from Mars, Pennsylvania and graduate of California University of Pennsylvania, Mr. Knauff became a West Virginian and Charlestonian in the best senses of the word, raising his family with his wife Laura and becoming a leader by example of Trinity Evangelical Lutheran Church; and

WHEREAS: In addition to the personal legacy he leaves with the people whose lives he touched, Councilman Knauff leaves a lasting legacy of public service that now continues in this current City Council through his son, Councilman Adam Henry Knauff, who serves with passion, distinction and integrity with a focus on empowering the next generation of leaders for West Virginia's capital

city.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize

HENRY AUSTIN KNAUFF

as an exemplary and outstanding citizen for dedicated service to thé City of Charleston, Kanawha County schools and the United States of America. Citizens of Charleston join his family and friends in mourning his passing and reflecting on his life.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 19h day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Rick and Pam Burka tirelessly serve their community as President and Secretary of the Kanawha City Community Association; and

WHEREAS: Under Rick Burka's leadership, the Kanawha City Community Association has developed a stronger relationship with City officials resulting in highly successful beautification, recreation and public safety projects; and

WHEREAS: The landscaped medians along MacCorkle Avenue, the 57th Street Pocket Park and the 65th Street wall, which provides an attractive barrier between the intense commercial activity at the far end of MacCorkle Avenue and the residential neighborhood known as Kanawha Estates, have all been completed under the Burkas' leadership; and

WHEREAS: The Burkas have also worked to unite the business community as never before. The Kanawha City Business Association meets monthly to work on projects like the new banners along MacCorkle Avenue, which were purchased by Kanawha City businesses and installed by City of

Charleston; and

WHEREAS: Pam also focuses on the quality of life in Kanawha City by organizing events like the Village Fair held each June and featuring a wide range of food, fun and activities for neighbors of all ages.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Rick and Pam Burka

Recipients of the Community Collaboration Citizen Planner Award, are valuable assets to the community and urge all citizens to commend the Burkas for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: The Charleston-Kanawha Housing Authority purchased several blighted buildings in the most depressed area of the West Side Main Street district for rehabilitation and redevelopment; and

WHEREAS: New construction connects the two rehabilitated structures with a reception center for community functions; and

WHEREAS: The Charleston-Kanawha Housing Authority brought together the functions of client services and administrative offices which were being carried out in three different and separate locations; and

WHEREAS: The exterior rehabilitations and new construction were thoughtfully designed to appropriately mesh with the historical nature of the old neighborhood and utilized the consulting services provided by West Side Main Street in developing the new look; and

WHEREAS: The Charleston-Kanawha Housing Authority developed several apartments on the second floor of the client services building, making it multi-functional and mixed-use and providing 24-hour eyes on West Washington Street.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Charleston-Kanawha Housing Authority

Recipient of the Mixed Use Development of the Year Award, is a valuable asset to the community and urge all citizens to commend the CKHA and its partners for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: East End Main Street's Design Committee has partnered with the Charleston Urban Renewal Authority to conduct architectural salvage sales when historic homes that have fallen into disrepair must be demolished; and

WHEREAS: The East End community is saddened by the loss of such structures, *The LemonAID Project: Taking Lemons and Making Progress* allows the architectural features that set the East End apart from Charleston's other neighborhoods to be re-used; and

WHEREAS: East End Main Street spends all proceeds on community improvement and beautification projects, including public art and a façade grant program that helps property owners fund improvements consistent with the program's mission of historic preservation and economic development.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

The LemonAID Project: Taking Lemons and Making Progress

Recipient of the Cultural Resource Preservation Award, is a valuable asset to the community and urge all citizens to commend East End Main Street and its volunteers for preserving our past to invest in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Habitat for Humanity of Kanawha and Putnam County's ReStore is an outlet accepting donated furniture, home accessories, building materials and appliances for resale; and

WHEREAS: These donated goods are sold to the general public at a fraction of the retail price to help fund the construction of Habitat for Humanity homes within our community; and

WHEREAS: ReStore has provided an environmentally and socially responsible way to keep 3,500 tons of good, reusable materials out of our landfill while simultaneously raising funds for the construction of 16 homes in Kanawha and Putnam Counties; and

WHEREAS: Exterior renovations and murals by local artists have resulted in a cleaner, more recognizable facility which has become a major asset to the East End's Warehouse District; and

WHEREAS: A rain garden was designed to collect storm water run-off from the new parking lot, easing the load on the City's combined system; and

WHEREAS: ReStore hosted Sustainability Fair 2009, where more than 1,000 people turned out to learn about simple sustainable energy ideas from harnessing solar and wind power to cooking with locally grown foods. The event was funded by a grant from the Sustainable Kanawha Valley Initiative and organized by volunteers.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

ReStore of the Habitat for Humanity of Kanawha & Putnam County

Recipient of the Leadership in Sustainability Award, is a valuable asset to the community and urge all citizens to commend the ReStore and its partners for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and

benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: The new parking garage and dormitory at the University of Charleston is a component of the institution's long range plan to "green" the campus; and

WHEREAS: The University has more efficiently used the limited amount of land available to it through an appropriate mix of uses, stacked parking, and compact design; and

WHEREAS: The additional parking prevents commuting students from crowding the residential neighborhoods surrounding the campus; and

WHEREAS: The dormitory space on the outside of the structure increases the sense of community on the campus and provides the feeling of 24 hour eyes on much of the community space available to students; and

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

The University of Charleston

Recipient of the Growing Smart Award, is a valuable asset to the community and urge all citizens to commend the University and its administrators for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: The Mayor and City Council have proclaimed October as Community Planning Month in part to honor the valuable efforts of our corporate, institutional, nonprofit and private citizens who have invested their resources into the improvement and sustainability of the City of Charleston; and

WHEREAS: Smart growth is an urban planning and transportation movement that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use; and

WHEREAS: The goals of smart growth are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health; and

WHEREAS: Tim Forren opened a landscaping business on the West Side's Central Avenue in 2006; and

WHEREAS: Tim Forren has been working with West Side Main Street, the West Side Neighborhood Association, garden clubs and other interested groups to "green" the West Side one property at a time; and

WHEREAS: Tim Forren recognizes the importance that green space plays in developing desirable, strong neighborhoods and seeks to assist people and organizations working to make such community improvements; and

WHEREAS: Tim Forren voluntarily designed a passive green space at the corner of West Washington Street and Barton Street and a community garden on Randolph Street. In addition to designing the Randolph Street Community Garden he is serving as development director and Garden Master for the project; and

WHEREAS: Tim Forren has freely given of his time, resources, and expertise for consulting and implementation of projects and has become a valuable resource to the West Side and others over the entire City of Charleston.

Now Therefore, I, Danny Jones, Mayor of the City of Charleston, do hereby recognize that

Tim Forren

Recipient of the ECO Citizen Planner Award, is a valuable asset to the community and urge all citizens to commend Tim Forren and Forren Soil Landscaping for investing in the future of the City of Charleston.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 5th day of October 2009.

DANNY JONES, MAYOR

The Clerk read the Appointment:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: CHARLESTON HUMAN RIGHTS COMMISSION

DATE: OCTOBER 19, 2009

I recommend that Carol Hamric, P.O. Box 2102, Charleston, WV 25314, be appointed to the Charleston Human Rights Commission, with a said term to expire June 30, 2012. She replaces Mary Snow.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

MISCELLANEOUS RESOLUTIONS

Resolution No. 662-09
Introduced in Council
October 19, 2009
Kasey Russell and Cubert Smith

WHEREAS: Banska Bystrica is a regional capital city in the mountains of central Slovakia with a population of approximately 80,000 citizens; and

WHEREAS: Located in the Hron River valley, Banska Bystrica developed as a commercial center for the mining industry in the region and has diversified its historic industrial economy to become regional center for health care, education and tourism; and

WHEREAS: Banska Bystrica has other striking similarities to the City of Charleston as an administrative, cultural and economic hub of its part of the country that also attracts visitors who explore and experience recreational opportunities in and around the city and its nearby mountains; and

WHEREAS: Seeking to build on the many similarities between Banska Bystrica and Charleston and to strengthen the cultural, educational and commercial connections between our cities, several citizens, led by Chuck Daugherty and Linda Elliott, forged Charleston's Sister City Alliance; and

WHEREAS: Those connections have been developed through communications with Banska Bystrica's Mayor Ivan Saktor, a visit by City Council member Beata Hirt and this week's inaugural Sister City delegation, led by City Manager Jaroslav Sihelsky.

Therefore be it resolved by The Council and Mayor of The City of Charleston, West Virginia:

That the City of Charleston does hereby recognize Banska Bystrica as our Sister City in

Slovakia and, in so doing, encourages the people of Charleston to engage in citizen diplomacy by learning more about the people, history and culture of Banska Bystrica and by exploring new opportunities for cultural, educational and commercial exchanges between Banska Bystrica and Charleston.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 662-09, adopted.

FINANCE

Councilman Robert Reishman, of the Council Committee on Finance, submitted the following reports.

1. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the total amount of $29,302, for purchase of two Ford Ranger Pickup Trucks ($14,651 each) to be used by the Parking System. To be charged to Account No. 406-571-00-000-4-459, Parking—Capital Outlay, Equip and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

2. Your committee on Finance has had under consideration a proposal submitted by General Truck Sales, in the total amount of $81,995, for purchase of one Service Body Truck ($34,787); one ¾-ton Pickup Truck ($26,950); and one ½-ton Pickup Truck ($20,258) to be used by the Street Department. To be charged to Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equip. (Chase Equipment Finance Lease Purchase Escrow Account, Schedule Number 1000133565) and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

3. Your Committee on Finance has had under consideration Resolution No 657-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 657-09 : "Authorizing the Mayor to sign and submit FY 2009 Community Participation Program contract, and all related documents, with the West Virginia Development office on behalf of the Hope Community Development agency, Project No. 09LEDA0256, in the amount of $20,000."

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

That the Mayor is hereby authorized and directed to sign and submit FY 2009 Community Participation Program contract, and all related documents with the West Virginia Development office on behalf of the Hope Community Development agency,

Project No. 09LEDA0256, in the amount of $20,000.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-25, absent -3, as follows:
YEAS: Burton, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman ,Russell, Salisbury, Sheets, Smith, Talkington, White, Mayor Jones.
ABSENT: Payne, , Ware, Weintraub
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution Number 657-09, adopted.

4.Your Committee on Finance has had under consideration Resolution No 658-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 658-09 : "Authorizing the City Manager to waive B&O Taxes in relation to the Birdair Design-Build contract for the Retractable Canopy and Overlook Pavilion Project at Riverfront Park. These costs were expressly excluded by the bid and the amount considered by Council on July 20, 2009."

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

That the City Manager is hereby authorized and directed to waive B&O Taxes in relation to the Birdair Design-Build contract for the Retractable Canopy and Overlook Pavilion Project at Riverfront Park. These costs were expressly excluded by the bid and the amount considered by Council on July 20, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 658-09, adopted.

5.Your Committee on Finance has had under consideration Resolution No 659-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 659-09 : "Authorizing the Charleston City Manager to execute an equipment transfer/donation agreement with the City of Nitro, West Virginia, for a 1984 Monark boat."

WHEREAS, the City of Charleston owns a 1984 Monark boat, which has been retired from service in the Charleston Fire Department fleet, and the City no longer has need for said fire boat; and

WHEREAS, the City of Nitro, West Virginia has need for said fire boat to be used for a public purpose, and is willing to enter into an agreement for the transfer of said fire boat, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the transfer of equipment between public entities without consideration is authorized by W.Va. Code § 1-5-3, and to the extent that the City of Nitro is considered "another jurisdiction" under W. Va. Code § 8-11-3, said authorization is permitted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12. ; and

WHEREAS, such transfer would result in an overall benefit to the public; now therefore,

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

That the City Manager is hereby authorized to execute an equipment transfer/donation agreement with the City of Nitro, West Virginia, for a 1984 Monark boat.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 659-09, adopted.

6.Your Committee on Finance has had under consideration Resolution No 660-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 660-09 : "Authorizing the Mayor or his designee to execute an agreement with emsCharts, Inc., in the amount of $ 995.00 per month, for the provision of mobile data collection and reporting software for information related to emergency medical care transport and other emergency medical services. A copy of the proposed agreement is attached hereto as Exhibit A."

WHEREAS, the West Virginia Office of Emergency Medical Services is requiring that all reporting by emergency medical care providers be performed electronically beginning October 31, 2009; and

WHEREAS, the Charleston Fire Department has chosen emsCharts, Inc. as the qualified HIPPA compliant provider of software enabling compliance with the requirements of the West Virginia Office of Emergency Medical Services; now therefore,

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

That upon final review and approval of the contract by legal counsel for the City, the Mayor or his designee is hereby authorized to execute an agreement with emsCharts, Inc. in the amount of $995.00 per month for the provision of mobile data collection and reporting software for information related to emergency medical care transport and other emergency medical services.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 660-09, adopted.

7.Your Committee on Finance has had under consideration Resolution No 661-09, and

reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 661-09 – "Authorizing the Mayor to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways for funding for Project U320-KAN/AW-9.00, the Charleston Kanawha Trestle Trail (TCSP), said authorization being granted by Resolution pursuant to the Municipal Code of the City of Charleston Chapter 3, Article II, Section 3-12."

WHEREAS, it has been determined that a project to acquire a railroad bridge, trestle and additional right of way for the purpose of converting them into a rail trial would provide a recreation area that would benefit the citizens of Charleston; and

WHEREAS, the City of Charleston and the West Virginia Division of Highways have determined that a project to acquire a railroad bridge, trestle and additional right of way for the purpose of converting them into a rail trial is an eligible project for funding under the Transportation, Community and System Preservation Program; and

WHEREAS, the City of Charleston has applied for, and been granted funding under the Transportation, Community and System Preservation Program in the amount of $1,900,000.00 toward the total eligible cost of $2,375,000.00, the remaining $475,000 to be provided by the City of Charleston; and

WHEREAS, in order to receive the funding, the City must enter into an Agreement with the West Virginia Department of Transportation, Division of Highways, a copy of which is attached hereto; now therefore,

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

That upon final review and approval of the Agreement by legal counsel for the City, the Mayor is hereby authorized to enter into an Agreement with the West Virginia Department of Transportation, Division of Highways for funding for Project U320-KAN/AW-9.00, the Charleston Kanawha Trestle Trail (TCSP).

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 661-09, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston Payroll Variance Analysis; August 2009.
Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; September 2009.
Received and Filed.

3. City Treasurer's Report to City Council Month Ending September 2009.
Received and Filed.

NEW BILLS

Introduced by Council Member Robert Reishman on October 19, 2009:

Bill 7403 - A BILL AUTHORIZING THE REFUNDING OF THE CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999, OF THE CITY OF CHARLESTON; AND AUTHORIZING THE ISSUANCE OF CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A, OF THE CITY OF CHARLESTON, IN THE AMOUNT OF $3,500,000, TO FINANCE THE COST OF SUCH REFUNDING AND THE COST OF ISSUANCE FOR SUCH BONDS; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITY OF THE HOLDERS OF THE BONDS; PROVIDING A STATUTORY MORTGAGE LIEN ON SPECIFIED TAX REVENUES DEDICATED FOR SUCH PURPOSES; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND PROVIDING GENERAL TERMS AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Refer to Finance Committee

ROLL CALL

The Clerk called the roll and the following members were in attendance:

Burton, Clowser, Davis, Deitzler, Deneault, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman, Russell, Salisbury, Sheets, Smith, Talkington, White, Mayor Jones.

ABSENT: Payne, Ware, Weintraub,

At 7:55 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 2, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

NOVEMBER 2, 2009

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF NOVEMBER ON THE 2nd DAY, IN THE YEAR 2009, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY DEITZLER AND THE PLEDGE OF ALLEGIANCE WAS LED BY WHITE.

	CLOWSER	DAVIS
DEITZLER	DENEAULT	EALY
	HANNA	HARRIS
HARRISON	HIGGINS	JONES
KIRK	KNAUFF	LANE
MILLER	PAYNE	REED
REISHMAN	RUSSELL	SALISBURY
SHEETS	SMITH	TALKINGTON
WARE	WEINTRAUB	WHITE
MAYOR JONES		

WITH TWENTY- SIX MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

PUBLIC SPEAKERS

1. Delegate Danny Wells, Delegate Nancy Guthire, Delegate Bonnie Brown submitted the Governors Community Participation Grant Award to the City of Charleston for signage and landscaping in Charlestion, in the amount of $22,800.
2. Kim Eagle – Public Safety Luncheon
3. Kathy Mckinley – Goodwill Recycling Program

CLAIMS

1. A claim of Linda Woodall, 646 Wayside Dr., Charleston, WV; alleges personal injury.
Refer to City Solicitor

2. A claim of Gail Goodnight, 274 Eureka Rd., Charleston, WV; alleges damage to property.
Refer to City Solicitor

3. A claim of Verizon, Charleston, WV; alleges damage to property.
Refer to City Solicitor

4. A claim of Scott White, 872 Anaconda Ave., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

PROCLAMATIONS

The clerk read the following proclamation:

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: Alzheimer's disease is a degenerative brain disorder that most often occurs in people older than age 65 but can strike adults at any age; and

WHEREAS: Nearly 48,000 people currently are living with Alzheimer's disease in West Virginia with nearly 6,000 of those citizens in Kanawha County; and

WHEREAS: Alzheimer's disease takes a toll on hundreds of thousands of families and caregivers, including nearly 80,000 in West Virginia; and

WHEREAS: There is an urgent need to raise awareness and understanding about

Alzheimer's disease; and

WHEREAS: The Alzheimer's Association, West Virginia Chapter, is the only organization committed to support services, education, advocacy, and research on behalf of people living with Alzheimer's disease and their families; and

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby proclaim November, 2009, as

National Alzheimer's Disease Awareness Month

in the City of Charleston, West Virginia, and urge all citizens to become more aware and educated concerning Alzheimer's disease.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 27th day of October 2009.

DANNY JONES, MAYOR

URBAN RENEWAL

Councilman Marc Weintraub, of the Council Committee on Urban Renewal , submitted the following reports.

1. Your committee on Urban has had under consideration Bill No. 7399, and reports the same to Council with the recommendation that the Bill do pass.

A Bill 7399 approving certain modifications of the West Side Community Renewal Plan for the City of Charleston, West Virginia, with respect to:

A. Designate certain parcels for acquisition for development of a neighborhood park.
B. Designate certain parcels with vacant, dilapidated structures for acquisition for demolition and then, development of infill housing.
C. Rezoning of certain parcels to be more compatible with the surrounding area.

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

1. The City Council finds that:

a. The Charleston Urban Renewal Authority has recommended certain modifications of the West Side Community Renewal Plan for the City of Charleston;

b. A general plan known as the Comprehensive Plan for the City of Charleston has been adopted by City Council and is recognized and used as a general guide for the development of the City;

c. The Municipal Planning Commission of the City of Charleston has submitted to the Charleston Urban Renewal Authority its findings that the proposed modification conforms with said Comprehensive Plan;

d. City Council has duly considered said findings; and

e. Section "F" of said West Side Community Renewal Plan provides that the Plan may be changed from time to time in compliance with the requirements of the law.

2. The modifications of the West Side Community Renewal Plan set forth in the following section of this ordinance hereby found to be feasible and in compliance with the Comprehensive Plan for the City of Charleston.

3. Section C.4.b., Public Redevelopment Projects, is revised as follows:

a. Section C.4.b.9 – Add parcels 74, 75, 76 and 107, West Charleston Tax Map 9 for acquisition for a new park

b. Add Section C.4.b.16 – Acquisition of parcels with vacant, dilapidated structures for demolition and then, develop of infill housing. West Charleston Tax Map 23, Parcels 57, 61, 124, 135, 136, 147, 148, 170 and 172, West Charleston Tax Map 24, Parcel 28.

c. Redevelop for residential use West Charleston Tax Map 23, Parcels 117, 118, and 119.

4. Exhibit 3 – Zoning Map. Modify map by rezoning the following parcels:

a. Lot 22, West Charleston Tax Map 23 – from C-4, Neighborhood Commercial District to C-10, General Commercial District.

b. Lots 32 and 33, West Charleston Tax Map 20 – from C-8, Village Commercial District to C-10, General Commercial District.

The question being on the passage of theBill a roll call was taken and there were; yeas-26, absent -2, as follows:
YEAS: Clowser, Davis, Deitzler, Deneault, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman ,Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Burton, Hall
With a majority of members elected recorded thereon as voting in the affirmative the

Mayor declared Bill No. 7399, passed.

FINANCE

Councilman Robert Reishman, of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 663-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 663-09 : "Authorizing the Mayor to enter into an Agreement with Carl Walker Construction Group, in the total amount of $151,270, to provide materials, equipment and labor necessary for replacement, resealing, and repairing elevated exterior walkway/stairway ($127,770), plus concrete topping materials and labor ($23,500 - approximately 1000 sf @ $23.50/sf) for the Quarrier Street and Civic Center Drive areas at the Charleston Civic Center facility."

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

That the Mayor is hereby authorized and directed to enter into an Agreement with Carl Walker Construction Group, in the total amount of $151,270, to provide materials, equipment and labor necessary for replacement, resealing, and repairing elevated exterior walkway/stairway ($127,770), plus concrete topping materials and labor ($23,500 – approximately 1000 sf @ $23.50/sf), for the Quarrier Street and Civic Center Drive areas at the Charleston Civic Center facility.

In addition to the above proposal, this bid provided for quotes to be received for the same renovation work on the Lee Street walkway and stairway at the Civic Center. The Carl Walker Construction Group also submitted the low bid for this phase of the work at a total cost $85,220 ($73,470 and $11,750 for 500 sf of concrete topping). However, sufficient funds were not available in the 2009-2010 Civic Center Budget for both phases of the project and the contractor has agreed to hold the prices submitted for the Lee Street portion of the work until August 2010, subject to approval of the 2010-2011 Civic Center Budget and approval of a contract by the Finance Committee and Council. Also, the contract price for the Lee Street phase of the project was based on 2009 WV State Wage Rates. Should State wage rates increase in 2010, the contract amount for this work will be adjusted accordingly.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 663-09, adopted.

2. Your Committee on Finance has had under consideration Resolution No 665-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 665-09 : "Authorizing the Mayor to receive and administer grant funds from the Commission on Drunk Driving Prevention, in the amount of $15,000, to provide additional funding for DUI checkpoints and patrols during the period from
October 24, 2009 to January 24, 2010."

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

That the Mayor is hereby authorized and directed to receive and administer grant funds from the Commission on Drunk Driving Prevention, in the amount of $15,000, to provide additional funding for DUI checkpoints and patrols during the period from October 24, 2009
to January 24, 2010

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-26, absent -2, as follows:
YEAS: Clowser, Davis, Deitzler, Deneault, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman ,Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Burton, Hall
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 665-09, adopted.

3. Your Committee on Finance has had under consideration Resolution No 666-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 666-09 : "Authorizing the Mayor to enter into an Agreement with McClanahan Construction, in the amount of $514,893, to provide all materials, equipment and labor necessary for the Streetscape Project at Riverfront Park."

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

That the Mayor is hereby authorized and directed to enter into an Agreement with McClanahan Construction, in the amount of $514,893, to provide all materials, equipment and labor necessary for the Streetscape Project at Riverfront Park.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 666-09, adopted.

4. Your Committee on Finance has had under consideration Resolution No 667-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 667-09 :"Approving settlement of pending litigation, captioned *Patricia Thompson v. City of Charleston*, Civil Action No. 07-C-2042, Circuit Court of

Kanawha County W.Va., Judge James C. Stucky, in the amount of $20,000.00 and authorizing the Mayor to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from injuries sustained by Ms. Thompson on March 4, 2009."

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

That the City Council for the City of Charleston hereby approves settlement of pending litigation, captioned *Patricia Thompson v. City of Charleston*, Civil Action No. 07-C-2042, Circuit Court of Kanawha County W.Va., Judge James C. Stucky, in the amount of $20,000.00 and authorizes the Mayor to execute any documents necessary to consummate the full settlement and dismissal of the pending civil action in exchange for a full release by Plaintiff of all claims stemming from injuries sustained by Ms. Thompson on March 4, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 667-09, adopted.

5. Your Committee on Finance has had under consideration Bill No. 7403, and reports the same to Council with the recommendation that the Bill do pass.

A BILL AUTHORIZING THE REFUNDING OF THE CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999, OF THE CITY OF CHARLESTON; AND AUTHORIZING THE ISSUANCE OF CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A, OF THE CITY OF CHARLESTON, IN THE AMOUNT OF $3,500,000, TO FINANCE THE COST OF SUCH REFUNDING AND THE COST OF ISSUANCE FOR SUCH BONDS; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITY OF THE HOLDERS OF THE BONDS; PROVIDING A STATUTORY MORTGAGE LIEN ON SPECIFIED TAX REVENUES DEDICATED FOR SUCH PURPOSES; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND PROVIDING GENERAL TERMS AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

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ARTICLE I
STATUTORY AUTHORITY, FINDINGS
AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance is adopted pursuant to the provisions of Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended (the "Act') and other applicable provisions of law.

Section 1.02. Findings and Determinations. It is hereby found, determined and declared as follows:

A. The City of Charleston (the "City" or "Issuer") is a municipal corporation and political subdivision of the State of West Virginia located in Kanawha County, West Virginia.

B. The Issuer now has a public facility known as the Charleston Civic Center (the "Facility"). In 1999 the City permanently financed the acquisition, construction, equipping and improving of the Facility through the issuance of its Civic Center

Improvement Bonds, Series 1999 dated December 23, 1999 in the aggregate principal amount of $4,060,000 (the "Refunded Bonds").

C. The City may now refund the Refunded Bonds at a savings to the City. The City hereby determines that it would be a benefit to refund the Refunded Bonds with proceeds from the issuance of its Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds") in the aggregate principal amount not to exceed $3,500,000.

D. Based upon the assumed principal amount, maturity schedule and interest rates for the Series 2009 A Bonds presented to the City by the Original Purchaser, and after making allowance for the use of cash on hand of the City, the Series 2009 A Bonds show a net present value debt service savings to the City after deducting all expenses of the refunding and the costs of issuing the Series 2009 A Bonds.

E. The City shall not sell the Series 2009 A Bonds without setting forth in the Supplemental Resolution the determination set forth in paragraph D above, based upon the actual principal amount, maturity schedule and interest rates for the Series 2009 A Bonds, and the City shall not issue the Series 2009 A Bonds without having obtained from an Independent Certified Public Accountant a certification that the amount of savings stated to be achieved by the refunding shall in fact be saved, based upon their review, comparison and analysis of the net interest cost in dollars of the Series 2009 A Bonds and the net interest cost in dollars of the Prior Bonds.

F. The period of usefulness of the Facility is not less than twenty-five (25) years.

G. There are outstanding the Issuer's Civic Center Improvement Bonds, Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount of $3,635,000 with which the Series 2009 A Bonds will rank on a parity as to lien on and source of and security for payment.

H. The Issuer is not in default under the terms of any document and has complied with all requirements with respect to the issuance of the Series 2009 A Bonds.

I. The estimated revenues to be derived in each year from hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes will be sufficient to pay all the principal of and interest on the Series 2009 A Bonds (as hereinafter defined) and all debt service and other payments provided for herein.

J. The Issuer has complied with all requirements of West Virginia law relating to the issuance of the Bonds, or will have so complied prior to issuance of the Bonds.

K. It is in the best interests of the Issuer that the Bonds be sold to Crews & Associates, Inc. (the "Purchaser"), pursuant to the terms and provisions of a Bond Purchase Agreement to be entered into between the Purchaser and the City.

L. The City shall not permit at any time any of the proceeds of the Series 2009 A Bonds or other funds of the City to be used directly or indirectly in any manner which would result in the exclusion of the Series 2009 A Bonds from the treatment afforded by Section 103(a) of the Code.

M. The City will file all statements, instruments and returns necessary to assure the tax-exempt status of the Series 2009 A Bonds.

N. The Series 2009 A Bonds will not be federally guaranteed within the meaning of Section 149(b) of the Code.

Section 1.03. Ordinance to Constitute Contract. In consideration of the acceptance of the Bonds by the Purchasers, this Ordinance (the "Ordinance") shall be deemed to be and shall constitute a contract between the Issuer and the Purchasers, and the covenants and agreements set forth herein to be performed by the Issuer shall be for the benefit, protection and security of the Registered Owner of the Bonds.

Section 1.04. Definitions. The following terms shall have the following meanings herein unless the text otherwise expressly requires:

"Act" means Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended.

"City Clerk" means the City Clerk of the Governing Body.

"Commission" means the West Virginia Municipal Bonds Commission or any other agency of the State of West Virginia that succeeds to the functions of the Commission.

"Depository Bank" means the bank or trust company which is a member of FDIC and its successors and assigns or such other qualified bank or trust company designated in the Supplemental Resolution.

"Escrow Agent" shall mean the Escrow Agent with respect to each Escrow Agreement, which shall be appointed pursuant to a resolution supplemental hereto.

"Escrow Agreement" shall mean the agreements between the City and the Escrow Agent, substantially in the form of the agreement attached to a resolution supplemental hereto and by this reference made a part hereof, relating to the refunding and defeasance of the Prior Bonds.

"Escrow Fund" shall mean the escrow fund created by each Escrow Agreement.

"Facility" or "Facilities" means all the land and tangible properties of the Charleston Civic Center Coliseum and also any tangible properties which may hereafter be added to the Facility by addition, betterments, extensions and improvements thereto and properties, furniture, fixtures or equipment therefor, hereafter at any time constructed or acquired.

"FDIC" means the Federal Deposit Insurance Corporation.

"Fiscal Year" means each year beginning on July 1 and ending on the succeeding June 30.

"Governing Body" means the City Council of the Issuer.

"Government Obligations" means direct obligations of or obligations the principal of and interest on which are guaranteed by, the United States of America.

"Herein" means in this Ordinance.

"Holder of the Bonds" or any similar term means any person who shall be the registered owner of the Bonds.

"Issuer" or "City" means City of Charleston, Kanawha County, West Virginia, and, where appropriate, also means the Governing Body.

"Mayor" means the Mayor or the Acting Mayor of the Governing Body.

"Ordinance" means this Ordinance and all resolutions supplemental hereto.

"Prior Ordinance" means the Ordinance authorizing the Series 1998 Bonds enacted September 8, 1998.

"Project" means the Project as defined in the Ordinance of the City authorizing the issuance of the Refunded Bonds enacted December 6, 1999.

"Purchasers" means Crews & Associates, Inc. and any successor or successors thereto.

"Qualified Investments" means and include any of the following:

(a) Government Obligations;

(b) Government Obligations which have been stripped of their unmatured interest coupons, interest coupons stripped from Government Obligations, and receipts or certificates evidencing payments from Government Obligations or interest coupons stripped from Government Obligations;

(c) Bonds, debentures, notes or other evidence of indebtedness issued by any of the following agencies: Banks for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank Facility; Export-Import Bank of the United States; Federal Land Banks; Government National Mortgage Association; Tennessee Valley Authority; or Washington Metropolitan Area Transit Authority;

(d) Any Bonds, debenture, note, participation certificate or other similar obligations issued by the Federal National Mortgage Association to the extent such obligation is guaranteed by the Government National Mortgage Association or issued by any other federal agency and backed by the full faith and credit of the United States of America;

(e) Time accounts (including accounts evidenced by time certificates of deposit, time deposits or other similar banking arrangements) which, to the extent not insured by the FDIC or Federal Savings and Loan Insurance Corporation, shall be secured by a pledge of Government Obligations, provided, that said Government Obligations pledged either must mature as nearly as practicable coincident with the maturity of said lime accounts or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said time accounts;

(f) Money market funds or similar funds whose only assets are investments of the type described in paragraphs (a) through (e) above;

(g) Repurchase agreements, fully secured by investments of the types described in paragraphs (a) through (e) above, with banks or national banking associations which are members of FDIC or with government bond dealers recognized as primary dealers by the Federal Reserve Bank of New York provided, that said investments securing said repurchase agreements either must mature as nearly as practicable coincident with the maturity of said repurchase agreements or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said repurchase agreements, and provided further that the holder of such repurchase agreement shall have a prior perfected security interest in the collateral therefor, must have (or its agent must have) possession of such collateral, and such collateral must be free of all claims by third parties;

(h) The West Virginia "consolidated fund" managed by the West Virginia State Board of Treasury Investments pursuant to Chapter 12, Article 6C, of the West Virginia Code of 1931, as amended; and

(i) Obligations of states or political subdivisions or agencies thereof the interest on which is excluded from gross income for federal income tax purposes, and which are rated at least "A" by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

"Redemption Accounts" means the redemption account within the Series 2009 A Sinking Fund established by Section 4.01 of this Ordinance.

"Redemption Price" means the price paid for redemption of the Series 2009 A Bonds as set forth in the redemption provisions determined in the Supplemental Resolution.

"Refunded Bonds" or "Series 1999 Bonds" means the $4,060,000 City of Charleston Civic Center Improvement Bonds, Series 1999, to be refunded by the Series 2009 A Bonds.

"Registrar" or "Bond Registrar" means the Bank or Trust Company designated by the Issuer in the Supplemental Resolution.

"Representation Letter" means the DTC Letter of Representation of the City.

"Series 1998 Bonds" means the City's Civic Center Improvement Bonds, Series 1998 issued on September 11, 1998, in the aggregate principal amount of $3,635,000.

"Series 2009 A Bonds" or "Bonds" means the City's Civic Center Improvement Refunding Bonds, Series 2009 A, authorized by this Ordinance.

"Tax Revenues" means (i) the specified tax revenues dedicated for such purposes by the City to pay debt service on the Series 2009 A Bonds and consisting of coal severance taxes and hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) received or collected by the City and (ii) any other revenues dedicated for such purposes by the City to pay debt service on the Series 2009 A Bonds and the Series 1998 Bonds and on any additional bonds issued under the Ordinance.

"Term Bonds" means the Series 2009 A Bonds subject to mandatory sinking fund redemption, as described by Section 3.09 of this Ordinance.

Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations; words importing the masculine, feminine or neuter genders shall include any other gender; and any requirement for execution, sealing and/or attestation of the Bonds or any certificate or other document by the City Clerk shall mean that such Bond certificate or other document which may be executed, sealed and/or attested by an Acting City Clerk.

The question being on the passage of theBill a roll call was taken and there were; yeas-26, absent -2, as follows:
YEAS: Clowser, Davis, Deitzler, Deneault, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman ,Russell, Salisbury, Sheets,

Smith, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Burton, Hall
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.7403, passed.

NEW BILLS

Introduced by Council Member Mary Jean Davis on November 2, 2009:
Bill 7400 - A Bill amending the Kanawha City Revitalization Plan for the City of Charleston, West Virginia, pursuant to Chapter 8A, Article 3, of the West Virginia Code, as amended, with respect to amending the Future Land Use Plan.
Refer to Municipal Planning Commission

Introduced by Council Member Mary Jean Davis on November 2, 2009:
Bill 7401- A bill amending the Zoning Ordinance for the City of Charleston, West Virginia, adopted November 21, 2005 in order to make corrective additions and deletions as follows:
Refer to Municipal Planning Commission

Introduced by Council Member Mary Jean Davis on November 2, 2009:
Bill 7402 – a Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended and the map made a part thereof, by rezoning from R-O Residential Office District to C-8 Village Commercial District the parcel of land situate on Roane Street and known as West Charleston Tax District, Map 27, Parcel 33, Charleston, West Virginia.
Refer to Municipal Planning Commission

Introduced by Council Member Robert Reishman on November 2, 2009:
Bill 7404 - A Bill ratifying, amending and restating the Ground Lease of certain real property to the Charleston Building Commission; authorizing an Agreement and Lease with the Charleston Building Commission; authorizing the execution and delivery of the Amended and Restated Ground Lease and the Agreement and Lease and related documents; taking all other actions relating to such transactions.
Refer to Finance

Introduced by Council Member Robert Reishman on November 2, 2009:
Bill 7405 - A Bill authorizing an Agreement and Lease with the Charleston Building Commission; authorizing the execution and delivery of the Agreement and Lease and related documents; taking all other actions relating to such transactions.
Refer to Finance

Introduced by Council Members Susie Salisbury and Jack Harrison
on November 2, 2009:
Bill 7406 - A Bill to establish a Stop intersection on Wilkie Drive at Maefair Drive requiring northbound vehicular traffic to STOP on Wilkie Drive and amending the Traffic Control Map and Traffic Control File, established by the Code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Law, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.
Refer to Streets and Traffic

ROLL CALL

The Clerk called the roll and the following members were in attendance:

YEAS: Clowser, Davis, Deitzler, Deneault, Ealy, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman ,Russell, Salisbury, Sheets, Smith, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Burton, Hall

At 7:25 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, November 16, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

NOVEMBER 16, 2009

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE SECOND MEETING IN THE MONTH OF NOVEMBER ON THE 16th DAY, IN THE YEAR 2009, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON AND THE PLEDGE OF ALLEGIANCE WAS LED BY TALKINGTON.

		DAVIS
DEITZLER		EALY
HALL		HARRIS
HARRISON	HIGGINS	JONES
KIRK	KNAUFF	LANE
MILLER		REED
REISHMAN		SALISBURY
SHEETS		TALKINGTON
WARE	WEINTRAUB	WHITE
MAYOR JONES		

WITH TWENTY- ONE MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

PUBLIC SPEAKERS

1. None

CLAIMS

1. A claim of Donnyell Harrison, 2915 Beverly Dr., Charleston, WV; alleges damage to property.
Refer to City Solicitor

The Mayor read the Public Hearing:

AFTER DULY BEING PUBLISHED AS REQUIRED, I NOW DECLARE THE FLOOR OPEN FOR A PUBLIC HEARING ON BILL NO. 7403- AUTHORIZING THE REFUNDING OF THE CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999 OF THE CITY OF CHARLESTON; AUTHORIZING THE ISSUANCE OF NOT MORE THAN $3,500,000 IN CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A (THE "SERIES 2009 A BONDS").

IS THERE ANYONE FROM THE PUBLIC WHO WOULD LIKE TO SPEAK.

IF NOT
THE CHAIR SEES NO ONE FROM THE PUBLIC.
THE CHAIR HEARS NO ONE FROM THE PUBLIC.

I NOW DECLARE THE PUBLIC HEARING ON BILL NO. 7403 CLOSED.

PROCLAMATIONS

The clerk read the following proclamations:

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: On July 12, 2009, Sgt. Chris St. Clair and Cpl. Opie Smith responded to a call at a home on Parkwood Road where a man was threatening to do harm to himself; and

WHEREAS: Sgt. St. Clair and Cpl. Smith had to be creative and intuitive to seek resolution to the situation between a locked bedroom door and an open window to the roof, approximately three stories above the ground; and

WHEREAS: When the troubled man went onto the roof of the building, Sgt. St. Clair engaged him in conversation from a position nearby and started to gain trust as a result, and Cpl. Smith joined them on the roof as both officers tried to talk him into moving away from the edge of despair and danger; and

WHEREAS: Because Sgt. St. Clair and Cpl. Smith thought clearly, strategically and intuitively, they were able to resolve the situation with a mentally troubled man, and secure him close to the edge of the roof

of the building even as they faced serious potential danger in working to protect the public they serve; and

WHEREAS: By joining the man on the roof, both Officers put themselves in potential danger but were able to conclude the situation much more quickly and effectively than if they had stayed at safer distance away; and

WHEREAS: Sgt. St. Clair and Cpl Smith have earned the Charleston Police Department's Honor and Valor Award for their role in this situation.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby join the Charleston Police Department in recognizing the honor and valor of

CORPORAL OPIE SMITH

For his exceptional work as a member of the Charleston Police Department who has gone well above and beyond the normal call of duty to serve our citizens.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 16th day of November 2009.

EXECUTIVE DEPARTMENT

CITY OF CHARLESTON

PROCLAMATION

By the Mayor

WHEREAS: On July 12, 2009, Sgt. Chris St. Clair and Cpl. Opie Smith responded to a call at a home on Parkwood Road where a man was threatening to do harm to himself; and

WHEREAS: Sgt. St. Clair and Cpl. Smith had to be creative and intuitive to seek resolution to the situation between a locked bedroom door and an open window to the roof, approximately three stories above the ground; and

WHEREAS: When the troubled man went onto the roof of the building, Sgt. St. Clair engaged him in conversation from a position nearby and started to gain trust as a result, and Cpl. Smith joined them on the roof as both officers tried to talk him into moving away from the edge of despair and danger; and

WHEREAS: Because Sgt. St. Clair and Cpl. Smith thought clearly, strategically and intuitively, they were able to resolve the situation with a mentally troubled man, and secure him close to the edge of the roof of the building even as they faced serious potential danger in working to protect the public they serve; and

WHEREAS: By joining the man on the roof, both Officers put themselves in potential danger but were able to conclude the situation much more quickly and effectively than if they had stayed at safer distance away; and

WHEREAS: Sgt. St. Clair and Cpl Smith have earned the Charleston Police Department's Honor and Valor Award for their role in this situation.

NOW THEREFORE, I, Danny Jones, Mayor of the City of Charleston, do hereby join the

Charleston Police Department in recognizing the honor and valor of

SERGEANT CHRIS ST. CLAIR

For his exceptional work as a member of the Charleston Police Department who has gone well above and beyond the normal call of duty to serve our citizens.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the Executive Department to be affixed this 16th day of November 2009.

The Clerk read the Communication:

Honorable Danny Jones and
City Council Members
Charleston, West Virginia 25301

Dear Mayor Jones and Councilmember's:

On November 4, 2009, the Municipal Planning Commission held public hearings and its regular monthly meeting. The following cases were heard:

Bill No. 7400

A Bill amending the Kanawha City Revitalization Plan for the City of Charleston, West Virginia, pursuant to Chapter 8A, Article 3, of the West Virginia Code, as amended, with respect to amending the Future Land Use Plan.

Bill No. 7401

A text amendment to the City of Charleston Zoning Ordinance enacted January1, 2006, as amended, to make corrective additions and deletions to Sec. 24-070 Bufferyard Landscaping Requirements.

Bill No. 7402

A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia enacted January 1, 2006, as amended, by rezoning from R-O Residential Office District to C-8 Village Commercial District Parcel 33 of West Charleston Tax District, Map 27 located on Roane Street.

These cases should be referred to the Planning Committee of Council.

Sincerely,
Municipal Planning Commission
Phyllis White
Phyllis White, Administrative Assistant

The Mayor referred the cases to the Planning Committee of Council .

FINANCE

Councilman Robert Reishman, of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 668-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 668-09 : "Authorizing *'Citizen Appreciation Parking'* for Saturday, November 28, 2009, and three Saturdays in December 2009 (Dec. 5th, 12th and 19th). *'Citizen Appreciation Parking'* shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2/Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately $1,000 per Saturday."

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

That *"Citizen Appreciation Parking"* for Saturday, November 28, 2009 and three Saturdays in December 2009 (Dec. 5th, 12th and 19th) are hereby approved. *"Citizen Appreciation Parking"* shall include the waiving of hourly parking fees at all City-operated facilities (excluding Municipal Parking Building No. 2/Cinema), and all metered on-street parking spaces. The parking revenue losses will amount to approximately $1,000 per Saturday.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 668-09, adopted.

2. Your Committee on Finance has had under consideration Resolution No 669-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 669-09: "Authorizing the Mayor to enter into an Agreement with Urban Design Ventures LLC for preparation of the City's 2010-2014 Five Year Consolidated Plan and first year Action Plan, in an amount not to exceed $18,500."

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

That the Mayor is hereby authorized and directed to enter into an Agreement with Urban Design Ventures LLC for preparation of the City's 2010-2014 Five Year Consolidated Plan and first year Action Plan, in an amount not to exceed $18,500.

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-21, absent -7, as follows:

YEAS: Davis, Deitzler, Ealy, Hall , Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman , Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Burton, Clowser, Deneault, Hanna, Payne, Russell, Smith
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 669-09, adopted.

3. Your Committee on Finance has had under consideration Resolution No 670-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 670-09: "Authorizing the Mayor to sign and submit FY 2009 Community Participation Program contracts between the WV Development Office and the City of Charleston and all related documents on behalf of nine (9) agencies located within the City of Charleston."

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

That the Mayor is hereby authorized and directed to sign and submit FY 2009 Community Participation Program grant contracts between the WV Development Office and the City of Charleston and all related documents on behalf of the following agencies located within the City of Charleston.

Pro-Kids Inc.	09LEDA0264	$ 1,000
Kanawha Trestle Rail Trail	09LEDA0254	$ 3,500
Hope Community Development	09LEDA0257	$31,300
Charleston Public Safety Council	09LEDA0249	$ 1,000
Charleston Area Alliance	09LEDA0246	$22,800
Living AIDS Memorial Garden	09LEDA0261	$ 1,500
Bridge Road Business District	09LEDA0243	$10,000
WV Music Hall of Fame	09LEDA0266	$ 1,000
Covenant House	09LEDA0258	$ 2,000

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-19, absent -7,abstain – 2, as follows:
YEAS: Davis, Deitzler, Ealy, Hall , Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman , Sheets, Talkington, Ware, White, Mayor Jones.
ABSENT: Burton, Clowser, Deneault, Hanna, Payne, Russell, Smith
ABSTAIN: Salisbury, Weintraub,
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 670-09, adopted.

4. Your Committee on Finance has had under consideration Resolution No 671-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 671-09 : "Authorizing the Mayor to enter into an Agreement with In-Synch Systems, in the amount of $69,930, for a Records Management System (RMS) to be used by the MDENT Unit of the Charleston Police Department. The System costs include software, hardware, training, and three year maintenance support."

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

That the Mayor is hereby authorized and directed to enter into an Agreement with In-Synch Systems, in the amount of $69,930, for a Records Management System (RMS) to be used by the MDENT Unit of the Charleston Police Department. The System costs include software, hardware, training, and three year maintenance support

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 671-09, adopted.

5. Your Committee on Finance has had under consideration Resolution No 672-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 672-09 : "Authorizing the Mayor to enter into an Agreement with Mobile TEK Consulting, LLC, in the amount of $36,186, plus a 3-year warranty in the amount of $1,320, and up to $4,680 for cellular connectivity with AT&T for a total amount of $42,186, for a Mobile Data Implementation Project to serve the Charleston Fire Department. The computer equipment is compatible with AT&T Cellular service, the mobile internet provider currently utilized by the City of Charleston and the Fire Department."

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

That the Mayor is hereby authorized and directed to enter into an Agreement with Mobile TEK Consulting, LLC, in the amount of $36,186, plus a 3-year warranty in the amount of $1,320, and up to $4,680 for cellular connectivity with AT&T for a total amount of $42,186, for a Mobile Data Implementation Project to serve the Charleston Fire Department. The computer equipment is compatible with AT&T Cellular service, the mobile internet provider currently utilized by the City of Charleston and the Fire Department.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 672-09, adopted.

6. Your Committee on Finance has had under consideration Resolution No 673-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 673-09 : "Authorizing the Mayor to sign Change Order No. 1 with Oval Construction Management providing a credit of $20,561 for reduction of caisson footage and adding costs in the amount of $6,896 for equipment and labor to remove excess sandstone at the Court Street Overlook for a total credit of $13,665 for the Riverfront Park project. This change order reduces the contract price from $914,260 to $900,595."

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with Oval Construction Management providing a credit of $20,561 for reduction of caisson footage and adding costs in the amount of $6,896 for equipment and labor to remove excess sandstone at the Court Street Overlook for a total credit of $13,665 for the Riverfront Park project. This change order reduces the contract price from $914,260 to $900,595.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 673-09, adopted.

7. Your Committee on Finance has had under consideration Resolution No 674-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 674-09 : "Authorizing the Mayor to sign Change Order No. 1 with McClanahan Construction, accepting the alternative streetscape at Court, Laidley and Summers streets in the amount of $242,064. This change order increases the contract price for the Streetscape Project at Riverfront Park from $514,893 to $756,957."

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

That the Mayor is hereby authorized and directed to sign Change Order No. 1 with McClanahan Construction, accepting the alternative streetscape at Court, Laidley, and Summers streets in the amount of $242,064. This change order increases the contract price for the Streetscape Project at Riverfront Park from $514,893 to $756,957.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 674-09, adopted.

8. Your Committee on Finance has had under consideration Resolution No 675-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 675-09 : "Authorizing the Mayor to enter into an Agreement with ISO Bunkers for purchase of 87 Octane Gasoline at $2.3691 per gallon, and Ultra Low Sulfur Diesel Gasoline at $2.4658 per gallon to serve the City's vehicle fueling requirements for a one year period from November 19, 2009 to November 19, 2010.

This contract is being entered into through a bid received by Kanawha Valley Regional Transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices."

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

That the Mayor is hereby authorized and directed to enter into an Agreement with ISO Bunkers for purchase of 87 Octane Gasoline at $2.3691 per gallon, and Ultra Low Sulfur Diesel Gasoline at $2.4658 per gallon to serve the City's vehicle fueling requirements for a one year period from November 19, 2009 to November 19, 2010. This contract is being entered into through a bid received by Kanawha Valley Regional Transportation Authority (KRT) on behalf of the City and area municipalities in an effort to streamline gasoline prices."

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 675-09, adopted.

9. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the total amount of $80,815, for purchase of one (1) Ford Explorer in the amount of $21,620 to be used by the Street Department; two (2) Ford F250, ¾-ton pickup trucks in the amount of $46,150 ($23,075 each) and one (1) Ford Ranger in the amount of $13,045 to be used by the Public Grounds Department. All vehicles are 2010 models. To be charged to the following accounts: $21,620 - Account No. 001-977-00-750-4-459, Street—Capital Outlay, Equipment ; $59,195 - Account No. 001-975-00-567-4-459, Public Grounds—Capital Outlay, Equip. (Through Chase Equipment Finance Lease Purchase Escrow Account, Schedule Number 1000133565) and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

10. Your committee on Finance has had under consideration a Proposal submitted by General Truck Sales, in the total amount of $40,500, for purchase of two (2) 2009 GMC, ½-ton pickup trucks ($20,250 each) to be used by the Parks & Recreation Department. To be charged to Account No. 001-979-00-900-4-459, P&R—Capital Outlay, Equipment (Chase Equipment Finance Lease Purchase Escrow Acct., Schedule No. 1000133565) and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

11. Your Committee on Finance has had under consideration Bill No. 7404, and reports the same to Council with the recommendation that the Bill do pass.

A Bill ratifying, amending and restating the Ground Lease of certain real property to the Charleston Building Commission; authorizing an Agreement and Lease with the Charleston Building Commission; authorizing the execution and delivery of the Amended and Restated Ground Lease and the Agreement and Lease and related documents; taking all other actions relating to such transactions.

WHEREAS, the City of Charleston, West Virginia (the "City") and its council (the "Council") are permitted by Section 8-12-5(36) and Article 16 of Chapter 8 of the Code of West Virginia of 1931, as amended (the "City Act"), to expend public funds for acquiring, constructing and equipping public buildings; and

WHEREAS, pursuant to Article 33 of Chapter 8 of the Code of West Virginia of 1931, as amended (the "Enabling Act"), and certain sections of the City Act, and a Trust Indenture dated as of June 1, 1999 (the "1999 Indenture"), between the Charleston Building Commission (the "Building Commission") and Bank One, West Virginia, National Association, as trustee, the Building Commission issued $1,500,000 in aggregate principal amount of Charleston Building Commission Public Safety Center Lease-Revenue Bonds, Series 1999 (the "Series 1999 Bonds"), to finance the construction and equipping of a Public Safety Center (the "Facilities") located at the intersection of U.S. Route 119 and Dudley Lane in the City of Charleston, West Virginia (together with all improvements constructed or to be constructed thereon, the "Site"), which Site is owned by the City and leased to the Building Commission pursuant to a Ground Lease dated as of June 1, 1999 (the "1999 Ground Lease");

WHEREAS, the Site and the Facilities (together, the "Center") are leased by the Building Commission back to the City pursuant to a Contract of Lease-Purchase dated as of June 1, 1999;

WHEREAS, the Series 1999 Bonds are outstanding on the date of introduction of this Ordinance in the aggregate principal amount of $1,170,000, and are expected to be outstanding on December 2, 2009, in the aggregate principal amount of $1,120,000 (the "Bonds To Be Refunded");

WHEREAS, the Building Commission, under the provisions of Article 2A of Chapter 13 of the Code of West Virginia of 1931, as amended (the "Refunding Act"; the Enabling Act, the City Act and the Refunding Act are hereinafter referred to collectively as the "Act"), has plenary power and authority to issue and sell negotiable revenue bonds, notes, debentures or other evidences of indebtedness for the purpose of refunding existing revenue bonds, and to provide for the rights of the holders thereof, incur any proper indebtedness and issue any obligations and give any security therefor or which it may deem necessary or advisable in connection with the exercise of its powers;

WHEREAS, the City desires to refinance the cost of construction and equipping of the Center through the current refunding and redemption of the Bonds To Be Refunded and has requested that the Building Commission issue refunding revenue bonds (as defined herein, the "2009 A Bonds") to refund the Bonds To Be Refunded;

WHEREAS, the Building Commission has under consideration an ordinance finding that it is necessary and appropriate for the Building Commission to issue, sell and deliver and authorizing the issuance of its Public Safety Lease-Revenue Bonds, Series 2009 A (the "2009 A Bonds"), in the aggregate principal amount of not to exceed $1,300,000, under the Act for the purpose of, together with other funds available therefor, currently refunding and redeeming the Bonds To Be Refunded in accordance with the provisions of the 1999 Indenture;

WHEREAS, the Building Commission expects to designate the 2009 A Bonds as qualified tax-exempt obligations within the meaning of Section 265(b)(3)(D) of the Internal Revenue Code, as amended;

WHEREAS, in connection with and in consideration for the issuance of the 2009 A Bonds, the City is willing to ratify, amend and restate the 1999 Ground Lease (as so amended and restated, the "Ground Lease"), granting to the Building Commission a leasehold interest in all of its right, title and interest in the Center;

WHEREAS, the City desires to lease the Center back from the Building Commission, and the Building Commission is willing to lease the Center to the City and to authorize the current refunding and redemption of the Bonds To Be Refunded Bonds pursuant to the terms of an Agreement and Lease to be entered into between the Building Commission and the City (the "Lease"), for rentals sufficient to pay the principal of, redemption premium, if any, and interest on the 2009 A Bonds when due;

WHEREAS, the principal and redemption price of and interest on the 2009 A Bonds and all other payments provided for in the Indenture will be secured by the Trust Estate to be created in the Trust Indenture to be entered into between the Building Commission and the Trustee (the "Trust Indenture"), and the pledges thereunder, including by a collateral assignment of the Lease and the rentals thereunder and any other property or funds pledged under the Trust Indenture, and the 2009 A Bonds will not constitute an indebtedness of the State of West Virginia, the Building Commission or the City or a charge against any of the property thereof, or give any right against any member or officer of the Building Commission or the City or its Council; and

WHEREAS, the City has found and determined, and does hereby find and determine, that (i) the leasing of the Center to the Building Commission pursuant to the Ground Lease; (ii) the leasing of the Center back to the City from the Building Commission pursuant to the Lease; (iii) the current refunding and redemption of the Bonds To Be Refunded; and (iv) all other things contemplated by or contained in the Ground Lease and the Lease are for a public purpose of the City and are necessary, proper and appropriate to accomplish a public purpose and are necessary, appropriate and required for the City.

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

Section 1. Findings. (a) It is hereby found and determined that (i) the lease of the Center by the Ground Lease to the Building Commission; (ii) the leasing of the Center back from the Building Commission pursuant to the Lease; (iii) the current refunding and redemption of the Bonds To Be Refunded; and (iv) all other things contemplated by or contained in the Ground Lease and the Lease are necessary, proper and appropriate to accomplish the public purpose of providing a Public Safety Center as necessary, appropriate and required for the City.

(b) It is hereby found and determined that title to the Site is vested with the City, and that the City continue to lease such real property to the Building Commission.

Section 2. Refunding. The Council hereby finds that the current refunding and redemption on the earliest practicable redemption date of all the Bonds To Be Refunded are in the best interest of the City and requests the Building Commission to issue the 2009 A Bonds for such purpose and to call the Bonds To Be Refunded for redemption on the earliest practicable redemption date.

Section 3. Ground Lease and Lease. The Council hereby authorizes the Mayor to enter into the Ground Lease and the Lease, both with the Building Commission, on behalf of the City.

Section 4. Rentals. The Council hereby authorizes the payment of the rentals required under the Lease.

Section 5. Incidental Actions. The Mayor, the City Clerk and any other appropriate and duly authorized officer of the City, each is hereby authorized and directed to execute and deliver such other documents, agreements, instruments and certificates and to take such other action as may be necessary or appropriate in order to effectuate the execution and delivery of the Ground Lease and the Lease. The execution, delivery and due performance of documents are hereby in all respects approved, authorized, ratified and confirmed, including all acts heretofore taken in connection with the refunding and redemption of the Bonds To Be Refunding and the leasing of the Center.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment.

The question being on the passage of theBill a roll call was taken and there were; yeas-21, absent -7, as follows:
YEAS: Davis, Deitzler, Ealy, Hall , Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman , Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Burton, Clowser, Deneault, Hanna, Payne, Russell, Smith
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.7404, passed.

12. Your Committee on Finance has had under consideration Bill No. 7405, and reports the same to Council with the recommendation that the Bill do pass.

A Bill authorizing an Agreement and Lease with the Charleston Building Commission; authorizing the execution and delivery of the Agreement and Lease and related documents; taking all other actions relating to such transactions.

WHEREAS, the City of Charleston, West Virginia (the "City") and its council (the "Council") are permitted by Section 8-12-5(36) and Article 16 of Chapter 8 of the Code of West Virginia of 1931, as amended (the "City Act"), to expend public funds for acquiring, constructing and equipping public buildings; and

WHEREAS, pursuant to Article 33 of Chapter 8 of the Code of West Virginia of 1931, as amended (the "Enabling Act"), and certain sections of the City Act, and a Trust Indenture dated as of December 1, 1999 (the "1999 Indenture"), between the Charleston Building Commission (the "Building Commission") and Bank One, West Virginia, National Association, as trustee, the Building Commission issued $1,610,000 in aggregate principal amount of Charleston Building Commission Civic Center Lease-Revenue Bonds, Series 1999 (the "Series 1999 Bonds"), to finance the acquisition and installation of certain equipment for the Charleston Civic Center (the "Equipment"), which Equipment is currently owned by the Building Commission and leased to the City pursuant to a Contract of Lease-Purchase dated as of December 1, 1999;

WHEREAS, the Series 1999 Bonds are outstanding on the date of introduction of this Ordinance in the aggregate principal amount of $1,275,000, and are expected to be outstanding on December 2, 2009, in the aggregate principal amount of $1,225,000 (the "Bonds To Be Refunded");

WHEREAS, the Building Commission, under the provisions of Article 2A of Chapter 13 of the Code of West Virginia of 1931, as amended (the "Refunding Act"; the Enabling Act, the City Act and the Refunding Act are hereinafter referred to collectively as the "Act"), has plenary power and authority to issue and sell negotiable revenue bonds, notes, debentures or other evidences of indebtedness for the purpose of refunding existing revenue bonds, and to provide for the rights of the holders thereof, incur any proper indebtedness and issue any obligations and give any security therefor or which it may deem necessary or advisable in connection with the exercise of its powers;

WHEREAS, the City desires to refinance the cost of acquisition and installation of the Equipment through the current refunding and redemption of the Bonds To Be Refunded and has requested that the Building Commission issue refunding revenue bonds (as defined herein, the "2009 B Bonds") to refund the Bonds To Be Refunded;

WHEREAS, the Building Commission has under consideration an ordinance finding that it is necessary and appropriate for the Building Commission to issue, sell and deliver and authorizing the issuance of its Civic Center Lease-Revenue Bonds, Series 2009 B

(the "2009 B Bonds"), in the aggregate principal amount of not to exceed $1,400,000, under the Act for the purpose of, together with other funds available therefor, currently refunding and redeeming the Bonds To Be Refunded in accordance with the provisions of the 1999 Indenture;
WHEREAS, the Building Commission expects to designate the 2009 B Bonds as qualified tax-exempt obligations within the meaning of Section 265(b)(3)(D) of the Internal Revenue Code, as amended;

WHEREAS, the City desires to lease the Equipment from the Building Commission, and the Building Commission is willing to lease the Equipment to the City and to authorize the current refunding and redemption of the Bonds To Be Refunded pursuant to the terms of an Agreement and Lease to be entered into between the Building Commission and the City (the "Lease"), for rentals sufficient to pay the principal of, redemption premium, if any, and interest on the 2009 B Bonds when due;

WHEREAS, the principal and redemption price of and interest on the 2009 B Bonds and all other payments provided for in the Indenture will be secured by the Trust Estate to be created in the Trust Indenture to be entered into between the Building Commission and the Trustee (the "Trust Indenture"), and the pledges thereunder, including by a security interest in the Equipment and a collateral assignment of the Lease and the rentals hereunder and any other property or funds pledged under the Trust Indenture, and the 2009 B Bonds will not constitute an indebtedness of the State of West Virginia, the Building Commission or the City or a charge against any of the property thereof, or give any right against any member or officer of the Building Commission or the City or its Council; and

WHEREAS, the City has found and determined, and does hereby find and determine, that (i) the leasing of the Equipment from the Building Commission pursuant to the Lease; (ii) the current refunding and redemption of the Bonds To Be Refunded; and (iii) all other things contemplated by or contained in the Lease are for a public purpose of the City and are necessary, proper and appropriate to accomplish a public purpose and are necessary, appropriate and required for the City.

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

Section 1. Findings. It is hereby found and determined that (i) the leasing of the Equipment from the Building Commission pursuant to the Lease; (ii) the current refunding and redemption of the Bonds To Be Refunded; and (iii) all other things contemplated by or contained in the Lease are necessary, proper and appropriate to accomplish the public purpose of providing a Civic Center as necessary, appropriate and required for the City.

Section 2. Refunding. The Council hereby finds that the current refunding and redemption on the earliest practicable redemption date of all the Bonds To Be Refunded are in the best interest of the City and requests the Building Commission to issue the

2009 B Bonds for such purpose and to call the Bonds To Be Refunded for redemption on the earliest practicable redemption date.
Section 3. Lease. The Council hereby authorizes the Mayor to enter into the Agreement and Lease with the Building Commission for the Equipment on behalf of the City.

Section 4. Rentals. The Council hereby authorizes the payment of the rentals required under the Lease.

Section 5. Incidental Actions. The Mayor, the City Clerk and any other appropriate and duly authorized officer of the City, each is hereby authorized and directed to execute and deliver such other documents, agreements, instruments and certificates and to take such other action as may be necessary or appropriate in order to effectuate the execution and delivery of the Lease. The execution, delivery and due performance of documents are hereby in all respects approved, authorized, ratified and confirmed, including all acts heretofore taken in connection with the refunding and redemption of the Bonds To Be Refunded and the leasing of the Equipment.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment.

The question being on the passage of theBill a roll call was taken and there were; yeas-21, absent -7, as follows:
YEAS: Davis, Deitzler, Ealy, Hall , Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman , Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.
ABSENT: Burton, Clowser, Deneault, Hanna, Payne, Russell, Smith
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Bill No.7405, passed.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; October 2009.
Received and Filed.

2. City Treasurer's Report to City Council Month Ending October 2009.
Received and Filed.

ROLL CALL

The Clerk called the roll and the following members were in attendance:
YEAS: Davis, Deitzler, Ealy, Hall , Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Reed, Reishman , Salisbury, Sheets, Talkington, Ware, Weintraub, White, Mayor Jones.

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, December 7, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk

JOURNAL

OF THE

COUNCIL

CITY OF CHARLESTON

WEST VIRGINIA

DECEMBER 7, 2009

THE COUNCIL MET IN CHAMBERS OF THE CITY BUILDING AT 7:00 P.M., FOR THE FIRST MEETING IN THE MONTH OF DECEMBER ON THE 7th DAY, IN THE YEAR 2009, AND WAS CALLED TO ORDER BY THE HONORABLE MAYOR, DANNY JONES. THE INVOCATION WAS DELIVERED BY HARRISON AND THE PLEDGE OF ALLEGIANCE WAS LED BY DENEAULT.

DEITZLER	DENEAULT	EALY
HALL		HARRIS
HARRISON	HIGGINS	JONES
KIRK	KNAUFF	
MILLER	PAYNE	REED
REISHMAN		SALISBURY
SHEETS	SMITH	TALKINGTON
WARE	WEINTRAUB	WHITE
MAYOR JONES		

WITH TWENTY- TWO MEMBERS BEING PRESENT, THE MAYOR DECLARED A QUORUM.

PENDING THE READING OF THE JOURNAL OF THE PREVIOUS MEETING, THE READING THEREOF WAS DISPENSED WITH AND THE SAME DULY APPROVED.

PUBLIC SPEAKERS

1. None

CLAIMS

1. A claim of Shirley White,1573 Quarrier St., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

2. A claim of Melissa Elkins, 312 50th St., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

3. A claim of Barbara Wilson, 109 Timberlake Circle, Scott Depot, WV; alleges damage to vehicle.
Refer to City Solicitor

4. A claim of Marcia Brockwell, Rt. 7 Box 130, So.Charleston, WV; alleges damage to property.
Refer to City Solicitor

5. A claim of Wenbo Li, 349 Kessinger Rd., Apt. B, Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

6. A claim of Kimberly Jones, 1311 Renaissance Circle, Apt. 302, Charleston, WV; alleges personal injury.
Refer to City Solicitor

7. A claim of Henry Scott Shreve, 1716 Sugar Creek Dr., Charleston, WV; alleges personal injury.
Refer to City Solicitor

8. A claim of Franklin Coffman,1947 Grapevine Rd., Charleston, WV; alleges damage to vehicle.
Refer to City Solicitor

The Clerk read the Appointment:

TO: JAMES REISHMAN
CITY CLERK

FROM: DANNY JONES
MAYOR

RE: MUNICIPAL PLANNING COMMISSION

DATE: DECEMBER 7, 2009

I recommend that Jesse Forbes, 1118 Kanawha Blvd, East, Charleston, WV 25301, be appointed tto the Municipal Planning Commission, with an initial rerm to expire on July 1, 2010. He is relacing Dennis Vaughn.

I respectfully request City Council's approval of this recommendation.

Council approved the appointment.

FINANCE

Councilman Robert Reishman, of the Council Committee on Finance, submitted the following reports.

1. Your Committee on Finance has had under consideration Resolution No 676-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 676-09: "Authorizing the Mayor to sign and submit FY 2009 Community Participation Program contracts between the West Virginia Development Office and the City of Charleston and all related documents on behalf of three agencies located within the City of Charleston."

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

That the Mayor is hereby authorized and directed to sign and submit FY 2009 Community Participation Program grant contracts between the West Virginia Development Office and the City of Charleston and all related documents on behalf of the following agencies located within the City of Charleston.

Good News Mountaineer Garage	09LEDA0255	$2,000
East End Community Association	09LEDA0252	$1,000
Boys and Girls Club of Charleston	09LEDA0242	$6,300

The question being on the adoption of the Resolution a roll call was taken and there were; yeas-22, absent -6, as follows:
YEAS:, , Deitzler, Deneault, Ealy, Hall, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Miller, Payne, Reed, Reishman, Salisbury, Sheets, Smith, Talkington, Ware , Weintraub, White, Mayor Jones.
ABSENT: Burton Clowser, Davis, Hanna, Lane, Russell,
With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 676-09, adopted.

2. Your Committee on Finance has had under consideration Resolution No 677-09, and reports the same to Council with the recommendation that the committee report be adopted.

Resolution No. 677-09 : "Authorizing the Mayor to enter into an Agreement with Grandview Systems, in the amount of $29,100, for purchase and installation of an Audio Visual Room System at the City Service Center located in Municipal Parking Building No. 1."

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

That the Mayor is hereby authorized and directed to enter into an Agreement with Grandview Systems, in the amount of $29,100, for purchase and installation of an Audio Visual Room system at the City Service Center located in Municipal Parking Building No. 1.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 677-09, adopted.

3. Your Committee on Finance has had under consideration Resolution No 679-09, and reports the same to Council with the recommendation that the committee report be adopted.

A resolution supplementing Bill No. 7403 passed by the Council of The City of Charleston on November 2, 2009, effective November 16, 2009, authorizing the refunding of the Civic Center Improvement Bonds, Series 1999, of The City of Charleston; and authorizing the issuance of Civic Center Improvement Refunding Bonds, Series 2009 A, of The City of Charleston, in the amount of not to exceed $3,500,000, to finance the cost of such refunding and the cost of issuance for such bonds; defining and prescribing or providing for the terms and provisions of the bonds; providing generally for the rights and remedies and security of the holders of the bonds; providing a statutory mortgage lien on specified tax revenues dedicated for such purposes; designating such bonds as qualified tax-exempt obligations; delegating certain authority regarding the bonds to the Mayor and the City Manager; and providing general terms and providing when this ordinance shall take effect.

WHEREAS, the Council (the "Council") of The City of Charleston, West Virginia (the "City" or the "Issuer"), on November 2, 2009, effective November 16, 2009, adopted Bill No. 7403, which Ordinance authorized the issuance of The City of Charleston Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), in an aggregate principal amount not to exceed $3,500,000, to finance the cost of currently refunding the City's Civic Center Improvement Bonds, Series 1999 (the "Series 1999 Bonds"), to pay other costs in connection therewith, and all as more fully set out therein (said Ordinance is hereinafter referred to as the "Ordinance");

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meanings set forth in the Ordinance when used herein;

WHEREAS, the Ordinance directed the City Clerk to publish an abstract of the Ordinance (the "Abstract"), together with a notice that the Ordinance has been adopted, that the Issuer contemplates the issuance of the Series 2009 A Bonds as described in the Ordinance and that any person interested may appear before the Council upon a certain day and present protests (the "Notice");

WHEREAS, the Ordinance required that the Abstract and Notice be published once a week for two successive weeks, with at least six full days intervening between each publication in the Charleston Gazette, a qualified newspaper published and of general circulation in the City of Charleston, West Virginia, and the first publication of such Abstract and Notice was to be not less than ten (10) days before the date set by the Ordinance and the Notice at which interest persons may appear before the City Council and present protests;

WHEREAS, the Abstract and Notice was published on November 5, 2009, and November 12, 2009;

WHEREAS, the Notice provided for a public hearing to be held before City Council at 7:00 p.m. on Monday, November 16, 2009, in the Council Chambers, City Hall, Charleston, West Virginia, which hearing was held and no protests were received;

WHEREAS, the Ordinance provides that matters relating to the Series 2009 A Bonds not set forth in the Ordinance shall be approved by a resolution supplemental thereto (the "Supplemental Resolution");

WHEREAS, the Series 2009 A Bonds are proposed to be purchased by Crews & Associates, Inc. (the "Original Purchaser"), pursuant to a Bond Purchase Agreement (the "Purchase Agreement") between the Original Purchaser and the City;

WHEREAS, this Council wishes to delegate to the Mayor the authority to approve, within the parameters set forth herein, the final terms of the Series 2009 A Bonds, including the exact principal amount, interest rates, redemption provisions, maturities, purchase price and other terms of the Series 2009 A Bonds as set forth in the form of the Certificate of Determination attached hereto, without the requirement of further official action by this Council; and

WHEREAS, this City Council deems it essential and desirable that this Supplemental Resolution be adopted, that the exact principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of the Series 2009 A Bonds be fixed as stated herein, that the principal amount, date, maturity date, interest rate, payment schedule, sale price and other terms of the Series 2009 A Bonds be fixed by the Mayor, by and through the execution of Certificates of Determination, within the parameters fixed herein, and that other matters relating to the Series 2009 A Bonds be herein provided for.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF

CHARLESTON, WEST VIRGINIA, AS FOLLOWS:

1. It is hereby found and determined:

(a) The Abstract and Notice were duly published in the The Charleston Gazette, a newspaper of general circulation in The City of Charleston, West Virginia, with the first publication thereof being on November 5, 2009, and with the last publication thereof being on November 12, 2009, and a copy of the affidavit of publication reflecting such publication is attached hereto and incorporated herein as EXHIBIT A;

(b) In accordance with the Ordinance and the Notice, a copy of the Ordinance was maintained at the Office of the City Clerk for review by interested persons during the regular office hours of such office;

(c) At 7:00 p.m., prevailing time, on Monday, November 16, 2009, in the Council Chambers, Charleston, West Virginia, in accordance with the Ordinance and the Notice, City Council met for the purpose of hearing protests and suggestions regarding whether the Ordinance should be put into effect and heard all protests and suggestions with regard thereto;

(d) At the public hearing, no significant reasons and no written protest with regard thereto were presented that would require other modification or amendment of the Ordinance; and

(e) That the Ordinance has been placed into effect as of November 16, 2009, as ratified by this Supplemental Resolution and the Series 2009 A Bonds contemplated thereby shall be issued, all as provided in the Ordinance and this Supplemental Resolution.

2. Pursuant to the Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued:

The City of Charleston Civic Center Improvement Refunding Revenue Bonds, Series 2009 A shall be issued in such aggregate principal amount not to exceed $3,500,000, shall be dated such date, shall finally mature on December 1, 2024, shall bear interest and prices with interest payable on such dates, and shall have such redemption provisions and other terms as shall be approved by the Mayor or the City Manager in the Certificate of Determination the form of which is attached hereto as EXHIBIT B; provided that such price shall be such that the net present value savings from the Bonds to Be Refunded is not less than 2.5%.

3. The Mayor or the City Manager of The City of Charleston, West Virginia (the "Mayor") is hereby authorized and directed to set forth the exact principal amount, the maturities, the interest rates, the redemption provisions, the price, and other terms and details of the Series 2009 A Bonds, subject to the parameters set forth herein in the Certificate of Determination, substantially in the form attached hereto as

EXHIBIT B and incorporated herein, to be executed and delivered in connection with the sale of the Series 2009 A Bonds. Assuming such parameters are met, the Certificate of Determination shall have full force and effect as if adopted as a part of this Supplemental Resolution.

4. All other provisions relating to the Series 2009 A Bonds and the text of the Series 2009 A Bonds shall be as provided in the Ordinance, and the Series 2009 A Bonds shall be in substantially the form provided in the Ordinance, with such changes, insertions and omissions as may be approved by the Mayor. The execution of the Series 2009 A Bonds by the Mayor shall be conclusive evidence of such approval.

5. A Bond Purchase Agreement for the Series 2009 A Bonds, by and between the Original Purchaser and the Issuer, the form of which is attached hereto as EXHIBIT C and incorporated herein, and the execution and delivery by the Mayor or the City Manager thereof shall be and the same are hereby authorized, approved, and directed. The Mayor or the City Manager shall execute and deliver the Purchase Agreement for the Series 2009 A Bonds with such changes, insertions and omissions as may be approved by the Mayor or the City Manager. The execution of the Purchase Agreement for the Series 2009 A Bonds by the Mayor or the City Manager shall be conclusive evidence of any approval required by this Section, and authorization of any action required by the Purchase Agreement relating to the issuance and sale of the Series 2009 A Bonds, including the payment of all necessary fees and expenses in connection therewith.

6. A Continuing Disclosure Certificate of the Issuer, for the Series 2009 A Bonds, to be dated as of the date of delivery of the Series 2009 A Bonds, the form of which is attached hereto as EXHIBIT D and incorporated herein, and the execution and delivery by the Mayor or the City Manager thereof shall be and the same are hereby authorized, approved and directed. The Mayor or the City Manager shall execute and deliver the Continuing Disclosure Certificate for the Series 2009 A Bonds with such changes, insertions and omissions as may be approved by the Mayor or the City Manager. The execution of the Continuing Disclosure Certificate for the Series 2009 A Bonds by the Mayor or the City Manager shall be conclusive evidence of any approval required by this Section.

7. The Escrow Agreement by and between the Issuer and the West Virginia Municipal Bond Commission as Escrow Agent, to be dated as of the date of delivery of the Series 2009 A Bonds, substantially in the form attached as EXHIBIT E, and the execution and delivery (in multiple counterparts) by the Mayor or the City Manager thereof shall be and the same are hereby authorized, approved and directed. The Mayor or the City Manager shall execute and deliver the Escrow Agreement with such changes, insertions and omissions as may be approved by the Mayor or the City Manager. The execution of the Escrow Agreement by the Mayor or the City Manager shall be conclusive evidence of any approval required by this Section.

8. A Preliminary Official Statement and an Official Statement for the Series 2009 A Bonds, in substantially the form of the Preliminary Official Statement attached hereto as EXHIBIT F and incorporated herein (with such changes, insertions and omissions as may be necessary or advisable in the opinion of the Mayor or the City

Manager), and the distribution of counterparts or copies thereof by the Original Purchaser are hereby approved. The Mayor or the City Manager shall execute and deliver the Official Statement for the Series 2009 A Bonds with such changes, insertions and omissions as may be approved by the Mayor or the City Manager. The execution of the Official Statement for the Series 2009 A Bonds by the Mayor or the City Manager shall be conclusive evidence of any approval required by this Section.

9. City Council hereby appoints and designates The Bank of New York Mellon, West Paterson, New Jersey, to serve as Registrar (the "Registrar") and Depository Bank for the Series 2009 A Bonds and authorizes the Mayor or the City Manager to enter into the Registrar Agreement as deemed appropriate by the Mayor or the City Manager.

10. Upon redemption of the Series 1999 Bonds, all funds remaining in the Series 1999 Bonds Escrow Fund shall be transferred to Series 2009 A Bonds Sinking Fund and applied to the next ensuing interest payment.

11. City Council hereby determines to invest all moneys in the funds and accounts established by the Ordinance held by the Bond Commission in Qualified Investments (except for the Escrow Funds).

12. City Council hereby approves all costs of issuance in connection with the Series 2009 A Bonds and authorizes the payment thereof.

13. The Escrow Agent is hereby authorized to mail the notice of redemption of the Series 1999 Bonds as provided in the Prior Ordinance in order to call the Series 1999 Bonds on or about January 17, 2009.

14. The Issuer shall execute and the Registrar shall authenticate and deliver the Series 2009 A Bonds, as may be directed by the Issuer, upon the filing with the Registrar of the following:

(i) A copy of the Ordinance certified by the City Clerk of the Issuer;

(ii) The Series 2009 A Bonds;

(iii) A list of the names in which the Series 2009 A Bonds are to be registered upon original issue;

(iv) A request and authorization to the Registrar by the Issuer, signed by the Mayor, to authenticate and deliver the Series 2009 A Bonds to the Original Purchaser upon payment of the Purchase Price; and

(v) A signed, unqualified approving opinion of Jackson Kelly PLLC, as bond counsel.

15. The Mayor and City Clerk are hereby authorized and directed to execute and deliver such other documents and certificates required as desirable in

connection with the issuance and sale of the 2009 A Bonds to the end that the Series 2009 A Bonds may be delivered on a timely basis to the Original Purchaser pursuant to the Bond Purchase Agreement.

16. This Supplemental Resolution shall go into effect immediately upon adoption.

Adopted this 7th day of December, 2009.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared Resolution No. 679-09, adopted.

4. Your committee on Finance has had under consideration a proposal submitted by Stephens Auto Center, in the amount of $19,661, for purchase of a 2010 Ford Ranger to be assigned to the Refuse Department. To be charged to Account No. 001-978-00 800-4-459, Refuse—Capital Outlay, Equip. (Chase Equipment Finance Lease Purchase Escrow Account, Schedule #1000133565), and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

5. Your committee on Finance has had under consideration a proposal submitted by Communication Service, Inc., in the amount of $10,765, for purchase and shipping costs for three (3) Pro Laser III and two (2) Kustom Raptor Radar speed detection devices to be used by the Charleston Police Department. To be charged to the following accounts: $10,524.00 - Account No. 095-175-10-000-4-459, Police Grant F10HS-08—CO, Equip.; $ 241.00 - Account No. 095-175-10-000-3-341, Police Grant F10HS-08—Materials and Supplies, and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

6. Your committee on Finance has had under consideration a proposal submitted by Capitol Business Interiors, in the amount of $21,935.35, for purchase of furnishings for the City Manager's suite located on the first floor of City Hall. To be charged to Account No. 222-975-00-440-4-458, Facilities Maintenance Fund and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

7. Your committee on Finance has had under consideration a proposal submitted by Western Branch Diesel, Inc., in the amount of $23,498.75, for rebuilding the engine in the Aerial Platform truck used by the Charleston Fire Department. To be charged to

Account No. 001-754-00-000-2-216, Equipment Maintenance—Maintenance & Repair, Equipment and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

8. Your committee on Finance has had under consideration a bid submitted by Hajoca Corporation, in the amount of $11,775, for purchase of three (3) hot water tanks to be installed at the Sojourner's Shelter located at 1418 East Washington Street. To be charged to Account No. 009-008-00-002-0-999, CDBG—Major Renovations and reports the same to Council with the recommendation that the committee report be adopted.

With a majority of members elected recorded thereon as voting in the affirmative the Mayor declared the committee report, adopted.

REPORTS OF OFFICERS

1. Report of the City of Charleston, Municipal Court Financial Statements; November 2009.
Received and Filed.

2. Report of the City of Charleston Payroll Variance Analysis; October 2009.
Received and Filed.

3. Report of the City of Charleston Payroll Variance Analysis; November 2009.
Received and Filed.

NEW BILLS

Introduced by Council Member Jim Harris on December 7, 2009:
Bill No. 7407 amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January, 2006, as amended and the map made a part thereof, by rezoning from a C-4 Neighborhood Commercial District to a C-8 Village Commercial District that parcel of land known as EC 29, 190, 2445 Washington St. E., Charleston, WV.
Refer to Municipal Planning Commission

Introduced by Council Member Ed Talkington on December 7, 2009:
Bill No. 7408 - A Bill to repeal Section 98-71, as amended, of the Code of the City of Charleston, and to reenact Section 98-71 of the Code of the City of Charleston relating to refuse fees in the City of Charleston.
Refer to Environment and Recycling Committee

ROLL CALL

The Clerk called the roll and the following members were in attendance:
YEAS: Deitzler, Deneault, Ealy, Hall, Hanna, Harris, Harrison, Higgins, Jones, Kirk, Knauff, Lane, Miller, Payne, Reed, Reishman, Salisbury, Sheets, Smith, Talkington, Ware , Weintraub, White, Mayor Jones.
ABSENT: Burton Clowser, Davis, Russell,

At 7:30 p.m., by a motion from Councilmember Harrison, Council adjourned until Monday, December 21, 2009, at 7:00 p.m.

Danny Jones, Honorable Mayor

James M. Reishman, City Clerk

CHARLESTON NEWSPAPERS
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LEGAL ADVERTISING INVOICE

INVOICE DATE	11/13/09
ACCOUNT NBR	014243003
SALES REP ID	0074
INVOICE NBR	623348001

M

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INVOICE DATE	11/13/09
ACCOUNT NBR	014243003
SALES REP ID	0074
INVOICE NBR	623348001

Legal pricing is based upon 63 words per column inch.
Each successive insertion is discounted by 25% of the first insertion rate.
The Daily Mail rate is $.13 per word, the Charleston Gazette rate is $.14 per word, and the Metro Putnam rate is $.13 per word.

ISSUE DATE	AD TYPE	PUB	DESCRIPTION REFERENCE NBR PURCHASE ORDER #	AD NUMBER	AD SIZE TOTAL RUN	RATE	GROSS AMOUNT	NET AMOUNT
11/05	LEGF	GZ	NOTICE OF PUBLIC HEA 623348001	0406367	1X1150 11.50	8.82	101.43	101.43
11/12	LEGR	GZ	NOTICE OF PUBLIC HEA 623348002		1X1150 11.50	8.82	101.43	
			LEGAL DISCOUNT 25%				25.36-	76.07
			TOTAL INVOICE AMOUNT					177.50

State of West Virginia, **AFFIDAVIT OF PUBLICATION**

I, Sandra Legg of

THE CHARLESTON GAZETTE,

do solemnly swear that the legal notice of:
NOTICE OF PUBLIC HEARING

was duly published in said newspaper(s) at the stated price for the respective newspaper(s) and during the dates listed below:
11/05/09-11/12/09

Subscribed and sworn to before me this 16 day of November.

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
LYNN R. FIELDER
253 FRAZIER WAY
SCOTT DEPOT, WV 25560
My commission expires December 11, 2016

Lynn R Fielder
Notary Public of Kanawha County, West Virginia

The City contemplates the issuance of the Series 2009 A Bonds described in, and under the conditions set forth in the Ordinance abstracted above. Any person interested may appear before the Council of the City of Charleston at a regular meeting on November 16, 2009, at 7:00 p.m., in the Council Chambers, City Hall, Charleston, West Virginia, and present protests and be heard as to whether the above-described Ordinance shall be put into effect.

A certified copy of the Ordinance as adopted by the Council of City on November 2, 2009, is on file with the City Clerk for review by interested persons at the City Hall during regular office hours, to-wit: 8:00 a.m. to 5:00 p.m., Monday through Friday.

By /s/ James M. Reishman
City Clerk
The City of Charleston,
West Virginia

(406367)

LICKING CREEK

THE CITY OF CHARLESTON, WEST VIRGINIA

NOTICE OF PUBLIC HEARING AND ABSTRACT OF BOND ORDINANCE

Notice is hereby given to any person interested that on November 2, 2009, the Council of the City of Charleston, West Virginia (the "City") adopted an ordinance which, among other things:

1. Authorizing the refunding of the Civic Center Improvement Bonds, Series 1992 of the City of Charleston, authorizing the issuance of not more than $3,500,000 in Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), the proceeds of which shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended, for such purposes, to finance the cost of such refunding and to pay other costs of issuance; providing for the rights and remedies of and security for the holders of such bonds, providing a statutory mortgage lien on specified tax revenues dedicated for such purposes; and providing general terms and providing when the ordinance shall take effect.

2. Directed that the Series 2009 A Bonds be issued in such principal amounts, bear interest at such rate or rates not exceeding the then legal maximum rate, mature on such dates and in such amounts and redeemable, in whole or in part, as prescribed in a supplemental resolution.

3. Directed the continuation of the Revenue Fund and the disposition of the Tax Revenues; provided for the payment of operating expenses; provided for the monthly payment of principal and interest when due; provided for the creation of a Sinking Fund for the Series 2009 A Bonds.

4. Provided that the Series 2009 A Bonds shall not be or constitute a corporate indebtedness of the City within the meaning of any constitutional or statutory provision or limitation, but shall be payable solely from the pledged Tax Revenues; pledged the Tax Revenues to payment of the Series 2009 A Bonds and established the rights of the registered owners of the Bonds to such Tax Revenues.

5. Provided certain conditions for the issuance of additional bonds.

6. Established the events of default and the remedies of the registered owners.

THE CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

CERTIFICATE OF DETERMINATION

The undersigned, David Molgaard, City Manager of The City of Charleston (the "City"), in accordance with Section 2 of the Supplemental Resolution adopted by the Council of the City on December 7, 2009 (the "Supplemental Resolution"), with respect to The City of Charleston (West Virginia) Civic Center Improvement Refunding Bonds, Series 2009 A, hereby finds and determines as follows:

1. The Series 2009 A Bonds shall be dated as of the date of delivery.

2. The Series 2009 A Bonds shall be issued in the aggregate principal amount of $3,275,000. Such principal amount does not exceed $3,500,000, being the maximum principal amount authorized by the Supplemental Resolution.

3. The yield on the Series 2009 A Bonds shall be 4.114061% which provides a net present value savings of 11.36% which is not less than 2.5% being the minimum net present value savings authorized by the Supplemental Resolution.

4. The Series 2009 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.

5. The Series 2009 A Bonds shall bear interest at the rates and produce the yields set forth on Schedule 1 attached hereto and incorporated herein.

6. The Series 2009 A Bonds shall be subject to optional and mandatory redemption as set forth on Schedule 2 attached hereto and incorporated herein.

7. The Series 2009 A Bonds shall be sold to Crews & Associates, Inc. (the "Underwriter"), pursuant to the terms of the Purchase Agreement by and between the Underwriter and the City, at an aggregate purchase price of $3,193,125.00 (representing par value less an Underwriter's discount of $81,875.00).

8. Based upon the actual principal amount, maturity schedule and interest rates for the Series 2009 A Bonds, attached hereto, it is hereby determined that the Series 2009 A Bonds show a net savings to the Issuer after deducting all expenses of the refunding.

9. The City shall provide a notice of redemption to the registered owners of the Issuer's Civic Center Improvement Bonds, Series 1999 (the "Series 1999 Bonds"), said notice to be mailed no earlier than three days after the issuance of the

Series 2009 A Bonds and the notice shall provide that the Series 1999 Bonds will be exchanged for the payment of the Redemption Price of the Series 1999 Bonds.

The undersigned hereby certifies that the foregoing terms and conditions of the Series 2009 A Bonds are within the parameters prescribed by the Supplemental Resolution, and the Series 2009 A Bonds may be issued with such terms and conditions as authorized by the Supplemental Resolution.

Upon the delivery of the Series 2009 A Bonds:

(a) All funds on deposit with the West Virginia Municipal Bond Commission (the "Bond Commission") in the Debt Service Fund established and existing for the Series 1999 Bonds shall be transferred to the Series 1999 Bonds Escrow Account and be used to pay the redemption price of 102% of the outstanding principal on all Outstanding Series 1999 Bonds plus interest accrued to the Redemption Date on the Outstanding Series 1999 Bonds on or about January 17, 2010;

(b) Proceeds of the Series 2009 A Bonds in the amount of $3,141,569.64 shall be deposited in the Series 1999 Bonds Escrow Fund and be used together with the $62,869.69 that will be transferred from the Series 1999 Sinking Fund to pay the redemption price of 102% of the outstanding principal on all Outstanding Series 1999 Bonds plus interest accrued to the Redemption Date on the Outstanding Series 1999 Bonds on or about January 17, 2010;

(c) The remaining proceeds of the Series 2009 A Bonds shall be deposited in the Cost of Issuance Fund and be used for paying costs of issuance of the Series 2009 A Bonds.

WITNESS my signature this 9th day of December, 2009.

THE CITY OF CHARLESTON

City Manager

Schedule 1

Maturity Schedule

Series 2009 A Bonds

Maturity	Amount	Interest Rate	Price or Yield	CUSIP No.
12/01/2012	$475,000.00	3.000%	3.000%	160519BW3
12/01/2015	$580,000.00	3.500%	3.500%	160519BX1
12/01/2018	$655,000.00	4.000%	4.000%	160519BY9
12/01/2021	$730,000.00	4.200%	4.200%	160519BZ6
12/01/2024	$835,000.00	4.400%	4.400%	160519CA0

Schedule 2

Optional Redemption

At the option of the City, the Series 2009 A Bonds are subject to redemption prior to maturity on or after December 1, 2015, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus, interest, if any, accrued to the date of redemption.

Mandatory Sinking Fund Redemption

The Series 2009 A Bonds are subject to mandatory redemption prior to maturity, by lot, from the Redemption Account at a Redemption Price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption and in the amounts set forth below:

2012 Terms Bonds

Year	Amount	Year	Amount
2010	$115,000	2012	$180,000
2011	$180,000*		

2015 Terms Bonds

Year	Amount	Year	Amount
2013	$185,000	2014	$195,000
2015	$200,000*		

2018 Terms Bonds

Year	Amount	Year	Amount
2016	$205,000	2017	$220,000
2018	$230,000*		

2021 Terms Bonds

Year	Amount	Year	Amount
2019	$235,000	2020	$245,000
2021	$250,000*		

2024 Terms Bonds

Year	Amount	Year	Amount
2022	$265,000	2023	$280,000
2024	$290,000*		

*Stated maturity.

THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENTS REFUNDING BONDS,
SERIES 2009 A

REQUEST AND AUTHORIZATION TO
AUTHENTICATE AND DELIVER THE BONDS

Bank of New York Mellon
as Registrar
West Paterson, New Jersey

Ladies and Gentlemen:

There are delivered to you herewith as Registrar for the above-captioned Bonds:

1. Bonds Nos. AR-1 through AR-5, constituting the entire original issue of The City of Charleston, West Virginia Civic Center Improvements Refunding Bonds, Series 2009 A, dated December 17, 2009, in the aggregate principal amount of $3,275,000, all executed by the Mayor and the City Clerk of The City of Charleston (the "Issuer"), and bearing the official seal of the Issuer. The Bonds are authorized to be issued under and pursuant to a Bond Ordinance enacted by the Council of the Issuer on November 16, 2009, as supplemented by Supplemental Resolution adopted by the Council of the Issuer on December 7, 2009 (collectively, the "Ordinance").

2. A Copy of the Ordinance certified by the City Clerk of the Issuer.

3. A list of the names in which the Bonds are to be registered upon original issue: CEDE & CO.

4. A signed, unqualified approving opinion of Jackson Kelly PLLC, as bond counsel.

5. Such other documents, certifications and verifications as the original purchaser may reasonably require.

You are hereby requested and authorized, pursuant to Section 3.04 of the Ordinance, to authenticate, register and deliver the Bonds to The Depository Trust Company, New York, New York, for the account of Crews & Associates, Inc. as the original purchaser thereof.

Dated this 17th day of December, 2009.

THE CITY OF CHARLESTON

[SEAL]

Mayor

ATTEST:

City Clerk

{C1622283.1}

The Depository Trust Company

A subsidiary of the Depository Trust & Clearing Corporation

BLANKET ISSUER LETTER OF REPRESENTATIONS

(To be completed by Issuer and Co-Issuer(s), if applicable)

Charleston Building Commission
(Name of Issuer and Co-Issuer(s), if applicable)

12/2/09
(Date)

Attention: Underwriting Department
The Depository Trust Company
55 Water Street, 1SL
New York, NY 10041-0099

Ladies and Gentlemen:

This letter sets forth our understanding with respect to all issues (the "Securities") that Issuer shall request to be made eligible for deposit by The Depository Trust Company ("DTC").

Issuer is: (Note: Issuer shall represent one and cross out the other.)

~~[incorporated in]~~ [formed under the laws of] West Virginia.

To induce DTC to accept the Securities as eligible for deposit at DTC, and to act in accordance with DTC's Rules with respect to the Securities, Issuer represents to DTC that issuer will comply with the requirements stated in DTC's Operational Arrangements, as they may be amended from time to time.

Very truly yours,

Note:
Schedule A contains statements that DTC believes accurately describe DTC, the method of effecting book-entry transfers of securities distributed through DTC, and certain related matters.

Charleston Building Commission
(Issuer)

By: Sandra Thomas
(Authorized Officer's Signature)

Sandra Thomas
(Print Name)

815 Quarrier Street, Suite 244
(Street Address)

Charleston	WV	USA	25301
(City)	(State)	(Country)	(Zip Code)

(304) 348-6890
(Phone Number)

phb3cura@wvdsl.net
(E-mail Address)

Received and Accepted
THE DEPOSITORY TRUST COMPANY

By: _____

DTCC
The Depository Trust & Clearing Corporation

BLOR 03/25/08

SCHEDULE A
(To Blanket Issuer Letter of Representations)

SAMPLE OFFERING DOCUMENT LANGUAGE DESCRIBING BOOK-ENTRY-ONLY ISSUANCE

(Prepared by DTC—bracketed material may be applicable only to certain issues)

1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for [each issue of] the Securities, [each] in the aggregate principal amount of such issue, and will be deposited with DTC. [If, however, the aggregate principal amount of [any] issue exceeds $500 million, one certificate will be issued with respect to each $500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.]

2. DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has Standard & Poor's highest rating: AAA. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com and www.dtc.org.

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

SCHEDULE A
(To Blanket Issuer Letter of Representations)

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. [Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.]

[6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.]

7. Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from Issuer or Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of Issuer or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

[9. A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to [Tender/Remarketing] Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to [Tender/Remarketing] Agent. The requirement for physical delivery of Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records and followed by a book-entry credit of tendered Securities to [Tender/Remarketing] Agent's DTC account.]

10. DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to Issuer or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.

11. Issuer may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.

12. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that Issuer believes to be reliable, but Issuer takes no responsibility for the accuracy thereof.

JACKSONKELLY
ATTORNEYS AT LAW PLLC
500 LEE STREET EAST • SUITE 1600 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130
www.jacksonkelly.com

DIRECT NO. (304) 340-1318 FAX NO. (304) 340-1272

EMAIL: sgee@jacksonkelly.com

January 4, 2010

CERTIFIED - RETURN
RECEIPT REQUESTED

91 7108 2133 3935 9079 6914

Internal Revenue Service Center
Ogden, UT 84201

Re: $3,275,000 The City of Charleston, West Virginia
Civic Center Improvement Refunding Bonds, Series 2009 A

Ladies and Gentlemen:

Enclosed are two copies of Form 8038-G, Information Return for Tax-Exempt Governmental Obligations, relative to the above-described bond issue. Please file one copy and return one copy marked "Filed" to the undersigned in the enclosed postage paid, self-addressed envelope.

Very truly yours,

Samme L. Gee

SLG:lp

Enclosures

Form **8038-G**
(Rev. November 2000)
Department of the Treasury
Internal Revenue Service

Information Return for Tax-Exempt Governmental Obligations

▶ Under Internal Revenue Code section 149(e)
▶ See separate Instructions.
Caution: *If the issue price is under $100,000, use Form 8038-GC.*

OMB No. 1545-0720

Part I Reporting Authority

If Amended Return, check here ▶ ☐

1	Issuer's name The City of Charleston, West Virginia	2	Issuer's employer identification number 55 : 6000160
3	Number and street (or P.O. box if mail is not delivered to street address) 501 Virginia Street, East	Room/suite	4 Report number 3
5	City, town, or post office, state, and ZIP code Charleston, West Virginia 25301	6	Date of issue December 17, 2009
7	Name of issue $3,275,000 Civic Center Improvement Refunding Bonds, Series 2009 A	8	CUSIP number 160519CA0
9	Name and title of officer or legal representative whom the IRS may call for more information Danny Jones, Mayor	10	Telephone number of officer or legal representative (304) 348-8174

Part II Type of Issue (check applicable box(es) and enter the issue price) See instructions and attach schedule

11	☐ Education	11	
12	☐ Health and hospital	12	
13	☐ Transportation	13	
14	☐ Public safety	14	
15	☐ Environment (including sewage bonds)	15	
16	☐ Housing	16	
17	☐ Utilities	17	
18	☑ Other. Describe ▶ Convention Center	18	3,275,000.00
19	If obligations are TANs or RANs, check box ▶ ☐ If obligations are BANs, check box ▶ ☐		
20	If obligations are in the form of a lease or installment sale, check box ▶ ☐		

Part III Description of Obligations. Complete for the entire issue for which this form is being filed.

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21	12/01/2024	$ 3,275,000.00	$ 3,275,000.00	8.797 years	4.1114061 %

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)

22	Proceeds used for accrued interest			22	
23	Issue price of entire issue (enter amount from line 21, column (b))			23	3,275,000.00
24	Proceeds used for bond issuance costs (including underwriters' discount)	24	133,430.36		
25	Proceeds used for credit enhancement	25			
26	Proceeds allocated to reasonably required reserve or replacement fund	26			
27	Proceeds used to currently refund prior issues	27	3,141,569.64*		
28	Proceeds used to advance refund prior issues	28			
29	Total (add lines 24 through 28)			29	3,275,000.00*
30	Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)			30	

Part V Description of Refunded Bonds (Complete this part only for refunding bonds.)

31	Enter the remaining weighted average maturity of the bonds to be currently refunded ▶	9.121 years
32	Enter the remaining weighted average maturity of the bonds to be advance refunded ▶	N/A years
33	Enter the last date on which the refunded bonds will be called ▶	January 19, 2010
34	Enter the date(s) the refunded bonds were issued ▶	December 1, 1999

Part VI Miscellaneous

35	Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)	35	N/A
36a	Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (see instructions)	36a	0
b	Enter the final maturity date of the guaranteed investment contract ▶ N/A		
37	Pooled financings: a Proceeds of this issue that are to be used to make loans to other governmental units	37a	N/A

b If this issue is a loan made from the proceeds of another tax-exempt issue, check box ▶ ☐ and enter the name of the issuer ▶ _____ and the date of the issue ▶ _____

38 If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box ▶ ☑
39 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box ▶ ☐
40 If the issuer has identified a hedge, check box ▶ ☐

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete.

▶ Signature of issuer's authorized representative — Date 12/17/09

▶ Danny Jones, Mayor — Type or print name and title

For Paperwork Reduction Act Notice, see page 2 of the Instructions. Cat. No. 63773S Form **8038-G** (Rev. 11-2000)

*Series 2009 A Bond proceeds along with ⊕$62,869.69 contained in the prior bond's debt service account were used to currently refund the prior issue.

BOND PURCHASE AGREEMENT

Date: December 9, 2009

City of Charleston
P.O. Box 2749
Charleston, West Virginia 25330

Re: $3,275,000 City of Charleston (West Virginia) Civic Center Improvement Refunding Bonds, Series 2009 A

Ladies and Gentlemen:

Crews & Associates, Inc. (the "Underwriter") offers to enter into the following agreement with the City of Charleston, West Virginia (the "Issuer") which, upon your acceptance of this offer, will be binding upon you and upon the Underwriter. Words and terms not otherwise defined herein shall have the same meanings as set forth in the Official Statement described in Section 3 hereof.

This offer is made subject to acceptance by the Issuer on or before December 9, 2009, at 7:00 p.m., New York, New York time.

1. Upon and subject to the terms and conditions and upon the basis of the respective representations, warranties and covenants hereinafter set forth, the Underwriter hereby agrees to purchase from the Issuer, and the Issuer hereby agrees to sell to the Underwriter, all (but not less than all) of the $3,275,000 City of Charleston (West Virginia) Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds" or the "Bonds"), at an aggregate purchase price of $3,193,125 (which represents the aggregate principal amount of the Series 2009 A Bonds, less a $81,875 underwriting discount).

The Bonds are to be special obligations of the Issuer, issued pursuant to a Bond Ordinance duly enacted by the Issuer on November 16, 2009, as supplemented by a Supplemental Parameters Resolution duly adopted by the Issuer on December 7, 2009 (collectively, the "Ordinance"). The payment of the debt service of all of the Series 2009 A Bonds are secured forthwith equally and ratably by a lien on the Tax Revenues derived from and a statutory mortgage lien on the hotel-motel occupancy taxes (as limited by the amount payable by the City under the provisions of Chapter 7, Article 18, Section 14 (b) of the Code of West Virginia of 1931, as amended) and coal severance taxes pledged therefor. Such lien shall be on a parity with the liens securing the Issuer's Civic Center Improvement Bonds, Series 1998 and any other additional bonds, issued pursuant to Section 5.02 of the Ordinance. The Tax Revenues derived from the System, in an amount sufficient to pay the principal of and interest on the Series 2009 A Bonds, and all other payments provided for in the Ordinance, are irrevocably pledged in the manner provided in the Ordinance to the payment of the principal of and interest on the Series 2009 A Bonds as the same become due and for the other purposes provided in the Ordinance.

The proceeds of the Series 2009 A Bonds, together with other funds available therefor, will be used as follows: (i) to refund the entire outstanding principal balance and all accrued interest on the City's outstanding Civic Center Improvement Bonds, Series 1999, dated December 1, 1999, issued in the

original aggregate principal amount of $4,060,000 (the "Refunded Bonds"); and (ii) to pay certain costs of issuance of the Series 2009 A Bonds and related costs.

2. The Bonds mature on the dates and in the amounts, and will bear interest at the rates, as set forth on Exhibit A hereto. The Bonds are to be subject to redemption at the times and prices set forth in the Certificate of Determination.

3. Within seven business days of its acceptance hereof, the Issuer shall deliver to the Underwriter at the expense of the Issuer a sufficient number of copies of a final Official Statement of the Issuer of even date herewith, executed by the Issuer (the "Official Statement") to enable the Underwriter to provide an Official Statement with confirmation of the purchase of the Bonds and to otherwise provide copies of the Official Statement as required by Rule 15c2-12 under the Securities Exchange Act of 1934. The Official Statement shall be in substantially the same form as that of the Preliminary Official Statement of the Issuer dated December 4, 2009 (the "Preliminary Official Statement") previously distributed with respect to the Bonds. The Issuer hereby authorizes the use of the Official Statement and the information therein contained in connection with the public offering and sale of the Bonds.

The Issuer hereby approves the forms of, and consents to, the Underwriter's use of the Preliminary Official Statement and the Official Statement in connection with the offering and sale of the Bonds. The Official Statement is hereby deemed final within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, with such changes, omissions, insertions and revisions as the Mayor shall deem advisable, such signature to evidence approval thereof, and is hereby authorized.

4. In order to induce the Underwriter to enter into this Bond Purchase Agreement, the Issuer hereby represents and warrants to the Underwriter that both at the time of acceptance hereof by the Issuer and at the time of Closing:

(a) the statements and information contained in the Official Statement under the heading "INTRODUCTION," "FINANCING PLAN," "SECURITY FOR THE BONDS," "RISK FACTORS," "THE FACILITY," "ABSENCE OF MATERIAL LITIGATION" and APPENDICES A and B are and will be true, correct and complete in all material respects and such statements and information do not and will not contain any untrue or misleading statement of a material fact or omit any statement or information which is necessary to make the statements and information therein, in the light of the circumstances under which they were made or presented, not misleading in any material respect;

(b) the Issuer is and will be duly organized and validly existing under the laws of the State of West Virginia with the powers and authority set forth in Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the Code of West Virginia, 1931, as amended (collectively, the "Act"), including the full legal right, power and authority to issue revenue bonds to finance the costs of the refunding and redeeming the Refunded Bonds and to enter into this Bond Purchase Agreement, to enact ordinances and adopt resolutions with respect to the Bonds, to issue, sell and deliver the Bonds to the Underwriter as provided herein and to carry out and consummate all other transactions contemplated by the aforesaid documents;

(c) when delivered to and paid for by the Underwriter at the Closing in accordance with the provisions of this Bond Purchase Agreement, the Bonds will have been duly authorized, executed, authenticated, issued and delivered and will constitute valid and binding special obligations of the Issuer of the character permitted by the Act (as defined in the Ordinance), in conformity with, and entitled to the benefit and security of, the Act and the Ordinance;

(d) the execution and delivery of this Bond Purchase Agreement, the Bonds and the

Tax Certificate by the Issuer dated the date of delivery of the Bonds (the "Tax Certificate") and compliance with the provisions hereof and thereof, under the circumstances contemplated hereby and thereby, will not in any material respect conflict with or constitute on the part of the Issuer a breach of or default under any agreement or other instrument to which the Issuer is a party or any existing law, administrative regulation, court order or consent decree to which the Issuer is subject;

(e) all approvals, consents and orders of any governmental authority, board, agency, council or commission having jurisdiction which would constitute a condition precedent to the performance by the Issuer of its obligations hereunder and under the Ordinance and the Bonds have been obtained or, if not, will be obtained on or prior to the time of Closing;

(f) no litigation is pending or, to the knowledge of the Issuer, threatened (i) seeking to restrain or enjoin the issuance or delivery of any of the Bonds or the application of proceeds of the Bonds as provided in the Ordinance, (ii) in any way contesting or affecting any authority for the issuance of the Bonds or the validity of the Bonds, the Ordinance, the Tax Certificate or this Bond Purchase Agreement, (iii) in any way contesting the existence or powers of the Issuer, or (iv) in any way contesting the right of the members of the Issuer to hold any of their respective offices;

(g) the Issuer is not in breach of or in default under any existing law, court or administrative regulation, decree or order applicable to the Issuer or by which it or its property is bound, and no event has occurred or is continuing which, with the passage of time or the giving of notice, or both, would constitute a breach of or a default or an event of default thereunder, wherein such breach or default would have a materially adverse impact on the transactions contemplated by this Bond Purchase Agreement, the Official Statement or the Ordinance or the validity of the Bonds or any of such other documents or any agreement or instrument to which the Issuer is a party or by which it or its property is bound and which is used or contemplated for use in the consummation of the transactions contemplated hereby;

(h) any certificate signed by any officer of the Issuer and delivered to the Underwriter at the Closing shall be deemed a representation and warranty by the Issuer to the Underwriter as to the statements made therein;

(i) when this Bond Purchase Agreement is accepted by the Issuer, and when the Bonds are issued, authenticated, sold and delivered to the Underwriter, each of the representations and certifications of the Issuer herein, in the Ordinance is and will be true, accurate and complete; and

(j) the Issuer has not received any judicial or administrative notice which in any way questions the Federal tax exempt status of interest on the Bonds or indicates that certificates of the Issuer as to non-arbitrage may not be relied upon in accordance with applicable Treasury Regulations.

(k) since June 30, 2008, no material and adverse change has occurred in the financial position or results of operations of the Issuer;

(l) since June 30, 2008, the Issuer has not incurred any material liabilities other than as disclosed in the Official Statement;

(m) to the best knowledge of the officer executing this Bond Purchase Agreement it is not in breach of or in default under any existing law, court or administrative regulation, decree, order, agreement or other instrument to which it is subject or is a party or by which it or any of its property is bound, and no event has occurred and is continuing which, with the passage of time or the giving of notice, or both, would constitute a breach of or a default or an event of default thereunder;

(n) the financial statements of the Issuer included in the Preliminary Official Statement and the Official Statement as Appendix B thereto present fairly the financial position of the Issuer as of the respective dates set forth thereon and the results of its operations and the changes in its financial position for the years ending on such dates in conformity with generally accepted accounting principles applied on a consistent basis, except as disclosed in the financial statements;

(o) the Issuer has duly taken all action necessary to be taken by it for the issuance and sale of the Bonds by the Issuer upon the terms set forth herein and in the Official Statement and the Ordinance and for the execution, delivery and performance by it of this Bond Purchase Agreement and the Tax Certificate and has duly taken all such other action as may be necessary or appropriate for the effectuation and consummation of the transactions contemplated hereby or by the Official Statement or the Tax Certificate;

(p) the Issuer will not take or omit to take any action which will in any way cause or result in the proceeds from the sale of the Bonds being applied in a manner other than as provided in the Ordinance;

(q) except as may be described in the Official Statement, there is no action, suit, proceeding, investigation at law or in equity before or by any court, public board or body pending or, to the knowledge of the Issuer, threatened against or affecting it which, after due investigation, management believes will result in the award of money damages in excess of the applicable insurance coverages or wherein an unfavorable decision, ruling or finding would have a materially adverse effect on the transactions contemplated by this Bond Purchase Agreement, the Official Statement or the Tax Certificate;

(r) the Issuer will not, while any Bonds are Outstanding (within the meaning of the Ordinance), take or permit to be taken any action which would adversely affect the exclusion from gross income of the interest on the Bonds for Federal income tax purposes; and

(s) the Issuer is eligible and entitled to participate in the transactions contemplated by this Bond Purchase Agreement, the Official Statement or the Tax Certificate.

The Issuer covenants that between the date hereof and the time of Closing it will not take any action, or omit to take any action, which will cause any of the representations and warranties made in this Section 4 to be untrue or incomplete as of the time of Closing.

5. (Reserved)

6. The Issuer consents to and ratifies the use of the Preliminary Official Statement prior to the availability of the Official Statement by the Underwriter in connection with the public offering of the Bonds after the date hereof.

7. At 10:00 A.M. Charleston, West Virginia time, on December 17, 2009, or at such other time or on such other date as shall have been mutually agreed upon by the Issuer and the Underwriter (the "Closing Date"), the Issuer will deliver the Bonds to the Underwriter through The Depository Trust Company ("DTC") in New York, New York, in definitive form, duly executed by the Issuer and authenticated by the Registrar. Delivery of the documents described in Section 8 hereof shall occur at the offices hereinafter specified. Upon receipt thereof, the Underwriter shall pay the purchase price of the Bonds, plus accrued interest to the Closing Date, if any, to the Issuer in Federal funds. Such delivery and payment therefor is referred to herein as the "Closing".

Each maturity of the Bonds shall be represented by a single certificate registered in the name of Cede & Co., as nominee of DTC, and will be made available to the Underwriter for checking not less than 24 hours prior to the Closing Date. It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond, nor any error with respect thereto, shall constitute cause for a failure or refusal by the Underwriter to accept delivery of, and pay for, the Bonds in accordance with the terms of this Bond Purchase Agreement.

The Closing as aforesaid will be held at the offices of Jackson Kelly PLLC, Charleston, West Virginia, or at such other place as shall have been mutually agreed upon by the Issuer and the Underwriter.

8. The obligations of the Underwriter hereunder shall be subject (i) to the performance by the Issuer of its obligations to be performed hereunder at or prior to the time of Closing, (ii) to the accuracy and completeness in all material respects, in the reasonable judgment of the Underwriter, of the representations and warranties of the Issuer made herein as of the date hereof and as of the time of Closing and (iii) to the following conditions, including the delivery by the Issuer, of such documents as are enumerated herein in form and substance reasonably satisfactory to the Underwriter, counsel to the Underwriter, Steptoe & Johnson PLLC, Charleston, West Virginia, ("Underwriter Counsel") and bond counsel, Jackson Kelly PLLC, Charleston, West Virginia ("Bond Counsel"):

(a) At the time of Closing, (i) the Ordinance and the Tax Certificate shall have been duly executed and delivered by the respective parties thereto and shall be in full force and effect and shall not have been amended, modified or supplemented from the forms thereof heretofore submitted to the Underwriter, except as may have been agreed to by the Underwriter with such agreement to be conclusively evidenced by the closing, (ii) the proceeds of the sale of the Bonds shall be deposited in accordance with the Ordinance and the Official Statement and (iii) the Issuer shall each have duly adopted and there shall be in full force and effect such resolutions as in the opinion of Underwriter Counsel shall be necessary in connection with the transactions contemplated hereby.

(b) The Underwriter shall have the right to cancel its obligations to purchase the Bonds if:

(1) between the date hereof and the time of Closing, (A) legislation shall be enacted or be considered actively for enactment by the Congress, or recommended to the Congress for passage by the President of the United States, or favorably reported for passage to either House of Congress by any committee of such House to which such legislation has been referred for consideration, or a decision by a court of the United States or by the United States Tax Court shall be rendered, or a ruling, regulation, proposed regulation, temporary regulation or official release or statement by or on behalf of the Treasury Department of the United States, the Internal Revenue Service or any other governmental agency shall be made or proposed to be made with respect to Federal taxation upon revenues or other income of the general character of those to be derived by the Issuer from operation of its facilities, or upon interest on obligations of the general character of the Bonds, or (B) any other action or event shall have transpired which may (1) have the purpose or effect, directly or indirectly, of adversely affecting the Federal income tax consequences of any of the transactions contemplated hereby, including without limitation in the reasonable judgment of the Underwriter, materially adversely affect the market price or marketability of the Bonds, or the market prices or marketability generally of obligations of the general character of the Bonds, or

(2) there shall exist any event which in the reasonable judgment of the Underwriter either (A) makes untrue or incorrect in any material respect any statement or information contained in the Preliminary Official Statement or the Official Statement or (B) requires the making of any additional statement so that the statements and information set forth in the Preliminary Official Statement and/or the Official Statement shall not be misleading in any material respect, or

(3) between the date hereof and the time of Closing, there shall have occurred any outbreak of hostilities or other national or international calamity or crisis, the effect of which on the financial markets of the United States is such as, in the reasonable judgment of the Underwriter, would materially adversely affect the market price or the marketability of the Bonds, or

(4) there shall be in force a general suspension of trading on the New York Stock Exchange or the fixing of maximum or minimum prices for trading on said Exchange, or

(5) there shall have occurred a financial crisis or a default with respect to the debt obligations of, or the institution of proceedings under the Federal bankruptcy laws or West Virginia receivership law by or against, any political subdivision, agency or instrumentality of the State of West Virginia (the effect of which being, in the reasonable judgment of the Underwriter, to make it impracticable for the Underwriter to market the Bonds or to enforce contracts for the sale of the Bonds), or

(6) a general banking moratorium shall have been declared by either Federal, West Virginia or New York authorities, the effect of which on the financial markets of the United States is such as, in the reasonable judgment of the Underwriter, would materially and adversely affect the market price or the marketability of the Bonds, or

(7) a stop order, ruling, regulation or official statement by or on behalf of the Securities and Exchange Authority shall be issued or made to the effect that the issuance, offering or sale of the Bonds, or of obligations of the general character of the Bonds as contemplated hereby, is in violation of any provision of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, or the Trust Indenture Act of 1939, as amended, or

(8) any state "blue sky" or securities commission shall have withheld registration, exemption, or clearance of the offering of the Bonds, and in the reasonable judgment of the Underwriter, the market for the Bonds is materially adversely affected thereby, or

(9) a supplement or amendment shall have been made to the Official Statement subsequent to the date hereof which describes any materially adverse change in the affairs of the Issuer not disclosed in the Official Statement and in the Preliminary Official Statement,

(c) At the Closing, the Underwriter shall receive the following documents, in such number of counterparts as may be mutually agreeable to the Underwriter and the Issuer:

(1) the approving opinion of Bond Counsel, dated the Closing Date, addressed to the Issuer together with a reliance letter, to the Underwriter relating to the

due authorization, execution, delivery, validity and tax-exempt status of the interest on the Bonds for Federal and West Virginia income tax purposes, in form and substance satisfactory to the Underwriter;

(2) a supplemental opinion of Bond Counsel, dated the Closing Date, addressed to the Issuer and the Underwriter, to the effect that:

(i) The statements contained in the Official Statement under the headings "INTRODUCTION", "FINANCING PLAN", "THE BONDS", "SECURITY FOR THE BONDS", "TAX MATTERS", and in Appendix C except for financial or statistical data therein as to which no opinion is hereby expressed, thereto insofar as such statements purport to summarize certain provisions of the Bonds or the Ordinance are true, correct and complete in all material respects and present a fair summary of the matters intended to be summarized therein; and

(ii) No registration of the Bonds under the Securities Act of 1933, as amended, or qualification of the Ordinance under the Trust Indenture Act of 1939, as amended, is required in connection with the offer and sale of the Bonds.

(3) (Reserved);

(4) (Reserved);

(5) an opinion, dated the Closing Date, addressed to the Underwriter, of Underwriter's Counsel, to the effect that the Bonds are not subject to the registration requirements of the Securities Act of 1933, as amended, and that the Ordinance are exempt from qualification pursuant to the Trust Indenture Act of 1939, as amended; in addition, such counsel shall state in its letter containing the foregoing opinion, or in a separate letter, dated the Closing Date, that, without having undertaken to determine independently the accuracy or completeness of the statements contained in the Official Statement, but on the sole basis of its conferences with representatives of the Issuer, Bond Counsel and the Underwriter, and its examination of the Bond Documents, nothing has come to its attention that would lead it to believe (excluding therefrom all information in Appendix A, all financial and statistical data and projections included in the Official Statement, including the entirety of Appendix B and all information concerning the Deposit Trust Company and the book-entry only system for the Series 2009 A Bonds, on which it expresses no opinion) that the Official Statement contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading;

(6) a certificate of the Issuer, dated the Closing Date, to the effect that the representations and warranties made by the Issuer in this Bond Purchase Agreement are true and correct in all material respects on and as of the Closing Date as if made on and as of the Closing Date;

(7) (Reserved);

(8) executed counterparts of the Tax Certificate;

(9) a certified copy of the resolution(s) of the Issuer authorizing the execution and delivery of the Bonds and this Bond Purchase Agreement, the execution and use of the Official Statement and the use of the Preliminary Official Statement and a certificate of the Issuer, dated the Closing Date to the effect that said resolution(s) have not been modified, amended or repealed;

(10) a certificate of the Issuer, dated the Closing Date, to the effect that no litigation or proceeding is pending, or to its knowledge, threatened in any court or by or before any administrative body contesting the due organization or valid existence of the Issuer or the validity, due authorization or execution of the Bonds, the Official Statement or this Bond Purchase Agreement, or use of either the Preliminary Official Statement or the Official Statement;

(11) a specimen Bond for each Series;

(12) a Preliminary Official Statement dated December 4, 2009, and an Official Statement dated the date of this Bond Purchase Agreement;

(13) (Reserved);

(14) a Continuing Disclosure Certificate by the Issuer;

(15) a certificate dated the date of Closing signed by an authorized officer of the Registrar in form and substance acceptable to the Underwriter and their counsel;

(16) such additional legal opinions, certificates, proceedings, instruments and other documents as the Underwriter, or counsel to the Underwriter, or Bond Counsel may reasonably request to evidence compliance by the Issuer with legal requirements, the truth and accuracy, as of the time of Closing, of their respective representations herein contained and due performance or satisfaction by the Issuer at or prior to such time of all agreements then to be performed and all conditions then to be satisfied by such parties.

If the Issuer shall be unable to satisfy the conditions to the obligations of the Underwriter contained in this Bond Purchase Agreement or if the obligations of the Underwriter to purchase and accept delivery of the Bonds shall be terminated for any reason permitted by this Bond Purchase Agreement, this Bond Purchase Agreement shall terminate and none of the Underwriter or the Issuer shall be under any further obligation hereunder; provided, however, that the respective obligations to indemnify, as provided in Section 10 hereof, and to pay expenses, as provided in Section 11 hereof, shall continue in full force and effect; and provided, further, that the Underwriter may, in its discretion, waive one or more of the conditions imposed by this Bond Purchase Agreement for the protection of the Underwriter and proceed with the Closing.

9. All representations, warranties and agreements of the Issuer contained herein shall remain operative and in full force and effect regardless of any investigation made by or on behalf of the Underwriter and shall survive the Closing.

10. (a) To the extent allowed by law, the Issuer hereby agrees to indemnify and hold harmless the Underwriter and each person, if any, who is an officer or employee of any Underwriter or who controls the Underwriter within the meaning of the Securities Act of 1933, as amended, and Underwriter Counsel (the "Indemnified Parties"), against any and all losses, claims, damages, liabilities and expenses (or actions in respect thereof) that arise out of or are based upon any untrue statement or

alleged untrue statement of any material fact as set forth in the Official Statement or the Preliminary Official Statement (except with respect to the Underwriter, for information under the heading "Underwriting"), or arise out of or are based upon the omission or alleged omission therefrom of any statement or information necessary to make the statements therein not misleading including, without limitation, the aggregate amount paid in settlement of any litigation commenced or threatened arising from a claim based upon any such untrue statement or alleged untrue statement or omission or alleged omission if such settlement is effected with the written consent of the Issuer and the Issuer will reimburse any legal or other expenses reasonably incurred by any such Indemnified Party in connection with investigating or defending any such loss, claim, damage, liability or action. The Issuer will assume the defense of any action against any Indemnified Party based upon allegations of any such loss, claim, damage, liability or action, including the retaining of counsel satisfactory to the Indemnified Party and the payment of counsel fees and all other expenses relating to such defense; provided, however, that any Indemnified Party may retain separate counsel in any such action and may participate in the defense thereof at the expense of such Indemnified Party unless such retaining of separate counsel has been specifically authorized by the Issuer; provided further, that if any Indemnified Party shall have been advised by counsel that there may be legal defenses available to such Indemnified Party which are different from or additional to those available to the Issuer, then the Issuer shall not have the right to assume the defense of such action on behalf of such Indemnified Party, and in such event the said fees and expenses of the Indemnified Party in defending such action shall be borne by such party. The indemnity agreement contained in this Section will be in addition to any liability which the Issuer may otherwise have and shall survive any termination of this Bond Purchase Agreement, the offering and sale of the Bonds and the payment or provision for payment of the Bonds.

(b) Promptly after receipt by an Indemnified Party of notice of the commencement of any action, such Indemnified Party will, if a claim in respect thereof is to be made against the Issuer under this Section, notify the Issuer of the commencement thereof, and thereupon the Issuer (i) will assume the defense thereof if and as required under this Section or (ii) if not required to assume such defense, will be entitled to participate in, and to the extent that they may wish, to assume the defense thereof, with counsel satisfactory to such Indemnified Party, except as otherwise provided in the preceding paragraph. After notice from the Issuer to such Indemnified Party of its assumption of the defense thereof, the Issuer will not be liable to such Indemnified Party under this Section for any legal or other expenses subsequently incurred by such Indemnified Party in connection with the defense thereof other than reasonable costs of investigation and except as otherwise provided in the preceding paragraph.

(c) In order to provide for just and equitable contribution in circumstances in which the indemnity agreement provided for in subsections (a) and (b) of this Section 10 is for any reason held to be unavailable to the Underwriter, other than in accordance with the terms of such subsections, the Issuer and the Underwriter shall contribute to the aggregate losses, liabilities, claims, damages and expenses of the nature contemplated by said indemnity agreement incurred by the Issuer and the Underwriter, in such proportions that the Issuer is responsible for that portion represented by the percentage that the underwriting discount appearing under the heading "Underwriting" in the Official Statements bears to the initial public offering price appearing thereon and that the Issuer is responsible for the balance; provided, however, that no person guilty of fraudulent misrepresentation (within the meaning of Section 11(f) of the Securities Act of 1933, as amended), shall be entitled to contribution from any person who was not guilty of such fraudulent misrepresentation. For purposes of this subsection (c), each person, if any, who controls any Underwriter within the meaning of Section 15 of the Securities Act of 1933, as amended, shall have the same rights to contribution as the Underwriter, and each trustee of the Issuer, each officer of the Issuer who signs the Official Statement and each person, if any, who controls the Issuer within the meaning of Section 15 of the Securities Act of 1933, as amended, shall have the same rights to contribution as the Issuer.

(d) The Issuer deems the Preliminary Official Statement final as of its date except for the omission of the offering prices, interest rates, sources and uses, selling prices, selling compensation, aggregate principal amounts, delivery dates, date of adoption of the Supplemental Parameters Resolution and other terms depending on such matters, and ratifies and approves the prior distribution of the Preliminary Official Statement by the Underwriter. The Issuer authorizes the Official Statement, and the information therein contained, to be used in connection with the public offering and sale of the Bonds and represents that the Official Statement will be complete as of the date of its delivery to the Underwriter. If between the date hereof and the 90th day following the end of the underwriting period for the Bonds (within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934), any event shall occur which would cause the Official Statement, as then supplemented or amended, to contain any untrue statement of a material fact or to omit to state a material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading, and if in the opinion of the Issuer or the Underwriter such event requires the preparation and publication of a supplement or amendment to the Official Statement, the Issuer will cooperate to cause the Official Statement to be amended or supplemented in a form approved by the Underwriter and the Issuer shall bear the reasonable cost of such amendment or supplementation (to the extent the same is not paid from Bond proceeds). The Underwriter shall, upon the written request of the Issuer, inform the Issuer whether the underwriting period for the Bonds has ended and, if so, the date on which the underwriting period for the Bonds ended.

11. (a) All expenses and costs of the Issuer incident to the performance of its obligations in connection with the authorization, issuance, sale and delivery of the Bonds to the Underwriter, including, but not limited to, the costs of printing of the Bonds and the typing, printing and distribution of the Preliminary Official Statement and the Official Statement, bond insurance, if any, the fees of consultants and rating agencies, CUSIP Service Bureau charges, the initial fees of the Registrar and its counsel, printing costs, filing fees, and the fees and expenses of Bond Counsel, Underwriter Counsel and the Issuer's counsel in connection with the issuance of the Bonds other than those set forth in subsection (b) of this Section 11, shall be paid from the proceeds of the Bonds, to the extent available, and otherwise by the Issuer.

(b) The Underwriter shall pay all of their expenses including, but not limited to: (i) computer expenses, (ii) clearance charges, (iii) Municipal Securities Rulemaking Board fees, (iv) travel, closing and related expenses, and (v) the cost of Federal or other funds.

12. The Issuer agrees to cooperate reasonably with the Underwriter in any endeavor to qualify the Bonds for offering and sale under the securities or "blue sky" laws of such jurisdictions of the United States as the Underwriter may request, and the Issuer shall, with respect to the offer or sale of the Bonds file written consent to service of process in any jurisdiction in which such consent may be required by law or regulation so that the Bonds may be offered or sold.

During the offering period and for a period not exceeding 90 days after the Closing Date, so long as the Underwriter is offering any of the Bonds the Issuer will not adopt any proposed amendment of or supplement to the Official Statement to which, after having been furnished a copy, the Underwriter shall reasonably object in writing or which shall be reasonably disapproved by Underwriter Counsel or Bond Counsel.

13. ALL REPRESENTATIONS, WARRANTIES, COVENANTS, OBLIGATIONS AND AGREEMENTS OF THE ISSUER CONTAINED IN THIS BOND PURCHASE AGREEMENT SHALL NOT CREATE ANY GENERAL OBLIGATION OR LIABILITY OF THE ISSUER. ANY OBLIGATION OR LIABILITY OF THE ISSUER HEREUNDER SHALL BE LIMITED TO THOSE SOURCES PLEDGED FOR THE PAYMENT OF PRINCIPAL OF AND PREMIUM, IF ANY, AND

INTEREST ON THE BONDS.

14. Any notice or other communication to be given to the Issuer under this Bond Purchase Agreement may be given by delivering the same in writing to its address set forth above, and any notice or other communication to be given to (i) the Underwriter may be given by delivering the same in writing to Crews & Associates, Inc., 2000 Union National Plaza, 124 West Capitol, Little Rock, Arkansas, 72201, Attention: Rush W. Harding, III.

15. This Bond Purchase Agreement may be executed in any number of counterparts, each of which so executed and delivered shall constitute an original and all together shall constitute but one and the same instrument. Each party to this Bond Purchase Agreement may execute separate signature pages, and upon such execution and delivery shall constitute one and the same instrument.

16. This Bond Purchase Agreement shall be governed by and construed in accordance with the laws of the State of West Virginia.

[Remainder of Page Intentionally Left Blank – Signature Page to Follow]

Very truly yours,
CREWS & ASSOCIATES, INC.,

By: _____
Authorized Representative

Accepted and agreed to as of the date first written above:

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Its: City Manager

Very truly yours,
CREWS & ASSOCIATES, INC.,

By: _____
Authorized Representative

Accepted and agreed to as of the date first written above:

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Its: City Manager

EXHIBIT A

Maturities

Maturity Date (December 1)	Principal Amount	Interest Rate
2012	$475,000	3.00%
2015	580,000	3.50%
2018	655,000	4.00%
2021	730,000	4.20%
2024	835,000	4.40%

Optional Redemption

At the option of the City, the Series 2009 A Bonds are subject to redemption prior to maturity on or after December 1, 2015, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus, interest, if any, accrued to the date of redemption.

Mandatory Sinking Fund Redemption

The Series 2009 A Bonds maturing on December 1, 2012, December 1, 2015, December 1, 2018, December 1, 2021, and December 1, 2024 ("Term Bonds") are subject to mandatory redemption prior to maturity by lot, from the Redemption Account at a Redemption Price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption and in the amounts set forth below:

2012 Terms Bonds

Year	Amount	Year	Amount
2010	$115,000	2012*	$180,000
2011	180,000		

2015 Terms Bonds

Year	Amount	Year	Amount
2013	$185,000	2015*	$200,000
2014	195,000		

2018 Terms Bonds

Year	Amount	Year	Amount
2016	$205,000	2018*	$230,000
2017	220,000		

* Stated maturity.

2021 Terms Bonds

Year	Amount	Year	Amount
2019	$235,000	2021*	$250,000
2020	245,000		

2024 Terms Bonds

Year	Amount	Year	Amount
2022	$265,000	2024*	$290,000
2023	280,000		

* Stated maturity.

This Preliminary Official Statement and the information contained herein are subject to completion and amendment. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of these securities in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to the registration or qualification under the securities laws of such jurisdiction. The Issuer deems this Preliminary Official Statement to be final for the purposes of the Securities and Exchange Commission Rule 15c2-12(b)(1), except for certain information on the cover page hereof and certain pages herein which have been omitted in accordance with said Rule and which will be supplied in the final Official Statement.

PRELIMINARY OFFICIAL STATEMENT DATED DECEMBER 4, 2009

NEW ISSUE - FULL BOOK ENTRY

In the opinion of Bond Counsel, under existing laws, regulations, published rulings and judicial decisions of the United States of America, as presently written and applied, and subject to compliance by the City with certain conditions, representations and certifications, interest on the City of Charleston Civic Center Improvement Refunding Bonds, Series 2009 A (the "Bonds") is excludable from gross income of the owners thereof for federal income tax purposes, and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations. Further, in the opinion of Bond Counsel, under existing laws of the State of West Virginia, the Bonds and the interest thereon are exempt from taxation by the State of West Virginia, or any county, municipality, political subdivision or agency thereof. (see "Tax Matters" herein).

$3,310,000*
CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

Dated: Date of Delivery **Due: December 1, as shown below**

The Bonds shall be issued only as fully registered Bonds, and when initially issued, will be registered to Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"). Individual purchases will be made in book-entry form only and beneficial owners of the Bonds will not receive physical delivery of bond certificates. So long as DTC or its nominee is the registered owner of the Bonds, payments of the principal of and interest on such Bonds will be made directly to DTC. Disbursements of such payments to DTC participants is the responsibility of DTC, and disbursement of such payments to the beneficial owners is the responsibility of DTC participants (see "THE BONDS--Book-Entry Only System" herein).

The City of Charleston (the "City") has designated the Bonds as "qualified tax-exempt obligations" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended, which relates to the ability of certain financial institutions to deduct the interest expense allocable to holding and carrying tax-exempt obligations for federal income tax purposes.

The Bonds are being issued to provide funds, together with other moneys available therefor, to refund the entire outstanding principal balance and all accrued interest on the City's outstanding Civic Center Improvement Bonds, Series 1999, dated December 1, 1999, issued in the original aggregate principal amount of $4,060,000; and to pay certain costs of issuance and related costs.

THE BONDS ARE ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS"). THE BONDS, THE SERIES 1998 BONDS AND ANY OTHER ADDITIONAL BONDS RANKING ON A PARITY HEREWITH WHICH MAY BE ISSUED AND OUTSTANDING FOR THE PURPOSE OF PROVIDING FUNDS FOR FINANCING COSTS OF CONSTRUCTION OF IMPROVEMENTS TO THE FACILITY (THE "FACILITY") OF THE CITY OR REFUNDING OTHER PARITY BONDS, IS PAYABLE SOLELY FROM (I) THE CITY'S RECEIPT OR COLLECTION OF HOTEL-MOTEL OCCUPANCY TAXES (AS LIMITED BY THE AMOUNT PAYABLE BY THE ISSUER UNDER THE PROVISIONS OF CHAPTER 7, ARTICLE 18, SECTION 14(B) OF THE CODE OF WEST VIRGINIA OF 1931, AS AMENDED) AND COAL SEVERANCE TAXES, AND (II) ANY OTHER REVENUES DEDICATED FOR SUCH PURPOSES BY THE CITY TO PAY DEBT SERVICE ON THE BONDS, SERIES 1998 BONDS AND ON ANY ADDITIONAL BONDS ISSUED UNDER THE ORDINANCE (THE "TAX REVENUES"). THE BONDS DO NOT IN ANY MANNER CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR LIMITATION NOR SHALL THE CITY BE OBLIGATED TO PAY THE SAME OR THE INTEREST HEREON EXCEPT FROM SAID SPECIAL FUND PROVIDED FROM THE COLLECTION OF THE TAX REVENUES.

MATURITIES, AMOUNTS, INTEREST RATES AND PRICES OR YIELDS*

$_____% Term Bond Due _____, 20__ Price _____%
$_____% Term Bond Due _____, 20__ Price _____%
$_____% Term Bond Due _____, 20__ Price _____%
(accrued interest to be added)

The Bonds are subject to redemption prior to maturity as more fully stated herein.

The Bank of New York Mellon, West Paterson, New Jersey, is the Registrar and the West Virginia Municipal Bond Commission is the Paying Agent. Interest on the Bonds is payable semiannually on each June 1 and December 1, commencing June 1, 2010.

The Bonds are offered when, as and if issued and received by the Underwriter, subject to prior sale, to withdrawal or modification of the offering without notice and to the unqualified approval of legality by Jackson Kelly PLLC, Charleston, West Virginia, Bond Counsel. Certain legal matters will be passed upon for the City by Paul Ellis, Esq., Charleston, West Virginia, counsel to the City. Certain legal matters will be passed upon for the Underwriter by Steptoe & Johnson PLLC, Charleston, West Virginia, as counsel to the Underwriter.

It is expected that the Bonds will be available for delivery through DTC, New York, New York, on or about December ___, 2009.

*Preliminary, subject to change.

THE CITY OF CHARLESTON
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA

MAYOR

Danny Jones

CITY COUNCIL

Patrick Jones
William Kirk
Joe Deneault
Rev. James Ealy
Teresa Reed
Edward Talkington
Adam Henry Knauff
Bob White
Cubert Smith
Robert Sheets
Marc R. Weintraub
Jim Harris, Jr.
Suzie Kortz Salisbury
Jack E. Harrison
David Kent Higgins
Lewis Payne
Bobby Reishman
John H. Miller, Jr.
Greg Burton
Cheryle M. Hall
Mike Clowser
Mary Jean Davis
Tom Lane
Will Hanna
Harry Deitzler
Jerry L. Ware
Kasey Russell

CITY ADMINISTRATION

Vic Grigoraci, Treasurer
Paul Ellis, City Attorney
David Molgaard, City Manager
James M. Reishman, City Clerk
Joe Estep, Finance Director

BOND COUNSEL

Jackson Kelly PLLC
Charleston, West Virginia

UNDERWRITER

Crews & Associates, Inc.
Charleston, West Virginia

UNDERWRITER'S COUNSEL

Steptoe & Johnson PLLC
Charleston, West Virginia

This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds in any jurisdiction in which it is unlawful to make such offer, solicitation or sale. No dealer, broker, salesman or other person has been authorized by the City or the Underwriter to give any information or to make any representations, other than as contained in this Official Statement. If given or made, such other information or representations must not be relied upon as having been authorized by any of the foregoing. The information set forth herein has been obtained by the Underwriter from sources, which are believed to be reliable but is not guaranteed as to accuracy or completeness and is not to be construed as a representation by the Underwriter. The information and any expression of opinion herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall under any circumstances create any implication that there has been no change in the affairs of the City since the date hereof. This Official Statement is submitted in connection with the sale of securities referred to herein and may not be reproduced or used, in whole or in part, for any other purposes.

The information contained in this Official Statement has been obtained by the Underwriter from sources believed to be reliable, but the accuracy or completeness of such information is not guaranteed by, and should not be construed as a promise by any of the foregoing. The presentation of such information is intended to show recent historic information and is not intended to indicate future or continuing trends. No representation is made that the past experience, as shown by such financial and other information, will necessarily continue or be repeated in the future. This Official Statement contains, in part, estimates and matters of opinion, whether or not expressly stated to be such, which are not intended as statements or representations of fact or certainty, and no representation is made as to the correctness of such estimates and opinions, or that they will be realized. The information and expressions of opinion herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City.

THE BONDS ARE ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE SERIES 1998 BONDS. THE BONDS, THE SERIES 1998 BONDS AND ANY OTHER ADDITIONAL BONDS RANKING ON A PARITY HEREWITH WHICH MAY BE ISSUED AND OUTSTANDING FOR THE PURPOSE OF PROVIDING FUNDS FOR FINANCING COSTS OF CONSTRUCTION OF IMPROVEMENTS TO THE FACILITY (THE "FACILITY") OF THE CITY OR REFUNDING OTHER PARITY BONDS, IS PAYABLE SOLELY FROM (I) THE CITY'S RECEIPT OR COLLECTION OF HOTEL-MOTEL OCCUPANCY TAXES (AS LIMITED BY THE AMOUNT PAYABLE BY THE ISSUER UNDER THE PROVISIONS OF CHAPTER 7, ARTICLE 18, SECTION 14(B) OF THE CODE OF WEST VIRGINIA OF 1931, AS AMENDED) AND COAL SEVERANCE TAXES, AND (II) ANY OTHER REVENUES DEDICATED FOR SUCH PURPOSES BY THE CITY TO PAY DEBT SERVICE ON THE BONDS, SERIES 1998 BONDS AND ON ANY ADDITIONAL BONDS ISSUED UNDER THE ORDINANCE (THE "TAX REVENUES"). THE BONDS DO NOT IN ANY MANNER CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR LIMITATION NOR SHALL THE CITY BE OBLIGATED TO PAY THE SAME OR THE INTEREST HEREON EXCEPT FROM SAID SPECIAL FUND PROVIDED FROM THE COLLECTION OF THE TAX REVENUES.

Forward-Looking Statements

This Official Statement, and particularly the information contained in the caption "FINANCING PLAN," contains statements relating to future results that are "forward-looking statements" as defined in the Private Securities Litigation Reform Act of 1995. When used in this Official Statement, the words "estimated," "forecasted," "intended," "expected," "anticipated," "projected" and similar expressions identify forward-looking statements. Such statements are subject to risks and uncertainties that could cause actual results to differ materially from those contemplated in such forward-looking statements. Any forecast is subject to such uncertainties. Inevitably, some assumptions used to develop the forecasts will not be realized and unanticipated events and circumstances may occur. Therefore, there are likely to be differences between forecasts and actual results, and those differences may be material. For a discussion of certain of such risks and possible variations in results, see the information under "RISK FACTORS."

The following sentence has been provided by the Underwriter for inclusion in this Official Statement: The Underwriter has reviewed the information in this Official Statement in accordance with, and as a part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information.

The Bonds will not be registered under the Securities Act of 1933, as amended, or any state securities law, and will not be listed on any stock or other securities exchange. Neither the Securities and Exchange Commission nor any other federal, state or other governmental entity or agency has determined or confirmed the accuracy of this Official Statement.

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITER MAY OVERALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF THE BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

** CUSIP data on the cover page is provided by Standard & Poor's CUSIP Service Bureau, a division of the McGraw-Hill Companies, Inc. The CUSIP numbers on the cover page hereof are being provided solely for the convenience of the Owners of the Bonds only at the time of issuance of the Bonds and neither the Underwriter nor the City make any representation with respect to such numbers or undertake any responsibility for their accuracy now or at any time in the future. The CUSIP number for a specific maturity is subject to being changed after the issuance of the Bonds.

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OFFICIAL STATEMENT

relating to

$3,310,000*
CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

INTRODUCTION

This Official Statement, including the cover page and appendices, is provided for the purpose of setting forth certain information concerning the City of Charleston (the "City"), the Facility hereinafter described and defined and the City's $3,310,000* in aggregate principal amount of Civic Center Improvement Refunding Bonds, Series 2009 A (the "Bonds"). The Bonds are being issued pursuant to the Constitution and laws of the State of West Virginia (the "State"), specifically Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended (the "Act") and other applicable provisions of law, and a bond ordinance enacted by the Council of the City on November 16, 2009, and a supplemental resolution adopted by the Council of the City on _____ __, 2009 (collectively, the "Ordinance").

The proceeds of the Bonds, together with other funds available therefor, will be used as follows: (i) to refund the entire outstanding principal balance and all accrued interest on the City's outstanding Civic Center Improvement Bonds, Series 1999, dated December 1, 1999, issued in the original aggregate principal amount of $4,060,000 (the "Refunded Bonds"); and (ii) to pay certain costs of issuance of the Bonds and related costs.

There are outstanding the City's Civic Center Improvement Bonds, Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount of $3,635,000 with which the Bonds will rank on a parity as to lien on and source of and security for payment.

*Preliminary, subject to change.

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the City or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the City under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the City within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues. The payment of the principal or redemption price of and interest on the Refunded Bonds will be made as described hereinafter under the heading "FINANCING PLAN."

The City may issue additional bonds on a parity with the Bonds for all of such purposes, subject, in each case, to certain tests and conditions provided for by the Ordinance. See "SECURITY FOR THE BONDS - Additional Parity Bonds."

Brief descriptions of the Bonds, the Ordinance, the refunding of the Refunded Bonds, the City, ongoing disclosure and certain provisions of the Act, are set forth in this Official Statement, as well as other information contained in the appendices hereto. Such descriptions and information do not purport to be comprehensive or definitive. All references herein to the Ordinance, provisions of the Act and other applicable laws of the State are qualified in their entirety by reference to each such document or law. References herein to the Bonds are qualified in their entirety by reference to the form thereof included in the Ordinance and the information with respect thereto included in the aforesaid documents. Capitalized terms used and not otherwise defined in this Official Statement shall have the respective meanings given them in the Ordinance. Copies of the Ordinance and other applicable documents may be obtained from the City or, during the period of offering the Bonds, from the Underwriter.

FINANCING PLAN

The Bonds are being issued for the purpose of refunding the Refunded Bonds. The Refunded Bonds will be redeemed subsequent to the issuance of the Bonds on January __, 2010, at a redemption price of 102% of the principal amount outstanding, plus interest accrued to the date fixed for redemption.

The refunding is being undertaken to effect a savings in aggregate debt service for the City. The moneys required to refund the Refunded Bonds will be deposited with the West Virginia Municipal Bond Commission, serving as paying agent (the "Paying Agent"). The funds to be held by the Paying Agent in trust for the payment of the Refunded Bonds and for the benefit of the holders thereof.

The designated registrar of the Refunded Bonds will cause to be given notice of the call for redemption prior to maturity of the Refunded Bonds designated for prior redemption.

The lien of the Refunded Bonds outstanding as of the date of issuance of the Note imposed by the Prior Ordinance on the Tax Revenues is hereby ordered terminated, discharged and released upon the payment onto the Refunded Bonds Escrow Fund from the proceeds of the Series 2009 A Bonds, together with other moneys available therefor, including those moneys transferred as provided below, of the following: (a) an amount equal to the fiscal and paying agent charges, and (b) an amount which will be simultaneously invested in United States Treasury Obligations bearing interest and having maturities sufficient to provide (i) for the payment of the principal of the Refunded Bonds as the same mature on each principal payment date established with respect thereto prior to the Refunded Bonds Redemption Date, if any, established for such Refunded Bonds, (ii) for the payment of the redemption price of the Refunded Bonds outstanding on the Refunded Bonds Redemption Date, if any, established for such Refunded Bonds, and (iii) for the payment of the interest on the Refunded Bonds as the same becomes due. Contemporaneously with the deposit of proceeds of the Series 2009 A Bonds into the Refunded Bonds Escrow Fund, and as prescribed by the Refunded Bonds Escrow Agreement, the amounts on deposit in the sinking fund created and maintained on behalf of the Refunded Bonds shall be deposited into the Refunded Bonds Escrow Fund and simultaneously invested as provided in the Refunded Bonds Escrow Agreement.

Sources and Uses of Funds

Sources of Funds

Principal Amount of Bonds		$_____
	TOTAL	$_____

Uses of Funds

Deposit into Refunded Bonds Escrow Fund		$_____
Underwriter's Discount		_____
Costs of Issuance		_____
Rounding Amount		_____
	TOTAL	$_____

THE BONDS

General

The aggregate principal amount of the Bonds is $3,310,000*. The Bonds are dated the date set forth on the cover hereof, and the Bonds bear interest at the rates and mature in the amounts and on the dates listed on the cover page of this Official Statement. Interest is payable on June 1 and December 1 of each year, commencing June 1, 2010. The Bonds shall be payable as to principal at the office of the Paying Agent in any coin or currency which on the respective date of payment of principal and interest, is legal tender for the payment of public or private debts under the laws of the United States of America. Interest on the Bonds shall be paid by check or draft of the Paying Agent mailed to the Registered Owner thereof at the address that appears on the books of the Registrar or, in the event of a default in the payment on the Series 2009 A Bonds, that special record date to be fixed by the Registrar by notice given to the Registered Owners not less than ten (10) days prior to said special record date (the "Special Record Date") or, if requested in the case of such an owner of $1,000,000 or more in principal amount of Series 2009 A Bonds, by wire transfer to a domestic bank account specified in writing at least five (5) days prior to the Record Date by such owner.

Optional Redemption

At the option of the City, the Series 2009 A Bonds are subject to redemption prior to maturity on or after _____ 1, 20__, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus, interest, if any, accrued to the date of redemption.

Mandatory Sinking Fund Redemption

The Series 2009 A Bonds maturing on _____, _____ ("Term Bonds") are subject to mandatory redemption prior to maturity by lot, from the Redemption Account at a Redemption Price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption and in the amounts set forth below:

20 - - Terms Bonds

Year	Amount	Year	Amount

*Stated maturity.

Bonds Maturing

Year (___)	Principal Amount

Bonds Maturing

Year (___)	Principal Amount

If less than all the Bonds are to be redeemed, the Bonds to be redeemed shall be identified by reference to the Series designation, date of issue, CUSIP numbers and Maturity Dates.

Notice of Redemption

The Registrar shall cause notice of any redemption of Bonds to be mailed by first class mail to the Owners of all Bonds to be redeemed at the addresses thereof appearing in the Bond Register. Each such notice shall (i) be mailed not more than 60 days nor less than 30 days prior to the redemption date, (ii) identify the Bonds to be redeemed (specifying the CUSIP numbers, if any, assigned to the Bonds), (iii) specify the redemption date and the Redemption Price, and (iv) state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent, that from that date the Bonds called for redemption will be deemed to be paid, and interest will cease to accrue, and that no representation is made as to the accuracy or correctness of the CUSIP numbers printed therein or notice of redemption or mailing thereof (including any failure to mail such notice), shall affect the validity of the redemption proceedings for any other Bonds for which notice was properly given.

If at the time of mailing of any notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is subject to the deposit of such moneys with the Paying Agent not later than the opening of business on the redemption date and shall be of no effect unless such moneys are so deposited. If such moneys are not deposited by such date and time, the Registrar promptly shall notify the Owners of all Bonds called for redemption of such fact.

So long as DTC (as CEDE & CO.) is the Registered Owner of the Series 2009 A Bonds, the Registrar shall send all notices of redemption to DTC and shall verify that DTC has received notice. Copies of all redemption notices relating to optional redemption of the Series 2009 A Bonds shall also be sent to registered securities depositories.

All official notices of redemption shall be dated and shall state:

(1) The Redemption Date,

(2) The Redemption Price,

(3) If less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(4) That on the Redemption Date, the Redemption Price and interest accrued will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date,

(5) The place where such Bonds are to be surrendered for payment of the Redemption Price, which place of payment shall be the principal office of the Paying Agent, and

(6) Such other information, if any, as shall be required for DTC eligible Bonds.

BOOK-ENTRY ONLY SYSTEM

The information in this section has been obtained from sources that the City and the Underwriter believe to be reliable, but neither the City nor the Underwriter takes any responsibility for the accuracy thereof.

The Depository Trust Company

1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for the Securities, in the aggregate principal amount of such issue, and will be deposited with DTC.

2. DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 2.2 million issues of U.S. and non-U.S. equity, corporate and municipal debt issues, and money market instrument from over 100 countries that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC").

DTCC, in turn, is owned by a number of Direct Participants of DTC and Members of the National Securities Clearing Corporation, Fixed Income Clearing Corporation, and Emerging Markets Clearing Corporation (NSCC, FICC, and EMCC, also subsidiaries of DTCC), as well as by the New York Stock Exchange, Inc., the American Stock Exchange LLC, and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has Standard & Poor's highest rating: AAA. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com and www.dtc.org.

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Securities may wish to take certain steps to augment transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the security documents.

6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

7. Neither DTC nor Cede & Co. (nor such other DTC nominee) will consent or vote with respect to the Securities unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts, upon DTC's receipt of funds and corresponding detail information from City or Paying Agent on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, nor its nominee, Paying Agent, or City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of City or Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

9. DTC may discontinue providing its services as securities depository with respect to the Securities at any time by giving reasonable notice to City or Paying Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Security certificates are required to be printed and delivered.

10. The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.

11. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that City believes to be reliable, but City takes no responsibility for the accuracy thereof.

THE INFORMATION PROVIDED IMMEDIATELY ABOVE UNDER THIS HEADING HAS BEEN PROVIDED BY DTC. NO REPRESENTATION IS MADE BY THE CITY OR THE UNDERWRITER AS TO THE ACCURACY OR ADEQUACY OF SUCH INFORMATION PROVIDED BY DTC OR AS TO THE ABSENCE OF MATERIAL ADVERSE CHANGES IN SUCH INFORMATION SUBSEQUENT TO THE DATE HEREOF.

For so long as the Bonds are registered in the name of DTC or its nominee, Cede & Co., the City, the Registrar and the Paying Agent will recognize only DTC or its nominee, Cede & Co., as the registered owner of the Bonds for all purposes, including payments, notices and voting.

Each series of the Bonds shall initially be issued in the form of one fully-registered bond for the aggregate principal amount of the Bonds of each maturity, registered in the name of CEDE & CO., as nominee of DTC. Except as provided below, all of the Bonds shall be registered in the registration books kept by the Registrar in the name of CEDE & CO., as nominee of DTC; provided that if DTC shall request that the Bonds be registered in the name of a different nominee, the Registrar shall exchange all or any portion of the Bonds registered in the name of such nominee or nominees. No person other than DTC or its nominee shall be entitled to receive from the City or the Registrar either a Bond or any other evidence of ownership of the Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all or any portion of the Bonds on the registration books maintained by the Registrar, in connection with discontinuing the book entry system as provided below.

At or prior to settlement for the Bonds, the City and the Registrar shall execute or signify their approval of a representation letter addressed to DTC in a form satisfactory to DTC (the "Representation Letter"). Any successor Registrar shall, in its written acceptance of its duties under this Ordinance, agree to take any actions necessary from time to time to comply with the requirements of the Representation Letter.

So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or Redemption Price of or interest on such Series 2009 A Bonds shall be made to DTC or its nominee at the addresses set forth in the Representation Letter in New York Clearing House or equivalent next day funds on the dates provided for such payments to be made to any Registered Owner under the Ordinance. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of the City and the Registrar with respect to the principal or Redemption Price of or interest on the Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the Bonds Outstanding of any maturity, the Registrar shall not require surrender by DTC of the Bonds so redeemed, but DTC may return such Bonds and make an appropriate notation on the Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Registrar, upon request, a written confirmation of such partial redemption. The records maintained by the Registrar shall be conclusive as to the amount of the Bonds of such maturity which have been redeemed.

The City, the Paying Agent and the Registrar may treat DTC as the sole and exclusive owner of the Bonds registered in its name or the name of its nominee for the purposes of payment of the principal or Redemption Price of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Registered Owners under this Ordinance, registering the transfer of the Bonds, obtaining any consent or other action to be taken by the Registered Owners and for all other purposes whatsoever; and neither the City nor the Registrar shall be affected by any notice to the contrary. Neither the City nor the Registrar shall have any responsibility or obligation to any direct or indirect participant in DTC, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any such participant, or any other person which is not shown on the registration books of the Registrar as being a Registered Owner with respect to (i) the Bonds, (ii) the accuracy of any records maintained by DTC or any such participant, (iii) the payment by DTC or any such participant of any amount in respect of the principal or Redemption Price of or interest on the Bonds, (iv) any notice which is permitted or required to be given to the Registered Owners under this Ordinance, (v) the selection by DTC or any

such participant of any person to receive payment in the event of a partial redemption of the Bonds or (vi) any consent given or other action taken by DTC as Registered Owner.

SECURITY FOR THE BONDS

The Bonds are special obligations of the City and are payable as to principal, premium, if any, and interest solely from the sources described below. The City is under no obligation to pay the Bonds except from said sources.

Sources of Payment

The payment of the debt service of the Bonds shall be secured forthwith by a lien on the Tax Revenues derived from and a statutory mortgage lien on the hotel-motel occupancy taxes (as limited by the amount payable by the City under the provisions of Chapter 7, Article 18, Section 14 (b) of the Code of West Virginia of 1931, as amended) and coal severance taxes pledged therefor. Such lien shall be on a parity with the liens securing the Series 1998 Bonds and any other additional bonds, issued pursuant to Section 5.02 of the Ordinance.

Application of Revenues

So long as any of the Bonds shall be outstanding and unpaid, or until there shall have been set apart in the Bonds Sinking Fund a sum sufficient to pay, when due or at the earliest practical prepayment date, the entire principal of the Bonds remaining unpaid, together with interest accrued and to accrue thereon, the City covenants with the holder of the Bonds as follows:

The Tax Revenues shall be deposited as collected by the City in a special fund in a bank or trust company in the State of West Virginia which is a member of FDIC, which Fund, known as the "Revenue Fund" established with the Depository Bank. The Revenue Fund shall constitute a trust fund for the purposes provided herein and shall be kept separate and distinct from all other funds of the City and used only for the purposes and in the manner provided herein. Provided, however, the amount of Tax Revenues on deposit in the Revenue Fund shall be sufficient to make the next deposit of interest and/or principal into the Bonds Sinking Fund, with any excess Tax Revenues available to the City.

The Tax Revenues at any time of interest and/or principal on deposit in the Revenue Fund shall be disposed of as follows: The City shall on or before the due date of payment of each installment of interest and/or principal on the Bonds, transfer from the Revenue Fund and simultaneously deposit into (i) the Series 1998 Bonds Sinking Fund, the amount required to pay the interest on the Series 1998 Bonds, and to amortize the principal of the Series 1998 Bonds over the life of the Series 1998 Bonds, and (ii) the Bonds Sinking Fund (or such other place as may be provided pursuant to the Bonds), the amount required to pay the interest on the Series 2009 A Bonds, and to amortize the principal of the Bonds over the life of the Bonds.

The Commission is designated as the Fiscal Agent for the administration of the Bonds Sinking Fund, and the Depository Bank is designated as the Fiscal Agent for the administration of the other accounts provided in the Ordinance, and all amounts required the other accounts will be

deposited therein by the City upon transfers of funds from the Revenue Fund at the times provided herein, together with written advice stating the amount remitted for deposit into each such fund.

All the funds provided for in the Ordinance shall constitute trust funds and shall be used only for the purposes and in the order provided herein, and until so used, the Bondholder shall have a lien thereon for further securing payment of the Bonds and the interest thereon, but the Commission and the Depository Bank shall not be a trustee as to such funds.

The Commission and the Depository Bank at the direction of the City, shall keep all funds invested and reinvested to the fullest extent possible in accordance with applicable law, and to the extent practicable, in Qualified Investments having maturities consonant with the required use thereof Investments in any fund or account under the Ordinance shall, unless otherwise provided herein or required by law, be valued at the lower of cost or the then current market value, or at the redemption price thereof if then redeemable at the option of the holder, including value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held by the "consolidated fund" managed by the West Virginia Board of Treasury Investments. Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account.

Additional Debt Service Requirements

The source of funds to repay the debt service on the Bonds shall be from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the City under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance, which shall be used to pay the debt service on the Bonds on a parity with the Series 1998 Bonds. Set forth below is a table indicating the total expected amount available for the debt service for the Series 1998 Bonds as well as the Bonds.

	Debt Service 1998 Bonds		Debt Service 2009 A Bonds*	Total Annual Debt Service	Total Available For Debt Service**
09/01/09	259,130	12/01/09			2,600,000
09/01/10	258,380	12/01/10			2,600,000
09/01/11	257,400	12/01/11			2,600,000
09/01/12	255,515	12/01/12			2,600,000
09/01/13	258,375	12/01/13			2,600,000
09/01/14	255,725	12/01/14			2,600,000
09/01/15	257,820	12/01/15			2,600,000
09/01/16	259,405	12/01/16			2,600,000
09/01/17	255,480	12/01/17			2,600,000
09/01/18	256,300	12/01/18			2,600,000
09/01/19	256,610	12/01/19			2,600,000
09/01/20	256,410	12/01/20			2,600,000
09/01/21	255,700	12/01/21			2,600,000
09/01/22	259,480	12/01/22			2,600,000
09/01/23	257,495	12/01/23			2,600,000
09/01/24	-	12/01/24			2,600,000
Totals	6,446,405				41,600,000

*Estimated
**Estimated, based on historical Tax Revenues

Additional Parity Bonds

Additional bonds or obligations payable out of the Tax Revenues pledged toward repayment of the Bonds may be issued at any time upon the City's completion, execution and tender of its certificate demonstrating a debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Bonds, the Series 1998 Bonds and any additional parity bonds issued during the most recent fiscal year and a projected debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Bonds, the Series 1998 Bonds, any additional bonds issued and the additional parity bonds to be issued over the next 3 years. In the event that the collection of Tax Revenues falls below one hundred ten percent (110%) the City will use its best efforts to request and secure legislative

approval to increase the rates and/or percentages from the different components of Tax Revenues which are paid to the City.

RISK FACTORS

Although the City's receipt and collection of the Tax Revenues has generally trended upward for the past several years, there can be no guarantee that such trend will continue. The City's ability to receive and collect the Tax Revenues has been granted by the West Virginia Legislature. There can be no guarantee that the West Virginia Legislature will not modify or abolish, adjust the rates thereof or restrict the City's authority to use the Tax Revenues as provided in the Ordinance.

There can be no assurance that a secondary market for the Bonds will develop or, if developed, that such a market could be sustained. The Underwriter assumes no obligation to establish or maintain such a market and is not obligated to repurchase any of the Bonds at the request of the owner thereof. No rating has been assigned to the Bonds, and the absence of a rating could adversely affect the ability of an owner to sell the Bonds or the price received upon such sale.

THE FACILITY

The Facility is one of the region's largest multipurpose meeting convention and entertainment facilities. The complex includes a coliseum (seating 13,500), theater (seating 750), eighteen meeting rooms, and exhibition and banquet facilities. The Facility hosts more than 800,000 persons annually at a varied schedule of events including basketball games, ice shows, circuses, touring concerts, Broadway shows and theatrical productions, exhibitions, banquets, meetings and conventions.

The Civic Center/Auditorium Board of Charleston was created in 1958 to supervise, operate and maintain the Charleston Civic Center and Municipal Auditorium. The Board, which is appointed by the Mayor with approval by City Council, meets monthly to develop policies and procedures appropriate for the management of the Facility, employ personnel required for the operation of the Facility, and determine fees for use of the Facility. The Board develops an annual operating budget which is submitted to City Council for approval. John D. Robertson, CFE, has served as General Manager of the Facility since 1983. He oversees twenty-five full time and several hundred part time employees and the daily operations of the Facility.

FINANCIAL OPERATIONS

The accounts of the Facility are maintained as a part of the general accounts of the City and are maintained in accordance with generally accepted accounting principals. The State of West Virginia, Office of State Auditor has audited the financial statements of the City for the year ended June 30, 2008. See APPENDIX B – Financial Statements of the City. The financial statements contained in Appendix B are included merely to show the City's receipt and collection of the Tax Revenues. There are no other accounts, revenues or funds of the City available for the payment of such debt service, and the Bonds should not be construed to be a general obligation of the City.

ABSENCE OF MATERIAL LITIGATION

There are no actions, suits, proceedings, inquiries or investigations at law or in equity before or by any court, public board or body, now pending or, to the best knowledge of the City, threatened or affecting the City (or, to the City's knowledge, any basis thereof) wherein an unfavorable decision, ruling or finding would adversely affect the validity of the Bonds, the Ordinance or any agreements to which the City is a party and which are a result of the issuance of the Bonds.

APPROVAL OF LEGALITY

The authorization and issuance of the Bonds are subject to the approval of legality by Jackson Kelly PLLC, Charleston, West Virginia, Bond Counsel. Bond Counsel will render an opinion in substantially the form set forth in Appendix C to this Official Statement. Certain legal matters will be passed upon for the City by its counsel, Paul Ellis, Esq., Charleston, West Virginia, and for the Underwriter by its counsel, Steptoe & Johnson PLLC, Charleston, West Virginia.

TAX MATTERS

In the opinion of Jackson Kelly PLLC, Bond Counsel, under existing laws, regulations, published rulings and judicial decisions of the United States of America, as presently written and applied, the interest on the Bonds [including any original issue discount properly allocable to an owner thereof] (a) is excludable from gross income for federal income tax purposes, (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, and (c) under existing West Virginia law, the Bonds are exempt from all taxation by the State of West Virginia, except inheritance, estate and transfer taxes, and the interest on the Bonds is exempt from personal and corporate income taxes imposed directly thereon by the State West Virginia. It should be noted, however, that interest on the Bonds is included in the adjusted current earnings of certain corporations for purposes of computing the alternative minimum tax that may be imposed with respect to corporations.

The City has designated the Bonds as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code, which relates to the ability of certain financial institutions to deduct the interest expense allocable to holding and carrying tax-exempt obligations for federal income tax purposes.

The opinions described above are subject to the condition that the City complies on a continuing basis, with all requirements of the Code that must be satisfied subsequent to issuance of the Bonds for interest thereon to be or continue to be excluded from gross income for federal income tax purposes. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements could cause the interest on the Bonds to be included in the gross income of the recipients thereof for purposes of federal income taxation retroactively to the date of issuance of the Bonds.

The accrual or receipt of the interest on the Bonds may otherwise affect the federal income tax liability of certain recipients. The extent of these and other consequences will depend

upon the recipient's particular tax status or other consequences will depend upon the recipient's particular tax status or other items of income or deduction. Bond Counsel expresses no opinion regarding any such consequences, and investors should consult their tax advisors regarding the tax consequences of purchasing or holding the Bonds.

Assumed Compliance with Certain Covenants and Federal Tax Requirements

As referenced above, the Code imposes various restrictions, conditions and requirements relating to the exclusion from gross income for federal income tax purposes of interest on obligations such as the Bonds. The City has covenanted to comply with certain restrictions designed to ensure that interest on the Bonds will not be included in federal gross income. Failure to comply with these covenants may result in interest on the Bonds being included in gross income for federal income tax purposes, possibly from the date of original issuance of the Bonds. The opinion of Bond Counsel assumes compliance with these covenants. Bond Counsel has not undertaken to determine (or to inform any person) whether any actions taken (or not taken) or events occurring (or not occurring) after the date of issuance of the Bonds may adversely affect the value of, or the tax status of interest on, the Bonds. Further, no assurance can be given that pending or future legislation or amendments to the Code, if enacted into law, or any proposed legislation or amendments to the Code, will not adversely affect the value of, or the tax status of interest on, the Bonds. Prospective purchasers of Bonds are urged to consult their own tax advisors with respect to proposals to restructure the federal income tax.

Certain requirements and procedures contained or referred to in the Bond Indenture, the Lease, the Tax Certificate and other relevant documents may be changed and certain actions (including, without limitation, defeasance of the Bonds) may be taken or omitted under the circumstances and subject to the terms and conditions set forth in such documents. Bond Counsel expresses no opinion as to any Bond or the interest thereon if any such change occurs or action is taken or omitted upon the advice or approval of bond counsel other than Jackson Kelly PLLC.

Individual Circumstances

Although Bond Counsel is of the opinion that interest on the Bonds is excludable from gross income for federal income tax purposes, the ownership or disposition of, or the accrual or receipt of interest on, the Bonds may otherwise affect an owner's federal tax liability. The nature and extent of these other tax consequences will depend upon the particular tax status of the owner or the owner's other items of income or deduction. Bond Counsel expresses no opinion regarding any such other tax consequences.

Future Tax Changes

Future legislative proposals, if enacted into law, clarification of the Code or court decisions may cause interest on the Bonds to be subject, directly or indirectly, to federal income taxation or to be subject to or not exempted from state income taxation, or otherwise prevent beneficial owners from realizing the full current benefit of the tax status of such interest. The introduction or enactment of any such future legislative proposals, clarification of the Code or court decisions may also affect the market price for, or marketability of, the Bonds. Prospective purchasers of the Bonds should consult their own tax advisors regarding any pending or proposed

federal or state tax legislation, regulations or litigation, as to which Bond Counsel expresses no opinion.

The opinion of Bond Counsel is based on current legal authority, covers certain matters not directly addressed by such authorities, and represents Bond Counsel's judgment as to the proper treatment of the Bonds for federal income tax purposes. It is not binding on the IRS or the courts. Furthermore, Bond Counsel cannot give and has not given any opinion or assurance about the future activities of the City, or about the effect of future changes in the Code, the application regulations, the interpretation thereof or the enforcement thereof by the IRS. The City has covenanted, however, to comply with the requirements of the Code.

Bond Counsel Obligations

Bond Counsel's engagement with respect to the Bonds ends with the issuance and delivery of the Bonds to the Underwriter, and unless separately engaged, Bond Counsel is not obligated to defend the City or the beneficial owners regarding the tax-exempt status of the Bonds in the event of an audit examination by the IRS. Under current procedures, parties other than the City and its appointed counsel, including the beneficial owners, would have little, if any, right to participate in the audit examination process. Moreover, because achieving judicial review in connection with an audit examination of tax-exempt bonds is difficult, obtaining an independent review of IRS positions with which the City legitimately disagrees may not be practicable. Any action of the IRS, including but not limited to selection of the Bonds for audit, or the course or result of such audit, or an audit of bonds presenting similar tax issues may affect the market price for, or the marketability of, the Bonds, and may cause the City or the beneficial owners to incur significant expense.

UNDERWRITING

Crews & Associates, Inc., as Underwriter, has agreed, subject to certain conditions, to purchase the Bonds from the City at a price of $_____. The Underwriter will be obligated to purchase all of the Bonds if any are purchased. The Bonds may be offered and sold to certain dealers (including investment trusts, certain of which may be sponsored or managed by the Underwriter) at prices lower than the public offering price stated on the cover page of this Official Statement, and such public offering price also may be changed without prior notice, from time to time, by the Underwriter.

FINANCIAL STATEMENTS OF THE CITY

Included herein as Appendix B are the audited financial statements of the City as of and for the twelve-month period ended June 30, 2008, and the report with respect to the audited financial statements as of and for the twelve-month period ended June 30, 2008, dated December 22, 2008, of State of West Virginia, Office of State Auditor.

THERE ARE NO OTHER ACCOUNTS, REVENUES OR FUNDS OF THE CITY AVAILABLE FOR THE PAYMENT OF SUCH DEBT SERVICE, AND THE BONDS SHOULD NOT BE CONSTRUED TO BE A GENERAL OBLIGATION OF THE CITY.

CONTINUING DISCLOSURE

The City has agreed in the Ordinance for the benefit of the Registered Owners of the Bonds to provide certain financial and operating information (the "Annual Information") not later than three hundred sixty (360) days following the end of its fiscal year, commencing with its fiscal year ended June 30, 2010, and to provide the Annual Information to the Municipal Securities Rulemaking Board ("MSRB") through the Electronic Municipal Markets Access ("EMMA") System and any State Information Depository ("State Depository") and to provide notice of the occurrence of the enumerated events to MSRB through the EMMA System and to any State Depository.

This continuing disclosure obligation is being undertaken by the City to assist the Underwriter in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission. The City has agreed to give notice in a timely manner to MSRB through the EMMA System, and to each State Depository of any failure to supply the requested information. However, any such failure will not constitute a default under the terms of the Bonds. Registered Owners may contact the Treasurer of the City at 501 Virginia Street, East, Room 203, Charleston, West Virginia 25301, (304) 348-8029 for more information. Under the Continuing Disclosure Certificate, the sole remedy for such failure is to seek an order for specific performance. See "APPENDIX D – FORM OF CONTINUING DISCLOSURE CERTIFICATE."

MISCELLANEOUS

So far as any statements made in this Official Statement involve matters of opinion or estimates, whether or not expressly stated, they are set forth as such and not as representations of fact, and no representation is made that any of such statements will be realized. Neither this Official Statement nor any statement which may have been made orally or in writing is to be construed as a contract with the owners of the Bonds.

Copies of the Ordinance and other applicable documents may be obtained from the City at the following address:

City of Charleston
501 Virginia Street, East
Charleston, West Virginia 25301
(304) 348-8029
Attention: Treasurer

or, during the offering period for the Bonds, from the Underwriter.

The execution and distribution of this Official Statement has been duly authorized by the City.

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Mayor

Appendix A

Economic and Demographic Information Regarding Charleston, West Virginia

ECONOMIC AND DEMOGRAPHIC INFORMATION
REGARDING CHARLESTON, WEST VIRGINIA

Introduction

Charleston, the county seat of Kanawha County, was originally chartered in 1794 as Charles Town and changed to the present name in 1819. The city was named by George Clendenin, one of the earliest settlers, for his father, Charles Clendenin. As the capital and largest city of West Virginia, it is located in the west central part of the state, at the confluence of the Elk River and the Kanawha River. Charleston is a commercial manufacturing and distribution center for the surrounding coal, petroleum, natural gas, and metal products industries.

West Virginia is centrally located in the South Atlantic Region of the United States, bound to the North by Pennsylvania and Maryland, to the East and South by Virginia, and to the West by Kentucky and Ohio.

Charleston History

Charleston was officially established on December 19, 1794. There were 35 people living in town at that time. The area began to grow around 1800 when salt brine deposits were found along the Kanawha River. West Virginia was officially declared a state by President Abraham Lincoln on June 20, 1863. By the end of the Civil War, the fledgling government was being formed and struggling to come together effectively. The state capital was not set, moving between Charleston and Wheeling until 1885.

Population Overview
2008 Census Estimate

	Charleston	WV	US
Total population	50,302	1,814,468	304,059,724
Square miles (land)	31.60	24,078	3,537,438
Population per sq. mile	1,591.8	75.36	85.95
Gender			
Male	46.6*	49.0%	49.3%
Female	53.4*	51.0%	50.7%
Age			
18 or younger	20.7*	21.3%	27.4%
18-24	8.5*	8.7%	6.7%
25-44	27.9*	25.9%	27.4%
45-64	25.3*	28.4%	25.7%

Population Overview
2008 Census Estimate

	Charleston	WV	US
65+	17.6%*	15.7%	12.8%
Average age (years)	40.59*	42.0	36.8

Race & Ethnicity	Charleston	Charleston	WV	US
White	43,072*	80.6%*	93.5%	65.6%
Black or African American	8,048*	15.1%*	3.5%	12.2%
American Indian & Alaska native	127*	0.2%*	0.2%	0.8%
Asian	979*	1.8%*	0.7%	4.4%
Native Hawaiian & other Pacific Islander		0.0%*	0.0%	0.1%
Some other race	158*	0.3%*	0.9%	1.5%
Hispanic or Latino	432*	0.8%*	1.1%	15.4%

Sources: US Census Bureau, 2008 Census Estimate,
*US Census 2000, being most recent data available

Healthcare

Charleston is home to the 78th largest community health care system, including the nation's second largest cardiac care program, a Level I trauma center and a women and children's hospital. Regional patient capacity exceeds 1,600 beds encompassing four general acute care hospitals, two specialty hospitals and numerous clinics. The Charleston area enjoys a reputation as a leader in start-of-the-art health care facilities and specialties.

The area has become a major center of specialized care and advanced medical training, providing complete health services in modern well-equipped institutions. Charleston is home to the State's largest hospital complex, the Charleston Area Medical Center, with approximately 962 beds. It is the home of the Charleston Division of the West Virginia University School of Medicine. In addition, there are other hospitals operating in the area with approximately 530 licensed beds at Thomas Memorial Hospital and St. Francis Hospital.

Charleston Area Medical Center - Memorial Division, Specializes in Cardiac and Cancer diagnosis and treatment.

Charleston Area Medical Center - General Division, Level 1 Trauma Center, Neuroscience, Medical Rehabilitation Center, Behavioral Medicine, Psychiatry, Physical and Occupational Therapy, Transitional Care, Orthopedics. This hospital is one of only 2 kidney transplant centers in West Virginia and has the State's only accredited sleep center.

Women's & Children's Hospital, Specializes in Pediatrics, Obstetric & Gynecology.

Thomas Memorial Hospital, A full service facility offering inpatient, outpatient and emergency care. Also includes: Heart Center, the Cancer Center of Southern West Virginia with a patient support system; Diabetes Center, clinics and medical-surgical inpatient services.

St. Francis Hospital, a full service facility offering inpatient, outpatient and emergency care. This facility also offers a comprehensive program for treating lung disease and a sports medicine program.

Utilities and Services

One of the nation's largest investor-owned utility holding companies, American Electric Power, provides low-cost electricity to the Charleston area. Rates are lower than the national average because of AEP's highly efficient power plants, high voltage transmission systems, and easy access to West Virginia's coal supply.

A mix of corporate entities and public utilities provide water, natural gas, and electricity. Allegheny Power provides natural gas service in various parts of the State. West Virginia-American Water Company provides water service to most residents of Kanawha County. WVAWC is the State's largest water supplier with 50-MGD of production capacity.

Employment

The world's leading companies find Charleston the perfect fit for teamwork, innovation and productivity. Strategic proximity to markets, coupled with an extensive transportation network, provide the access vitally important to domestic and global commerce. Public and private sectors cooperate seamlessly to help companies achieve success. A reliable and well-trained workforce gives businesses the competitive edge needed in today's global economy.

Source: Charleston Area Alliance

Labor Force Statistics - Kanawha County

	2004	*2005*	*2006*	*2007*	*2008*	*2009*
Civilian Labor Force	91,480	91,470	92,020	92,310	91,870	89,880
Total Employment	87,160	87,190	88,250	88,810	88,690	83,510
Total Unemployment	4,310	4,290	3,770	2,960	3,180	6,370
Unemployment Rate	4.7%	4.7%	4.1%	3.8%	3.5%	7.1%

Source: Workforce WV

Leading Employers

Major industries in the Charleston region include healthcare, services, government, chemicals, education and components manufacturing. There are more than 6,000 businesses in Kanawha County — representing more employment opportunities than any other county in West Virginia. New and expanding businesses benefit from assistance programs at both the State and local levels.

The region's largest employers in 2008:

State Government	10,550
Local Government	8,400
Charleston Area Medical Center	6,000
Kanawha County Schools	5,000
Federal Government	2,600
Wells Fargo	1,500
Toyota Motor Manufacturing	1,350
Thomas Memorial Hospital	1,300
Verizon	1,200
The Dow Chemical Company	1,000
Walker Machinery Company	750
Bayer CropScience	600
Capital Area Services Company	600
Tri-State Racing & Gametrack	600
Columbia Gas Transmission	450

Source: Charleston Area Alliance

Transportation

Residents of Charleston have immediate access to a full range of transportation services - highway, air, rail and water. It is a feature that gives the Charleston area an edge for attracting new businesses to the region.

The convergence of three interstate highways, 1-64, 1-77, and 1-79 interconnecting Charleston as well as Appalachian Corridor "G" (US Rt. 119) brings the area within overnight road-travel distance of 60% of the nation's principal industrial and commercial markets. Charleston is one of 13 cities in the nation where three interstate highways converge. East-West 1-64 extends from Norfolk, Virginia to St. Louis, Missouri; North-South 1-77 from Cleveland Ohio to Columbia, South Carolina; northeast-southwest 1-79 from Erie, Pennsylvania to Charleston, extending to Pikeville, Kentucky via US Rt. 119. In addition to the superhighways, three national and several state highways presently serve the MSA.

Over 40 motor freight companies operate in the Kanawha Valley, of which over 20 maintain terminals, making the area one of the major trucking centers in the Eastern United States. The nation's eight largest motor freight companies are among those with terminals in Charleston. Charleston is the most direct route from the Upper Midwest to the Southeast and serves as a logical transfer point for shipments.

The Greyhound Bus Lines offers interstate and intrastate services, with both freight and passenger capacity.

Local bus service is furnished by the Kanawha Regional Transportation Authority. It operates a 60+ fleet bus system throughout the Kanawha Valley. The system, commonly know as the KRT, serves approximately 20 routes covering nearly 200 miles. Service is provided 7 days a week from 4:00 a.m. to 1 a.m.

Yeager Airport, West Virginia's largest and busiest airport, offers 32 daily departures and arrivals and is located 5 minutes from downtown Charleston. Yeager is a U.S. Port of Entry for the federal Customs service.

Two of the nation's primary rail lines, CSX Transportation and Norfolk Southern Railways, provide economical freight services for the area's industrial shippers. Amtrak operates a passenger terminal in Charleston.

Government

Charleston City Council represents the interests of their constituents by responding to inquiries, suggestions and complaints regarding City programs and services. They govern through legislative, administrative, and financial powers and have the ability to levy taxes, enact ordinances and resolutions, and exercise budgetary and policy control over city departments.

The 27 Council Members are elected by ward for four-year terms with 21 members representing various wards as determined by ward boundaries and 6 At-Large members serving the entire City. Council has both Majority and Minority Leaders, who are selected by their respective parties during party caucuses. The President Pro-Tempore is elected by the entire City Council.

Kanawha County is governed by, and generally acts through, the City of Kanawha County. The present Commissioners, elected on a countywide basis, are W. Kent Carper, President, Henry C. Shores and David J. Hardy. The City exists and operates pursuant to the authority given to it under Article 1 of Chapter 7 of the Code of West Virginia of 1931, as amended. The City is located in Charleston.

Source: City of Charleston

Communications

Charleston has two main newspapers, *The Charleston Gazette* and *Charleston Daily Mail.* TV Stations include WCHS/WVAH, WOWK, WSAZ and WPBY that broadcast throughout the county. Sixteen radio stations serve the Charleston area on both AM/FM frequencies.

Housing

While home styles vary from comfortable country farmhouse to a stylish hillside contemporary, value is consistent. The median sale price in Charleston, according to the Coldwell Bank Home Price Comparison Index, 2008, (Based on 2,200 sq. ft., 4 bedrooms, 2.5 baths, family room, 2-car garage) is $179,050. Competitive home prices, combined with property taxes that are among the lowest in the nation, mean "more house for less money."

Cost of Living

Charleston is an affordable city with countless amenities that make it one of the most desirable places in the East to work and play.

The ACCRA Cost of Living Survey consistently ranks the Charleston MSA below 93.0 versus the nationwide benchmark of 100.0 for affordable living. The 2008 Annual Average Data ranks the Charleston MSA at 92.3.

Source: Charleston Area Alliance

Cultural/Arts

Performing arts include West Virginia Symphony Orchestra, Charleston Light Opera Guild, Kanawha Players, Children's Theater of Charleston and the Charleston Ballet. Mountain Stage is broadcast nationwide from Charleston each Sunday.

The Clay Center for the Arts and Sciences houses a science museum, art museum, planetarium and a concert hall.

Economic Statistics

Employment and Wages

Employment, Annual Average 2008	108,224
Total Wages, Annual 2008	$4,293,170,950
Annual Wage, Annual Average 2008	$39,669
Weekly Wage, Annual Average 2000	$762.87

Source: Workforce WV

Nearby Metropolitan Cities Distance (miles)

Huntington, WV	53
Parkersburg, WV	79
Columbus, OH	212
Pittsburgh, PA	227

Climate

Temperature Mean Annual Average:		55 degrees
January Averages:	*High* 41	*Low* 23
July Averages:	*High* 86	*Low* 64

Long Term Precipitation (inches)

Annual:	42.5
January	2.9
July:	5.0

Mean Annual Snowfall Range (inches): 25-40

Source: Workforce WV

Recreation

Charleston is at the center of recreational activity for the eastern United States. From boating on the beautiful Kanawha River to riding the wildest whitewater...from golfing the most challenging, picturesque courses to enjoying music of the world...all can be found right here.

When it is time to leave the workplace, Charlestonians travel ten minutes to Kanawha State Forest for hiking, walking, biking, camping, swimming and horseback riding. It is just one of thirteen public parks and campgrounds located within the region.

Whether you want to go boating, take a stroll, or rollerblade, head to Magic Island or Haddad Riverfront Park for riverside fun. Local marinas and boat clubs provide river access and amenities to local boaters and water lovers.

Snowshoe Resort, Winterplace and Canaan Valley Resort offer the finest downhill skiing in the Southeast. All are a convenient day trip from Charleston.

Source: Charleston Area Alliance

Colleges & Universities

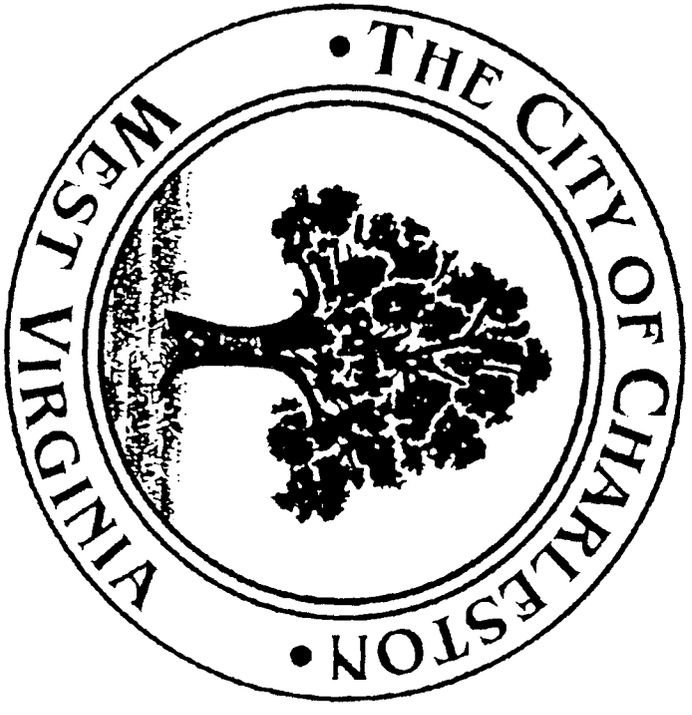
Local colleges and universities are progressive partners with industry, providing customized training, research support and advanced degree programs. The Charleston region is focused on attracting world-class talent to support an expanding base of highly technical domestic and international companies.

Five fully accredited colleges and universities serve the Charleston region offering quality undergraduate and graduate degree programs. These institutions maintain a total enrollment in excess of 20,000 students annually.

Marshall University
Southern WV Community and Technical College
University of Charleston
WV State University
WVU Institute of Technology

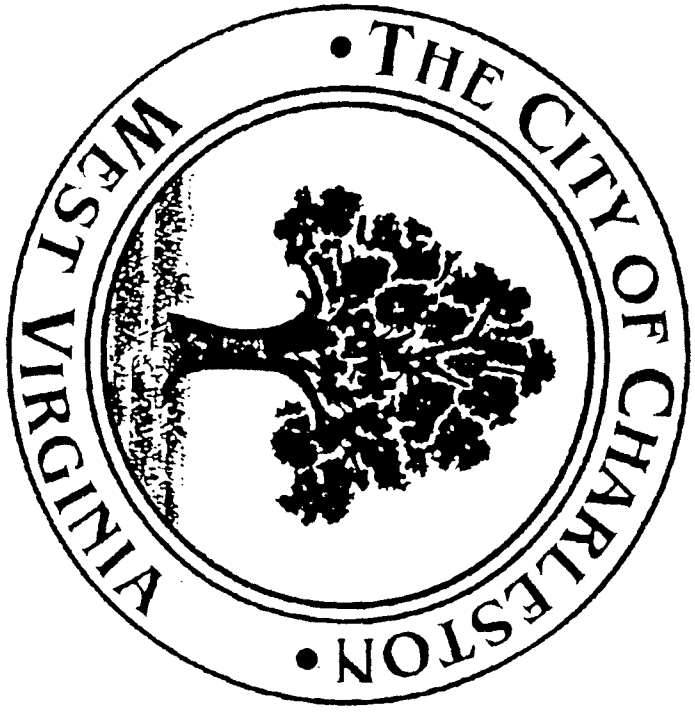
Additionally, superior vocational schools and an adult career centers offer nearly forty programs of study.

Source: Charleston Area Alliance


THE CITY OF CHARLESTON
WEST VIRGINIA

Appendix B

Financial Statements of the City


WEST VIRGINIA
• THE CITY OF CHARLESTON •

Glen B. Gainer III
State Auditor and
Chief Inspector

Stuart T. Stickel, CPA
Deputy Chief Inspector

State of West Virginia

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INDEPENDENT AUDITOR'S REPORT

Honorable Mayor and Council
City of Charleston
Charleston, West Virginia 25301

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Charleston, West Virginia, as of and for the year ended June 30, 2008, which collectively comprise the City's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the entity's management. Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of Charleston Sanitary Board and the Charleston Urban Renewal Authority, discretely presented component units. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for the Charleston Sanitary Board and the Charleston Urban Renewal Authority, is based on the report of the other auditors.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit and the report of other auditors provides a reasonable basis for our opinions.

In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Charleston, West Virginia, as of June 30, 2008, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparisons for the General Fund and Coal Severance Tax Special Revenue Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated December 22, 2008, on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The Management's Discussion and Analysis on pages 15 through 26 and the Schedule of Funding Progress on page 78 are not required parts of the basic financial statements, but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The introductory section, combining and individual nonmajor fund financial statements and the statistical section are presented for purposes of additional analysis and are not a required part of the basic financial statements. The combining and individual nonmajor fund financial statements have been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, are fairly stated in all material respects in relation to the basic financial statements taken as a whole. The introductory section and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on it.

Respectfully submitted,

Glen B. Gainer III
West Virginia State Auditor

December 22, 2008

This section of the City of Charleston's Comprehensive Annual Financial Report presents management's discussion and analysis of the City's financial performance during the fiscal year ended June 30, 2008. Please read it in conjunction with the transmittal letter in the Introductory Section of this report and the City's financial statements, which follow this section.

Financial Highlights

The assets of the City of Charleston exceeded its liabilities at the close of the fiscal year by $57,610,650 (*net assets*). Net assets primarily consists of the governments investment in capital assets (1.39 percent).

The City of Charleston's total net assets decreased over the course of this year's operations by $7,325,877. This decrease is primarily attributable to an increase in long-term obligations for pensions ($11,215,553) and compensated absences ($90,788). These increases were offset to a certain extent with a decrease in general liability insurance and workers' comp claims ($482,955) and the reduction of outstanding debt that exceeded additional capital leases issued ($1,258,475).

At the close of the fiscal year the governmental funds, including General Fund, Special Revenue Funds, Capital Projects Funds, Debt Service Funds and Permanent Funds, had combined ending fund balances of $34,019,105, an increase of $3,200,023 in comparison with prior year. This increase is attributed to an overall increase in revenues of ten percent which exceeded the total nine percent increase in expenditures; however, a seven percent reduction of total expenditures for capital outlays occurred during the fiscal year.

General Fund unreserved fund balance at the end of the fiscal year was $15,036,189 which equates to 21 percent of total general fund expenditures and 77 percent of total fund balance.

The City of Charleston's total debt decreased $2,257,808 (6 percent). There has not been any new bond issuance since 2005 and payments of principal on all debt exceeded capital lease additions in the amount of $1,258,475.

Overview of the Financial Statements

This annual report consists of four parts-*management's discussion and analysis* (this section), the *basic financial statements, required supplementary information,* and *combining statements* for nonmajor governmental funds. The basic financial statements include two kinds of statements that present different views of the City.

The first two statements are government-wide financial statements that provide both long-term and short-term information about the City's overall financial status.

The remaining statements are fund financial statements that focus on individual parts of the City government reporting the City's operations in more detail than the government-wide statements.

The governmental fund statements tell how general government services like public safety were financed in the short-term as well as what remains for spending.

Proprietary fund statements offer short-term and long-term financial information about the activities the government operates like businesses, such as the Civic Center and Parking System.

Fiduciary fund statements provide information about the financial relationships, like the public safety employees retirement plan, in which the City acts solely as a trustee or agent for the benefit of others to whom the resources in question belong.

The financial statements also include notes that explain select information in the financial statements and provide more detailed data. The statements are followed by a section of required supplementary information that presents pension plans schedule of funding progress.

Government-wide financial statements. The government-wide financial statements report information about the City as a whole using accounting methods similar to those used by private-sector companies. The statement of net assets includes all of the government's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two government-wide statements report the City's net assets and how they have changed. Net assets, the difference between the City's assets and liabilities, is one way to measure the City's financial health, or position. Over time, increases or decreases in the City's net assets are an indicator of whether its financial health is improving or deteriorating, respectively. To assess the overall health of the City, additional nonfinancial factors such as changes in the City's tax base and the condition of the City's roads must be considered.

The government-wide financial statements of the City are divided into three categories:

Governmental activities - Most of the City's basic services are included here, such as public safety, street maintenance, culture and recreation, and general administration. Business and occupation taxes, property taxes, and other taxes, charges for services, such as licenses, permits, inspection and refuse fees, and grants finance most of these activities.

Business-type activities - These are self-contained enterprise activities that are segregated from the general governmental activities. Revenues from fees derived from these services are not used to support other governmental activities, but remain entirely within the enterprise. The City's Civic Center and Parking System are included here.

Component units - The City includes four other entities in its report: The City of Charleston Sanitary Board, Charleston Urban Renewal Authority, Charleston Convention and Visitor's Bureau, and Charleston Building Commission. Although legally separate, these "component units" are important because the City is financially accountable for them.

The government-wide financial statements can be found on pages 28 through 31 of this report.

Fund financial statements. The fund financial statements provide more detailed information about the City's most significant funds, not the City as a whole. Funds are accounting devices that the City uses to keep track of specific sources of funding and spending for particular purposes. Some funds are required by State law and by bond covenants. The City Council establishes other funds to control and manage money for a particular purpose (like the City Service Fee Project Fund) or to show it is properly using certain grants (like aid from the U.S. Department of Housing and Urban Development).

The City has three types of funds:

Governmental funds -most of the City's basic services are included in governmental funds, which focus on (1) how cash and other financial assets can readily be converted to cash flow in and out, and (2) the balances left at year-end that are available for spending. Consequently, the governmental funds statements provide a detailed short-term view as to whether there are more or fewer financial resources that can be spent in the near future to finance the City's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, we provide additional information at the bottom of the governmental fund statements, or on the subsequent page, that explains the relationship (or differences) between them.

The basic governmental fund financial statements can be found on pages 33 through 42 of this report.

Proprietary funds -Enterprise funds may be used to report any activity for which a fee is charged to external users for goods or services. The government's policy is to establish fees designed to recover the cost of providing the services. In addition, the Parking System is financed with debt that is secured solely by a pledge of the net revenues from fees and charges of the activity. Consequently, GAAP requires the Civic Center and Parking System be reported as an Enterprise Fund. Proprietary funds, like government-wide statements, provide both long-term and short-term financial information.

The basic Proprietary Fund financial statements can be found on pages 44 through 48 of this report.

Fiduciary funds -The City is the trustee, or fiduciary, for its employees' pension plans. The City is responsible for ensuring that the assets reported in these funds are used for their intended purposes. All of the City's fiduciary activities are reported in a separate statement of fiduciary net assets and a statement of changes in fiduciary net assets. We exclude these activities from the City's government-wide financial statements because the City cannot use these assets to finance its operations.

The basic Fiduciary Fund financial statements can be found on pages 50 and 51 of this report.

Financial Analysis of the City as a Whole

Net Assets. The City's combined net assets reflect an eleven percent decrease between fiscal years 2008 and 2007. This is primarily attributable to increases in long-term obligations for pensions. Revenues remained stable and actually increased three percent during the fiscal year due in part to more aggressive collection procedures for the City's largest own-source revenue, business and occupation taxes, and other charges for services. Other taxes increased or decreased minimally. Revenues are predicted to remain stable basically linked to the economy and inflation each year, however, expenses are expected to rise accordingly.

Although the net assets of our business-type activities increased to $13,304,586 (one percent), these resources cannot be used to reduce the net asset deficit in governmental activities.

CITY OF CHARLESTON'S NET ASSETS

	Governmental Activities		Business-type Activities		Total	
	2008	2007	2008	2007	2008	2007
Current and other assets	$ 42,675,577	$ 39,101,634	$ 3,271,848	$ 2,739,789	$ 45,947,425	$ 41,841,423
Capital assets	87,702,182	88,740,995	25,426,098	26,862,036	113,128,280	115,603,031
Total assets	130,377,759	127,842,629	28,697,946	29,601,825	159,075,705	157,444,454
Long-term liabilities outstanding	68,026,411	57,993,105	13,667,361	14,802,070	81,693,772	72,795,175
Other liabilities	18,045,284	18,055,844	1,725,999	1,656,908	19,771,283	19,712,752
Total liabilities	86,071,695	76,048,949	15,393,360	16,458,978	101,465,055	92,507,927
Net Assets:						
Invested in capital assets, net of related debt	69,648,983	71,869,697	10,508,737	10,854,966	80,157,720	82,724,663
Restricted	14,713,465	12,211,193	2,055,937	1,989,077	16,769,402	14,200,270
Unrestricted	(40,056,384)	(32,287,210)	739,912	298,804	(39,316,472)	(31,988,406)
Total net assets	$ 44,306,064	$ 51,793,680	$ 13,304,586	$ 13,142,847	$ 57,610,650	$ 64,936,527

Governmental activities. Governmental activities decreased the City of Charleston's net assets by $7,487,616 thereby accounting for the total decrease in the net assets. This is primarily attributable to increases in long-term obligations for pensions ($11,215,553) and compensated absences ($90,788). The City funds the pension in accordance with an alternative funding allowed by West Virginia State Statute which will keep the fund solvent and improve the funding ratio; however, the unfunded liability continues to increase rapidly. The West Virginia State Legislature introduced a bill during the year to address these increasing unfunded pension liabilities for West Virginia cities; however, the legislation failed. It is expected this will be revisited by the Legislature in the near future due to the significance of this issue.

Revenues increased $7,276,581 (10 percent) over prior year. Primarily attributable to an increase in the City's largest own source revenue, business and occupation tax, in the amount of $1,098,769 (3 percent) and charges for services in the amount of $1,578,217 (9 percent). These increases were due in part to more aggressive collection techniques and an increase in the City Service Fee January 1, 2008, to $2 from $1 a week per person working within the City; which resulted in an increase in the amount of $1,254,282 (45 percent). In addition the ambulance levy distributed by Kanawha County increased in the amount of $560,874 (30 percent). Hotel occupancy tax, as it did in the prior year, increased $133,168 (5 percent) due to continued increases in the number of groups holding city-wide events. Federal grants increased in the amount of $613,367 (13 percent) attributable to two equipment grants received by the Fire Department from the Department of Homeland Security. Property taxes received from Kanawha County remained in line with prior year. Other revenue sources remained stable with minimal increases or decreases over prior year.

Government-wide statement expenses increased $8,874,261 (11 percent) over prior year. General government expense decreased two percent over prior year even with a five percent increase in healthcare and salary costs, respectively. However, costs for workers' compensation decreased three percent since the City implemented risk management policies a few years ago. Public Safety expense increased 22 percent attributed for the most part to the increase in the pension liability. Streets and Transportation increased four percent attributable to continued street improvements and rising fuel costs. Both of these functions are partially funded by the City Service Fee revenues dedicated to these functions. Economic development decreased 11 percent due to a reduction of approximately five percent in HUD allocations and some projects did not begin as scheduled and were not completed. The City did reduce capital outlay during the 2008 fiscal year by seven percent based upon review of assets held and the necessity of new purchases. The City continues to have its fleet management schedule in place on a ten year cycle. In summary, increases in expenses closely paralleled inflation and demand for services.

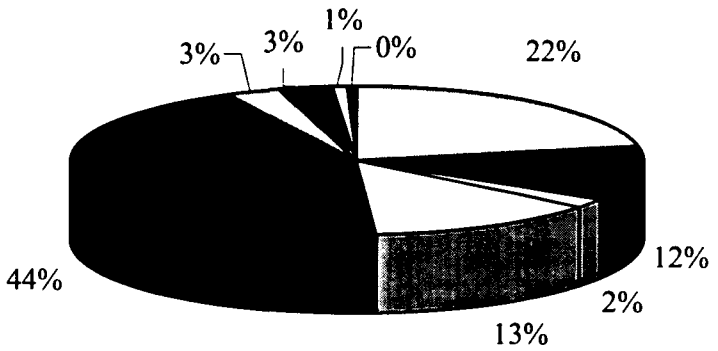
City of Charleston's Changes in Net Assets

	Governmental Activities		Business-type Activities		Total	
	2008	2007	2008	2007	2008	2007
Revenues:						
Program Revenues:						
Charges for Services	$ 18,250,489	$ 16,672,272	$ 6,618,044	$ 6,386,686	$ 24,868,533	$ 23,058,958
Operating Grants and Contributions	9,541,628	4,730,700	-	-	9,541,628	4,730,700
Capital Grants and Contributions	1,471,975	2,107,864	224,125	73,344	1,696,100	2,181,208
General Revenues:						
Property Taxes	10,355,037	10,389,006	-	-	10,355,037	10,389,006
Business & Occupation Taxes	36,666,641	35,567,872	-	-	36,666,641	35,567,872
Other Taxes	5,923,045	5,323,269	-	-	5,923,045	5,323,269
Other	466,369	607,620	157,601	181,869	623,970	789,489
Total Revenues	82,675,184	75,398,603	6,999,770	6,641,899	89,674,954	82,040,502
General Government	15,897,074	16,226,688	-	-	15,897,074	16,226,688
Public Safety	48,241,928	39,543,593	-	-	48,241,928	39,543,593
Highways & Streets	8,346,954	7,993,195	-	-	8,346,954	7,993,195
Health & Sanitation	5,207,158	5,354,317	-	-	5,207,158	5,354,317
Economic Development	2,995,622	3,358,208	-	-	2,995,622	3,358,208
Culture & Recreation	6,675,344	6,378,521	-	-	6,675,344	6,378,521
Social Services	822,953	360,025	-	-	822,953	360,025
Interest on Long-Term Debt	783,299	881,524	-	-	783,299	881,524
Civic Center	-	-	4,889,784	4,735,314	4,889,784	4,735,314
Parking System	-	-	3,140,715	3,233,036	3,140,715	3,233,036
Total Expenses	88,970,332	80,096,071	8,030,499	7,968,350	97,000,831	88,064,421

Increase in Net Assets						
Before Transfers	$ (6,295,148)	$ (4,697,468)	$ (1,030,729)	$ (1,326,451)	$ (7,325,877)	$ (6,023,919)
Transfers	(1,192,468)	(1,453,917)	1,192,468	1,453,917	-	-
Increase in Net Assets	(7,487,616)	(6,151,385)	161,739	127,466	(7,325,877)	(6,023,919)
Net Assets- beginning	51,793,680	57,945,065	13,142,847	13,015,381	64,936,527	70,960,446
Net Assets- ending	$ 44,306,064	$ 51,793,680	$ 13,304,586	$ 13,142,847	$ 57,610,650	$ 64,936,527

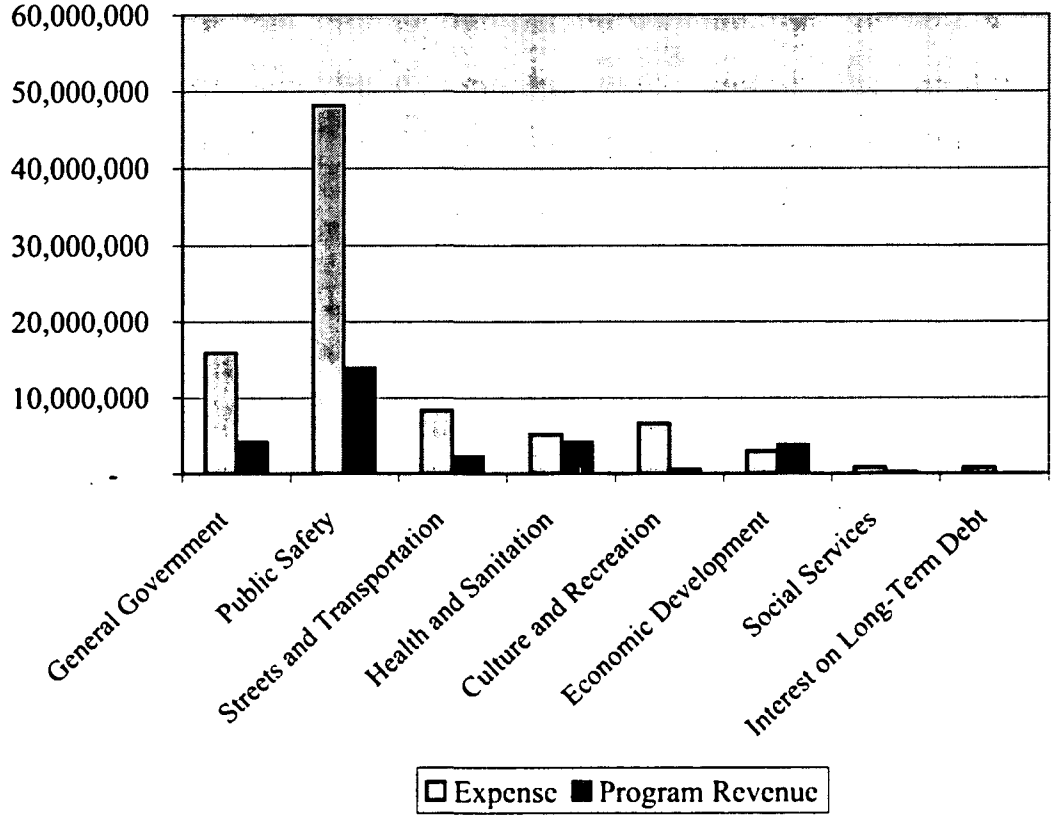
Business-type activities. Total net assets of the City's business-type activities ($13,304,586) increased one percent over prior year. Operating revenues reflected a significant four percent ($231,358) increase over prior year. The primary contributing factor for this increase for the Civic Center was room rental for conferences and exhibits including associated charges that increase with these types of events. The Parking System increase is primarily attributed to more aggressive collection of parking fees and fines. The operating expenses for the Civic Center increased four percent. Two primary factors are increases in utilities and salaries. The Parking System operating expenses decreased two percent from prior year even though utility cost increased four percent. Centralized contract arrangements for garage maintenance with the General Fund and the corresponding employee reduction of two resulted in a seven percent decrease in personnel costs offsetting the approximate three percent increase in contracted service costs. The Civic Center total Net Assets decreased $638,137 partially attributable to a total decrease in net capital assets of $714,967 even with $354,716 additions during the 2008 fiscal year. Most of the facilities assets are older and fully depreciated. Another contributing factor is an increase in current liabilities primarily for health care costs. The Parking System net assets increased $799,876 attributable to increased operating revenues, decreased operating expense, and reduction of debt interest costs for the past three years due to the 2005 refunding of its debt.

Revenue by Source-Governmental Activities

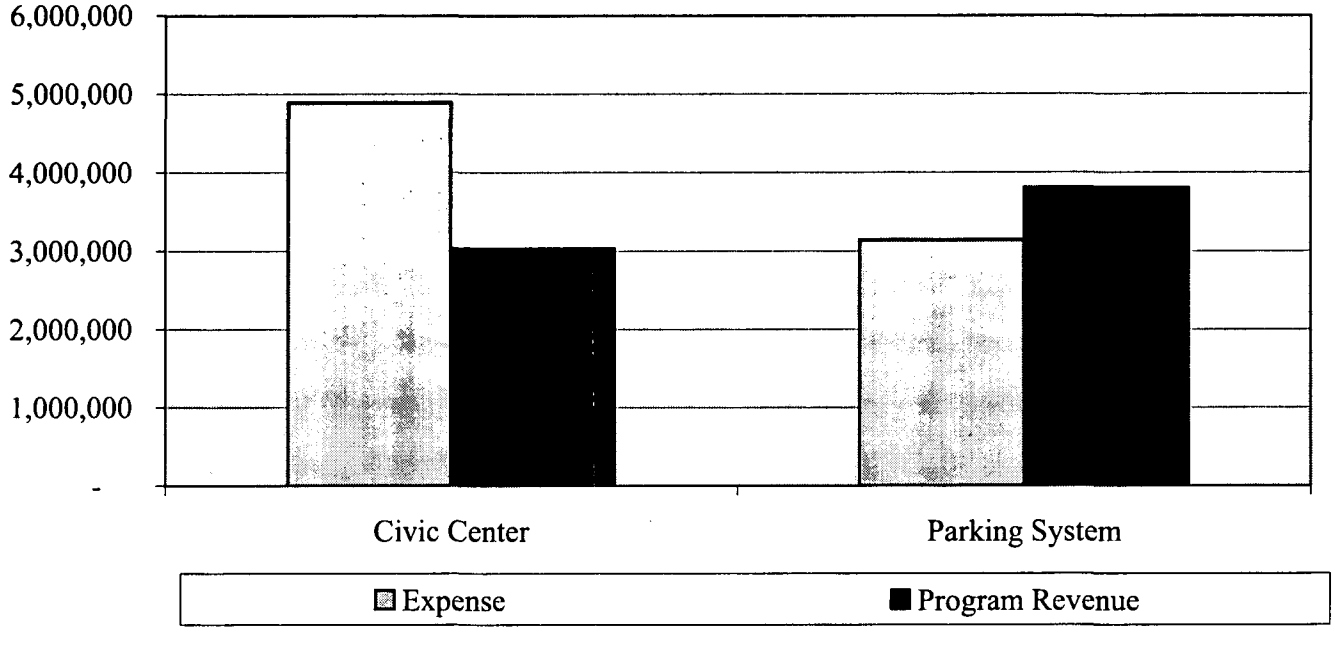


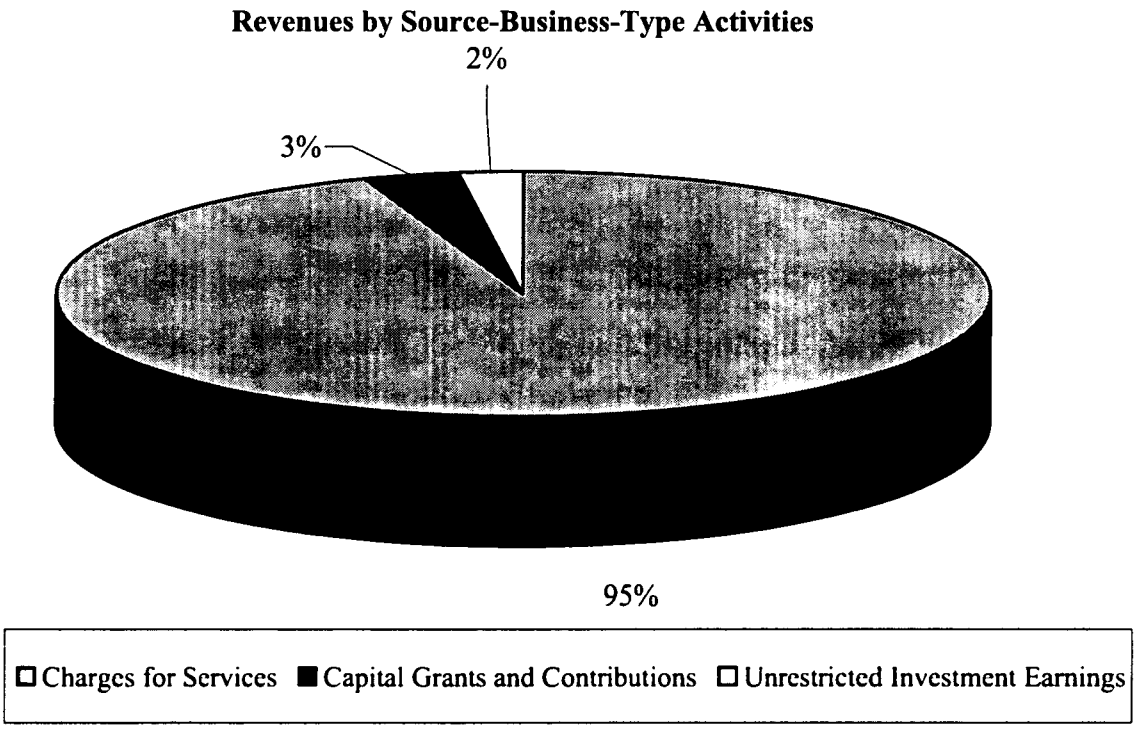
Charges for Services	Operating Grants and Contributions
Capital Grants and Contributions	Property Taxes
Business and Occupation Taxes	Utility Taxes
Hotel Motel Taxes	Other Taxes
Other	

Expenses and Program Revenues-Governmental Activities



Expenses and Program Revenues-Business-Type Activities





Financial Analysis of the Government's Funds

The City of Charleston uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the City of Charleston's *governmental funds* is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the government's financing requirements. In particular, unreserved fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the City of Charleston's Governmental Funds reported combined ending fund balances of $34,019,105, an increase of $3,200,023 in comparison with the prior year. Approximately 50 percent of this amount ($16,872,399) constitutes unreserved fund balance, which is available for spending at the government's discretion. The remainder of fund balance is reserved to indicate that it is not available for new spending because it has already been committed 1) to liquidate contracts and purchase orders of the prior year ($2,433,241), 2) to pay debt service ($3,912,531), 3) to generate income to pay for the perpetual care of the municipal cemetery ($1,564,488), or 4) for community development, capital projects or public safety measures ($9,236,446).

The General Fund is the chief operating fund of the City of Charleston. At the end of the current fiscal year, unreserved fund balance of the General Fund was $15,036,189, while total fund balance reached $19,574,933. As a measure of the General Fund's liquidity, it may be useful to compare both unreserved fund balance and total fund balance to total fund expenditures. Unreserved fund balance represents 21 percent of total General Fund expenditures, while total fund balance represents 27 percent of that same amount.

The fund balance of the City of Charleston's General Fund increased significantly by $1,404,344 during the current fiscal year. This is attributable for the most part to significant revenue increases collected by the General Fund which were discussed in detail in the section, Financial Analysis of the City as a Whole-Governmental Activities.

Expenditures increased $7,884,653, however, $3,886,331 was due to the inclusion of contributions from the State of West Virginia on behalf of the police and fire pensions as public safety expenditures and the corresponding intergovernmental revenue in accordance with GAAP. These on-behalf contributions for fiscal year 2007 in the amount of $3,830,447 were not included in the General Fund financial statements but only in the pension fund statements for the 2007 fiscal year. Consequently, restating the 2007 General Fund expenditures would result in a total increase from 2007 to 2008 of $4,054,206. The most significant increase was for general government expenditures which for the most part was due to rising operational, salary and healthcare costs. Public safety costs and highways and streets increased due to enhanced police safety measures, maintenance of streets, and fuel costs.

The Coal Severance Tax Fund receives coal severance tax distributed from the State of West Virginia collections. These revenues are dedicated to the Civic Center 1998 bond debt service. Coal severance has continued to increase (five percent) over the prior year as it has for three prior fiscal years due to rising coal prices. The Community Development and HOME Funds are funded totally by HUD federal grants for community development. The grant revenues received were less due to an allocation reduction of approximately five percent.

Proprietary funds. The City of Charleston's Proprietary Funds provide the same type of information found in the government-wide financial statements, but in more detail. Factors concerning the finances of these two funds have already been addressed in the discussion of the City of Charleston's business-type Activities.

General Fund Budgetary Highlights

The City periodically revises the budget throughout the year to recognize projects carried over from the previous year, grants, and contributions received for various projects, and to adjust budgets to reflect actual circumstances. Appropriations between the original budget and the final amended budget reflected an increase of twelve percent ($8,279,094). The most significant can be briefly summarized as follows:

Legal expenses were increased $1,610,232 for the Court Costs and Damages Reserve Fund for general liability claims. The City has adopted the policy of carry forward of any remaining budgeted funds at year end to have the additional reserve in place to provide for any unforeseen circumstances.

Salary and benefit costs were increased approximately $150,000 for Council approved salary increases for the Mayor and Municipal Court Judge and promotions in positions for in-house attorney salaries.

The Mayor's contributions to various entities were increased approximately $102,229.

Grant revenues were increased to recognize a grant from the Department of Military Affairs and the corresponding expenditures for fire equipment in the amount of $407,843 and for a recycling grant and the corresponding purchase of a refuse truck in the amount of $55,000. In addition, police grant reimbursements and contributions for capital items were increased in the amount of $120,000 and the corresponding expenditure.

Capital projects costs were increased approximately $1,310,418 to carry over remaining funds for unfinished projects and equipment purchases from prior year.

City Manager professional services remaining budgeted funds in the amount of $536,123 were carried forward for various contracted services that were not completed by the 2007 fiscal year-end.

City service fee revenue was increased in the amount of $708,000 and the corresponding police equipment purchases and transfers to the City Service Fee Project Fund due to the January 1, 2008 approved increase from $1 to $2 per week per person working within the City. This revenue is dedicated to public safety and street and infrastructure maintenance.

These amendments were budgeted from available fund balance and increases in various charges for services, grants, and contributions. These and other miscellaneous items had the net increase of $8,278,464. During the year, however, revenues exceeded budgetary estimates and expenditures were less than budgetary estimates.

The City's general fund balance of $19,574,933 differs from the general fund's budgetary fund balance of $9,862,751 reported in the budgetary financial statement principally because budgetary fund balance excludes accrual of Business and Occupation Taxes. The total Business and Occupation Tax accrual in the amount of $9,712,182 has not been reappropriated for budgetary purposes, only actual cash collections are budgeted each fiscal year.

Capital Asset and Debt Administration

Capital Assets. The City of Charleston's investment in Capital Assets for its governmental and business-type activities as of June 30, 2008, amounted to $113,128,280 (net of accumulated depreciation). This investment in Capital Assets includes land, building and system, machinery and equipment, park and other recreational facilities, roads, bridges and other infrastructure. The total decrease in the City of Charleston's investment in capital assets for the current fiscal year was two percent. This decrease is primarily attributed to less capital outlay and disposal of obsolete equipment and vehicles.

Major capital asset events during the current fiscal year included the following:

Several projects were completed during the fiscal year, including City Hall internal renovations in the approximate amount of $284,610, Appalachian Power Park facilities in the amount of $77,988, City Health Clinic in the amount of $62,326, public safety buildings in the amount of $71,757, and community improvements in the amount of $247,198.

A variety of projects for renovations, landslides, retaining walls, and various small projects were remaining in construction in progress as of the end of the current fiscal year in the amount of $1,301,039.

City of Charleston's Capital Assets
(Net of Depreciation)

	Governmental Activities		Business-type Activities		Total	
	2008	2007	2008	2007	2008	2007
Land	$ 7,450,037	$ 7,420,037	$ 4,366,447	$ 4,366,447	$ 11,816,484	$ 11,786,484
Construction in Progress	1,301,039	456,164	147,845	129,069	1,448,884	585,233
Buildings & Improvements	30,537,797	31,043,338	19,869,645	21,403,147	50,407,442	52,446,485
Other Improvements	7,190,264	7,714,782	480,002	507,890	7,670,266	8,222,672
Machinery & Equipment	8,010,595	7,197,415	562,159	455,483	8,572,754	7,652,898
Infrastructure	33,212,450	34,909,259	-	-	33,212,450	34,909,259
Total	$ 87,702,182	$ 88,740,995	$ 25,426,098	$ 26,862,036	$ 113,128,280	$ 115,603,031

Additional information on the City of Charleston's capital assets can be found in Note IV.C. on pages 65 through 67 of this report.

Long-term debt. At the end of the current fiscal year, the City of Charleston had total general obligation bonded debt outstanding of $2,645,000. The full amount is backed by the full faith and credit of the government. The remainder of the City of Charleston's bonded debt represents bonds secured solely by specified revenue sources (i.e. revenue bonds).

City of Charleston's Outstanding Debt
General Obligation and Revenue Bonds

	Governmental Activities		Business-type Activities		Total	
	2008	2007	2008	2007	2008	2007
General Obligation Bonds	$ 2,645,000	$ 3,830,000	$ -	$ -	$ 2,645,000	$ 3,830,000
Revenue Bonds	4,147,126	4,403,417	14,917,361	16,007,070	19,064,487	20,410,487
Total	$ 6,792,126	$ 8,233,417	$ 14,917,361	$ 16,007,070	$ 21,709,487	$ 24,240,487

The City of Charleston General Obligation Bonds maintain an A-1 rating from Moody's .

State statutes limit the amount of general obligation debt a governmental entity may issue to five percent of its total assessed valuation. The current debt limitation for the City of Charleston is $133,569,425, which is significantly in excess of the City of Charleston's outstanding general obligation bonds.

Additional information on the City of Charleston's long-term debt can be found in Note IV.F. on pages 69 and 70 of this report.

Economic Factors and Next Year's Budget

Many factors are considered each year by the City Council in its efforts to establish an operating budget, to evaluate its personnel needs, and to develop fees that are fair, reasonable, and adequately recover costs. Some of the major factors considered in this process are the local economy, labor force, unemployment rate, and inflation rates.

The unemployment rate was at a ten year low during June at 4.7 percent. The average for the past twelve months was 4.2 percent and is currently at 3.4 percent. In addition, the last twelve months reflected increases in the labor market for construction and mining, professional and business services, and education and health services. Other sectors remained stable except for manufacturing and information which realized the most decline.

The occupancy rate of the government's central business district has remained at 85 to 90 percent for the past three years.

Inflationary trends in the region compare favorably to national indices.

In March 2008, the City of Charleston approved a balanced budget for the fiscal year 2009, with General Fund appropriations of $75,806,860, down by $2,290,748 from the final 2008 budget. The increase to the final budget for 2008 was mostly attributable to reappropriated amounts for unfinished projects from fiscal year 2007.

Requests for Information

This financial report is designed to provide a general overview of the City of Charleston's finances for all those with an interest in government's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the Office of the Controller (City Auditor), 501 Virginia Street, East, P.O. Box 2749, Charleston, WV 25330.

CITY OF CHARLESTON, WEST VIRGINIA
THE GOVERNMENT-WIDE STATEMENTS

The government-wide financial statements are presented on pages 28 through 31. A brief description of the City's discretely presented component units follows since these component units are presented only on these government-wide statements.

City of Charleston Sanitary Board is composed of a board and is a discretely presented component unit of the City. The Sanitary Board is responsible for governing the activity associated with providing sanitary sewerage services.

Charleston Urban Renewal Authority is composed of a separate board and is a discretely presented component unit of the City. The Authority is responsible for developing commercial property within the City.

City of Charleston Convention and Visitor's Bureau, Inc. was established in 1979 as a nonprofit corporation, is composed of a board and is a discretely presented component unit of the City. The primary purpose of the bureau is to operate a convention and visitors bureau for the Charleston, West Virginia area and to advance, stimulate, and promote exhibits, conferences, and conventions.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS
June 30, 2008

	Primary Government			Component Units		
	Governmental Activities	Business-type Activities	Total	Sanitary Board	Urban Renewal Authority	Convention & Visitor's Bureau
ASSETS						
Current assets:						
Cash & cash equivalents	$ 16,792,489	$ 1,255,348	$ 18,047,837	$ 3,263,524	$ 5,733,401	$ 954,852
Investments	1,385,315	--	1,385,315	--	--	--
Receivables:						
Accounts	4,001,931	176,481	4,178,412	1,178,799	2,328,233	227,731
Accrued interest	47,847	244	48,091	--	1,929	--
Taxes	11,213,047	--	11,213,047	--	--	--
Rents	--	--	--	--	1,302	--
Other	--	--	--	24,465	--	--
Loans	5,200,956	--	5,200,956	--	1,052,264	--
Grants	403,898	71,212	475,110	--	196,956	--
Internal balances	559,306	(559,306)	--	--	--	--
Due from:						
Component units	58,575	--	58,575	--	--	--
Inventories	--	--	--	48,231	--	81
Prepaid insurance and lease	859,405	209,003	1,068,408	273,227	585	2,629
Restricted assets:						
Regular account	--	296,202	296,202	1,843,514	--	--
Reserve account	--	--	--	5,188,213	--	--
Renewal and replacement	--	--	--	4,211,823	--	--
Reserve for bond retirement	--	607,866	607,866	--	--	--
Restricted cash	2,139,597	--	2,139,597	--	--	--
Reserve for construction	--	--	--	1,099,305	--	--
Reserve for health care	--	--	--	1,467,465	--	--
Customer deposits	--	62,929	62,929	--	--	--
Total current assets	42,662,366	2,119,979	44,782,345	18,598,566	9,314,670	1,185,293
Noncurrent assets						
Restricted:						
Revenue bond covenant accounts	--	1,151,869	1,151,869	--	--	--
Deferred charges	13,211	--	13,211	94,806	--	--
Capital assets not being depreciated:						
Land	7,450,037	4,366,447	11,816,484	1,432,257	7,740,763	--
Construction in progress	1,301,039	147,845	1,448,884	860,685	--	--
Capital assets being depreciated:						
Buildings and improvements	58,792,015	64,016,867	122,808,882	29,543,707	--	146,545
Vehicles	15,437,844	--	15,437,844	--	--	--
Infrastructure	77,041,582	--	77,041,582	--	--	--
Transmission and distribution	--	--	--	103,020,610	--	--

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS
June 30, 2008

	Primary Government			Component Units		
	Governmental Activities	Business-type Activities	Total	Sanitary Board	Urban Renewal Authority	Convention & Visitor's Bureau
Machinery & equipment	$ 14,073,063	$ 1,795,691	$ 15,868,754	$ 5,802,611	$ 20,754	$ 227,880
Less: accumulated depreciation	(86,393,398)	(44,900,752)	(131,294,150)	(43,559,143)	(15,895)	(193,218)
Total capital assets	87,702,182	25,426,098	113,128,280	97,100,727	7,745,622	181,207
Total noncurrent assets	87,715,393	26,577,967	114,293,360	97,195,533	7,745,622	181,207
Total assets	$ 130,377,759	$ 28,697,946	$ 159,075,705	$ 115,794,099	$ 17,060,292	$ 1,366,500
LIABILITIES						
Current liabilities:						
Current liabilities payable from current assets:						
Accounts payable	1,364,182	132,929	1,497,111	582,487	56,178	- -
Payroll payable	741,763	37,659	779,422	66,122	3,050	6,944
Other accrued expenses	36,946	4,504	41,450	- -	7,741	- -
Solicitation bonds payable	25,685	- -	25,685	- -	- -	- -
Benefits payable	60,709	8,949	69,658	156,492	- -	- -
Reserve for future insurance claims	655,000	35,000	690,000	- -	- -	- -
Due to:						
Primary government	- -	- -	- -	58,575	- -	- -
Current liabilities payable from restricted assets:						
Accrued bond interest payable	366,209	99,885	466,094	650,763	- -	- -
Accrued capital lease interest payable	510,918	- -	510,918	- -	- -	- -
Customer deposits	- -	80,770	80,770	- -	- -	- -
Deferred revenues:						
Unearned revenue	5,274,028	- -	5,274,028	- -	7,700	- -
Due within one year	9,009,844	1,326,303	10,336,147	2,049,023	26,700	
Total current liabilities	18,045,284	1,725,999	19,771,283	3,563,462	101,369	6,944
Noncurrent liabilities:						
Due in more than one year	68,026,411	13,667,361	81,693,772	67,192,031	- -	- -
Total noncurrent liabilities	68,026,411	13,667,361	81,693,772	67,192,031	- -	- -
Total liabilities	86,071,695	15,393,360	101,465,055	70,755,493	101,369	6,944

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS
June 30, 2008

	Primary Government			Component Units		
	Governmental Activities	Business-type Activities	Total	Sanitary Board	Urban Renewal Authority	Convention & Visitor's Bureau
NET ASSETS						
Invested in capital assets (net of related debt)	$ 69,648,983	$ 10,508,737	$ 80,157,720	$ 28,652,200	$ 7,745,622	$ 181,207
Restricted for:						
Debt service	3,912,531	2,055,937	5,968,468	11,888,646	--	--
Capital projects	5,900,528	--	5,900,528	--	--	--
Community development projects	2,476,291	--	2,476,291	--	--	--
Public safety and streets	859,627	--	859,627	--	--	--
Perpetual care:						
Expendable	553,215	--	553,215	--	--	--
Nonexpendable	1,011,273	--	1,011,273	--	--	--
Unrestricted	(40,056,384)	739,912	(39,316,472)	4,497,760	9,213,301	1,178,349
Total net assets	$ 44,306,064	$ 13,304,586	$ 57,610,650	$ 45,038,606	$ 16,958,923	$ 1,359,556

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF ACTIVITIES
For the Fiscal Year Ended June 30, 2008

		Program Revenues			Net (Expense) Revenues and Changes in Net Assets					
					Primary Government			Component Units		
Functions / Programs	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Total	Sanitary Board	Urban Renewal Authority	Convention & Visitor's Bureau
Primary government:										
Governmental activities:										
General government	$ 15,897,074	$ 3,535,513	$ 559,015	$ 102,682	$ (11,699,864)	$ --	$ (11,699,864)	$ --	$ --	$ --
Public safety	48,241,928	8,163,860	5,373,221	385,805	(34,319,042)	--	(34,319,042)	--	--	--
Streets and transportation	8,346,954	2,071,313	--	247,519	(6,028,122)	--	(6,028,122)	--	--	--
Health and sanitation	5,207,158	4,193,130	--	--	(1,014,028)	--	(1,014,028)	--	--	--
Culture and recreation	6,675,344	95,038	252,655	247,793	(6,079,858)	--	(6,079,858)	--	--	--
Interest on long-term debt	783,299	--	--	--	(783,299)	--	(783,299)	--	--	--
Social services	822,953	191,635	16,299	--	(615,019)	--	(615,019)	--	--	--
Economic development	2,995,622	--	3,340,438	488,176	832,992	--	832,992	--	--	--
Total governmental activities	88,970,332	18,250,489	9,541,628	1,471,975	(59,706,240)	--	(59,706,240)	--	--	--
Business-type activities:										
Civic Center	4,889,784	2,809,183	--	224,125	--	(1,856,476)	(1,856,476)	--	--	--
Parking System	3,140,715	3,808,861	--	--	--	668,146	668,146	--	--	--
Total business-type activities	8,030,499	6,618,044	--	224,125	--	(1,188,330)	(1,188,330)	--	--	--
Total primary government	$ 97,000,831	$ 24,868,533	$ 9,541,628	$ 1,696,100	(59,706,240)	(1,188,330)	(60,894,570)	--	--	--
Component units:										
Sanitary Board	14,203,918	14,413,883	--	9,911	--	--	--	219,876	--	--
Urban Renewal Authority	1,608,746	3,080,460	1,412,798	--	--	--	--	--	2,884,512	--
Convention & Visitor's Bureau	1,367,094	65,417	1,516,131	--	--	--	--	--	--	214,454
Total component units	$ 17,179,758	$ 17,559,760	$ 2,928,929	$ 9,911	--	--	--	219,876	2,884,512	214,454
General revenues:										
Ad valorem property taxes					10,355,037	--	10,355,037	--	--	--
Business & occupation tax					36,666,641	--	36,666,641	--	--	--
Alcoholic beverages tax					800,647	--	800,647	--	--	--
Utility services tax					2,307,808	--	2,307,808	--	--	--
Hotel occupancy tax					2,567,145	--	2,567,145	--	--	--
Amusement tax					187,168	--	187,168	--	--	--
Other taxes					60,277	--	60,277	--	--	--
Unrestricted investment earnings					336,531	157,601	494,132	627,413	270,810	--
Gain on sale of capital assets					129,838	--	129,838	--	--	--
Miscellaneous					--	--	--	163,892	--	--
Transfers					(1,192,468)	1,192,468	--	--	--	--
Total general revenues and transfers					52,218,624	1,350,069	53,568,693	791,305	270,810	--
Change in net assets					(7,487,616)	161,739	(7,325,877)	1,011,181	3,155,322	214,454
Net assets - beginning					51,793,680	13,142,847	64,936,527	44,027,425	13,803,601	1,145,102
Net assets - ending					$ 44,306,064	$ 13,304,586	$ 57,610,650	$ 45,038,606	$ 16,958,923	$ 1,359,556

The notes to the financial statements are an integral part of this statement.

THE CITY OF CHARLESTON

WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
GOVERNMENTAL FUND FINANCIAL STATEMENTS

Major Funds

General Fund This fund is used as the City's operating fund. It accounts for the financial resources and transactions that are not accounted for in other funds. The revenues are from taxes and other general revenues.

Coal Severance Tax Fund This special revenue fund accounts for revenues and expenditures from a severance tax placed on coal that is distributed to West Virginia counties. The State of West Virginia requires this fund to be presented separately for budgetary compliance requirements.

Community Development Fund This fund accounts for federal grants received from the U.S. Housing and Urban Development for the purpose of developing "viable urban communities", which are achieved by providing decent housing, a suitable living environment, and expanded economic opportunities principally for low-and moderate-income people.

HOME Fund This fund accounts for federal grants received from the U.S. Housing and Urban Development to provide forgivable, deferred mortgage loans to first-time homebuyers that meet income and credit guidelines.

Nonmajor governmental funds are presented in aggregate and then by fund type beginning on page 80.

CITY OF CHARLESTON, WEST VIRGINIA
BALANCE SHEET - GOVERNMENTAL FUNDS
June 30, 2008

	General	Coal Severance Tax	Community Development	HOME	Other Nonmajor Governmental Funds	Total Governmental Funds
ASSETS						
Cash and cash equivalents	$ 5,588,585	$ 61,725	$ 3,090	$ 427	$ 11,138,662	$ 16,792,489
Investments	- -	- -	- -	- -	1,385,315	1,385,315
Receivables:						
Taxes	11,098,675	- -	- -	- -	114,372	11,213,047
Accounts	3,531,478	- -		- -	470,453	4,001,931
Grants	- -	- -	140,612	9,351	253,935	403,898
Loans	- -	- -	1,465,114	3,458,234	277,608	5,200,956
Accrued interest	32,284	- -	1,745	- -	13,818	47,847
Due from:						
Other funds	1,040,661	- -	- -	- -	21,519	1,062,180
Component units	25,739	- -	- -	- -	32,836	58,575
Prepaid insurance	859,405	- -	- -	- -	- -	859,405
Restricted cash	190,551	- -	- -	- -	1,949,046	2,139,597
Total assets	$ 22,367,378	$ 61,725	$ 1,610,561	$ 3,468,012	$ 15,657,564	$ 43,165,240
LIABILITIES AND FUND BALANCES						
Liabilities:						
Accounts payable	733,629	- -	96,939	440	533,174	1,364,182
Payroll payable	741,763	- -	- -	- -	- -	741,763
Other accrued expenditures	36,946	- -	- -	- -	- -	36,946
Solicitation bonds payable	25,685	- -	- -	- -	- -	25,685
Benefits payable	60,709	- -	- -	- -	- -	60,709
Reserve for future insurance claims	655,000	- -	- -	- -	- -	655,000
Due to:						
Other funds	29,806	- -	43,606	8,911	420,550	502,873
Deferred revenues:						
Unearned revenue	102,423	- -	1,332,207	3,458,661	380,737	5,274,028
Taxes	406,484	- -	- -	- -	78,465	484,949
Total liabilities	2,792,445	- -	1,472,752	3,468,012	1,412,926	9,146,135

CITY OF CHARLESTON, WEST VIRGINIA
BALANCE SHEET - GOVERNMENTAL FUNDS
June 30, 2008

	General	Coal Severance Tax	Community Development	HOME	Other Nonmajor Governmental Funds	Total Governmental Funds
Fund balances:						
Reserved for:						
Encumbrances	$ 2,433,241	$ --	$ --	$ --	$ --	$ 2,433,241
Perpetual care	--	--	--	--	1,564,488	1,564,488
Debt service	190,551	61,725	--	--	3,660,255	3,912,531
Community development	--	--	137,809	--	2,338,482	2,476,291
Capital projects	1,243,786	--	--	--	4,656,742	5,900,528
Public safety and streets	671,166	--	--	--	188,461	859,627
Unreserved, reported in:						
General fund	15,036,189	--	--	--	--	15,036,189
Special revenue funds	--	--	--	--	1,836,210	1,836,210
Total fund balances	19,574,933	61,725	137,809	--	14,244,638	34,019,105
Total liabilities and fund balances	$ 22,367,378	$ 61,725	$ 1,610,561	$ 3,468,012	$ 15,657,564	$ 43,165,240

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET ASSETS
June 30, 2008

Total fund balances on the governmental fund's balance sheet	$	34,019,105
Amounts reported for governmental activities in the statement of net assets are different because:		
Capital assets used in governmental activities are not financial resources and, therefore, not reported in the funds.		87,702,182
Deferral of bond issuance cost which is amortized over the life of the bonds is not reported in the funds.		13,211
Certain revenues are not available to fund current year expenditures and, therefore, are deferred in the funds.		484,949
Long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds (Note II.A).		(77,913,383)
Net assets of governmental activities	$	44,306,064

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
GOVERNMENTAL FUNDS
For the Fiscal Year Ended June 30, 2008

	General	Coal Severance Tax	Community Development	HOME	Other Nonmajor Governmental Funds	Total Governmental Funds
REVENUES						
Taxes:						
Ad valorem property taxes	$ 8,884,761	$ --	$ --	$ --	$ 1,554,191	$ 10,438,952
Business & occupation tax	36,666,641	--	--	--	--	36,666,641
Alcoholic beverages tax	800,647	--	--	--	--	800,647
Utility services tax	2,307,808	--	--	--	--	2,307,808
Hotel occupancy tax	2,567,145	--	--	--	--	2,567,145
Animal tax	7,093	--	--	--	--	7,093
Gas and oil severance tax	53,184	--	--	--	--	53,184
Amusement tax	187,168	--	--	--	--	187,168
Licenses and permits	1,455,775	--	--	--	--	1,455,775
Intergovernmental:						
Federal	478,258	--	2,151,455	840,297	1,880,165	5,350,175
State	3,886,331	202,094	--	--	--	4,088,425
Charges for services	11,241,480	--	--	--	4,077,375	15,318,855
Fines and forfeits	--	--	--	--	1,206,087	1,206,087
Interest and investment earnings	338,357	903	20,918	--	418,807	778,985
Reimbursements	1,298,671	--	2,760	--	194,556	1,495,987
Payments in lieu of taxes	56,260	--	--	--	--	56,260
Contributions and donations	323,472	--	--	--	78,470	401,942
Miscellaneous	411,301	--	--	--	4,994	416,295
Total revenues	70,964,352	202,997	2,175,133	840,297	9,414,645	83,597,424
EXPENDITURES						
Current:						
General government	14,852,161	--	--	--	395,704	15,247,865
Public safety	36,972,969	--	--	--	1,142,218	38,115,187
Streets and transportation	7,794,833	--	--	--	720	7,795,553
Health and sanitation	4,143,185	--	--	--	1,105,669	5,248,854
Culture and recreation	5,816,312	--	--	--	--	5,816,312
Social services	768,542	--	--	--	60,328	828,870
Economic development	--	--	2,152,978	840,297	1,011,212	4,004,487
Debt service:						
Principal	446,291	--	--	--	1,315,000	1,761,291
Interest	431,020	--	--	--	442,654	873,674
Capital outlay:						
Highways and streets	--	--	--	--	1,980,606	1,980,606
Total expenditures	71,225,313	--	2,152,978	840,297	7,454,111	81,672,699

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
GOVERNMENTAL FUNDS
For the Fiscal Year Ended June 30, 2008

	General	Coal Severance Tax	Community Development	HOME	Other Nonmajor Governmental Funds	Total Governmental Funds
Excess (deficiency) of revenues over (under) expenditures	$ (260,961)	$ 202,997	$ 22,155	$ --	$ 1,960,534	$ 1,924,725
OTHER FINANCING SOURCES (USES)						
Transfers in	3,587,533	--	--	--	3,571,932	7,159,465
Transfers (out)	(4,385,727)	(192,776)	--	--	(3,769,163)	(8,347,666)
Sale of capital assets	136,957	--	--	--	--	136,957
Capital leases	2,326,542	--	--	--	--	2,326,542
Total other financing sources (uses)	1,665,305	(192,776)	--	--	(197,231)	1,275,298
Net change in fund balances	1,404,344	10,221	22,155	--	1,763,303	3,200,023
Fund balances - beginning	18,170,589	51,504	115,654	--	12,481,335	30,819,082
Fund balances - ending	$ 19,574,933	$ 61,725	$ 137,809	$ --	$ 14,244,638	$ 34,019,105

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
For the Fiscal Year Ended June 30, 2008

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balances - total governmental funds	$	3,200,023
Governmental funds report capital outlays as expenditures. However, in the statement of activities the costs of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlays in the current period (Note II.B).		(1,031,695)
In the statement of activities, only the gain on the sale of capital assets is reported. However, in the governmental funds, the proceeds from the sale increase financial resources. Thus, the change in net assets differs from the change in fund balance by the cost of the capital assets sold.		(7,119)
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds (Change in Deferred Taxes).		(83,915)
The issuance of long term debt (e.g, bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs, premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This amount is the net effect of these differences in the treatment of long-term debt and related items (Note II.B).		1,258,475
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds (Note II.B).		(10,823,385)
Change in net assets of governmental activities	$	(7,487,616)

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (BUDGETARY BASIS) - GENERAL FUND
For the Fiscal Year Ended June 30, 2008

	Budgeted Amounts		Actual	Adjustments		Variance With
	Original	Final	Modified Accrual Basis	Budget Basis	Actual Amounts	Final Budget Positive (Negative)
REVENUES						
Taxes:						
Property	$ 8,650,000	$ 8,650,000	$ 8,884,761	$ --	$ 8,884,761	$ 234,761
Business & occupation	34,250,000	34,073,736	36,666,641	(673,951)	35,992,690	1,918,954
Utility	2,250,000	2,250,000	2,307,808	--	2,307,808	57,808
Hotel motel	2,600,000	2,600,000	2,567,145	--	2,567,145	(32,855)
Alcoholic beverages	600,000	600,000	800,647	--	800,647	200,647
Amusement	175,000	175,000	187,168	--	187,168	12,168
Animal	6,000	6,000	7,093	--	7,093	1,093
Gas & oil severance	60,000	60,000	53,184	--	53,184	(6,816)
Licenses and permits	1,487,000	1,451,000	1,455,775	--	1,455,775	4,775
Charges for services	8,917,297	9,625,297	11,241,480	--	11,241,480	1,616,183
Intergovernmental:						
Federal	80,000	491,108	478,258	--	478,258	(12,850)
State	--	55,000	3,886,331	(3,886,331)	--	(55,000)
Interest and investment earnings	400,000	400,000	338,357	--	338,357	(61,643)
Reimbursements	1,319,117	1,414,117	1,298,671	--	1,298,671	(115,446)
Payments in lieu of taxes	7,000	7,000	56,260	--	56,260	49,260
Contributions and donations	288,000	386,263	323,472	--	323,472	(62,791)
Miscellaneous	444,600	450,277	411,301	--	411,301	(38,976)
Total revenues	61,534,014	62,694,798	70,964,352	(4,560,282)	66,404,070	3,709,272
EXPENDITURES						
General government:						
Medical & Life insurance	--	700,000	--	--	--	700,000
Mayor's office	314,477	482,978	375,093	--	375,093	107,885
City council	134,720	134,720	119,637	--	119,637	15,083
City manager	3,520,161	4,056,284	3,422,706	--	3,422,706	633,578
City treasurer	145,853	145,853	136,124	--	136,124	9,729
City collector	928,689	928,689	858,723	--	858,723	69,966
City clerk	152,844	152,844	148,730	--	148,730	4,114
Municipal court	396,965	408,780	401,946	--	401,946	6,834
Legal	931,617	2,541,851	921,594	--	921,594	1,620,257
Accounting	470,550	470,550	442,656	--	442,656	27,894
Engineering	836,371	836,371	573,411	--	573,411	262,960
MOECD	566,595	538,394	515,680	--	515,680	22,714
Human resources	492,425	492,425	455,504	--	455,504	36,921
Contributions to Main Street Program	25,000	25,000	25,000	--	25,000	--
Mail room	241,225	241,226	206,417	--	206,417	34,809
Building commission	628,795	650,795	602,558	--	602,558	48,237
Planning	514,343	514,343	500,567	--	500,567	13,776

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (BUDGETARY BASIS) - GENERAL FUND
For the Fiscal Year Ended June 30, 2008

	Budgeted Amounts		Actual	Adjustments		Variance With
	Original	Final	Modified Accrual Basis	Budget Basis	Actual Amounts	Final Budget Positive (Negative)
Information systems	$ 634,155	$ 634,155	$ 558,107	$ --	$ 558,107	$ 76,048
Building maintenance	1,505,729	1,505,729	2,018,632	--	2,018,632	(512,903)
Internal audit	83,020	83,020	82,663	--	82,663	357
Morris Square	--	--	115,513	--	115,513	(115,513)
Employee health clinic	--	--	196,145	--	196,145	(196,145)
Public works	283,295	283,296	263,205	--	263,205	20,091
Public grounds	1,326,852	1,326,852	1,273,130	--	1,273,130	53,722
Contingency	147,642	153,843	--	--	--	153,843
Total general government	14,281,323	17,307,998	14,213,741	--	14,213,741	2,394,257
Public safety:						
Police	14,830,094	15,001,872	16,714,780	(1,849,497)	14,865,283	136,589
Fire	15,132,149	15,249,869	17,054,897	(2,036,834)	15,018,063	231,806
Traffic engineering	1,049,442	1,049,442	1,002,204	--	1,002,204	47,238
C-K emergency services	145,743	145,742	119,489	--	119,489	26,253
Total public safety	31,157,428	31,446,925	34,891,370	(3,886,331)	31,005,039	441,886
Streets and transportation:						
Streets and transportation	3,858,053	3,956,357	3,743,978	--	3,743,978	212,379
Equipment maintenance	2,665,680	2,696,618	2,721,708	--	2,721,708	(25,090)
Total streets and transportation	6,523,733	6,652,975	6,465,686	--	6,465,686	187,289
Health and sanitation:						
Refuse collection & recycling	3,410,099	3,410,841	3,217,268	--	3,217,268	193,573
Kanawha-Charleston health	200,000	200,000	200,000	--	200,000	--
CARES	42,000	42,000	42,000	--	42,000	--
Total health and sanitation	3,652,099	3,652,841	3,459,268	--	3,459,268	193,573
Culture and recreation:						
Parks and recreation	2,982,689	2,978,139	2,457,355	--	2,457,355	520,784
Convention and visitor's bureau	1,300,000	1,323,670	1,333,730	--	1,333,730	(10,060)
Cultural/fairs/festivals	276,000	276,000	267,567	--	267,567	8,433
Contribution to Charleston YWCA	25,000	25,000	25,000	--	25,000	--
Festival Fund for the Arts	70,000	70,000	70,000	--	70,000	--
Municipal auditorium	242,512	242,512	217,419	--	217,419	25,093
Charleston Area Alliance	175,000	175,000	175,000	--	175,000	--
Library	875,000	850,000	850,000	--	850,000	--
Stadium Maintenance Reimb.	100,000	100,000	100,000	--	100,000	--
Appalachian Power Park	--	--	149,805	--	149,805	(149,805)
Total culture and recreation	6,046,201	6,040,321	5,645,876	--	5,645,876	544,250

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (BUDGETARY BASIS) - GENERAL FUND
For the Fiscal Year Ended June 30, 2008

	Budgeted Amounts		Actual Modified Accrual Basis	Adjustments Budget Basis	Actual Amounts	Variance With Final Budget Positive (Negative)
	Original	Final				
Social services:						
Spring hill cemetery	$ 569,689	$ 569,689	$ 533,684	$ --	$ 533,684	$ 36,005
Human rights	194,208	194,208	180,263	--	180,263	13,945
Contribution Tiskelwah Center	--	6,000	6,000	--	--	6,000
Total social services	763,897	769,897	719,947	--	719,947	49,950
Capital projects:						
General government	411,825	1,949,393	638,419	--	638,419	1,310,974
Public safety	1,614,177	2,697,284	2,081,599	--	2,081,599	615,685
Streets and transportation	783,261	1,109,277	1,329,147	--	1,329,147	(219,870)
Health and sanitation	582,990	749,079	683,917	--	683,917	65,162
Culture and recreation	51,556	235,044	170,437	--	170,437	64,607
Social services	34,445	48,595	48,595	--	48,595	--
Total capital projects	3,478,254	6,788,672	4,952,114	--	4,952,114	1,836,558
Debt service:						
Principal	446,823	446,823	446,291	--	446,291	532
Interest	429,288	429,288	429,820	--	429,820	(532)
Bond Service Charges	--	--	1,200	--	1,200	(1,200)
Total debt service	876,111	876,111	877,311	--	877,311	(1,200)
Total expenditures	66,779,046	73,535,740	71,225,313	(3,886,331)	67,338,982	5,646,563
Excess of revenues over (under) expenditures	(5,245,032)	(10,840,942)	(260,961)	(673,951)	(934,912)	9,906,030
OTHER FINANCING SOURCES (USES)						
Transfers in	3,700,000	3,792,450	3,587,533	--	3,587,533	(204,917)
Transfers out	(3,039,468)	(4,561,868)	(4,385,727)	--	(4,385,727)	176,141
Capital lease proceeds	1,434,500	2,328,000	2,326,542	--	2,326,542	(1,458)
Sale of capital assets	150,000	150,000	136,957	--	136,957	(13,043)
Total other financing sources (uses)	2,245,032	1,708,582	1,665,305	--	1,665,305	(43,277)
Net change in fund balance	(3,000,000)	(9,132,360)	1,404,344	(673,951)	730,393	9,862,753
Fund balance-beginning	3,000,000	9,132,360	18,170,589	(9,038,231)	9,132,358	(2)
Fund balance-ending	$ --	$ --	$ 19,574,933	$ (9,712,182)	$ 9,862,751	$ 9,862,751

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL - COAL SEVERANCE TAX FUND
For the Fiscal Year Ended June 30, 2008

	Budgeted Amounts			
	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
REVENUES				
Intergovernmental:				
State	$ 180,000	$ 180,000	$ 202,094	$ 22,094
Interest and investment earnings	125	125	903	778
Total revenues	180,125	180,125	202,997	22,872
Excess (deficiency) of revenues over (under) expenditures	180,125	180,125	202,997	22,872
OTHER FINANCING SOURCES (USES)				
Transfers (out)	(180,325)	(231,629)	(192,776)	38,853
Total other financing sources (uses)	(180,325)	(231,629)	(192,776)	38,853
Net change in fund balance	(200)	(51,504)	10,221	61,725
Fund balances - beginning	200	51,504	51,504	- -
Fund balances - ending	$ - -	$ - -	$ 61,725	$ 61,725

The notes to the financial statements are an integral part of this statement.

THE CITY OF CHARLESTON
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
PROPRIETARY FUND FINANCIAL STATEMENTS

Major Funds

Civic Center Fund This Enterprise Fund accounts for the operations of the Civic Center multi-purpose meeting, convention, and entertainment facility.

Parking System Fund This Enterprise Fund accounts for the operations of the City parking buildings, parking lots, and metered spaces.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS - PROPRIETARY FUNDS
June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
ASSETS			
Current assets:			
Cash and cash equivalents	$ 83,186	$ 1,172,162	$ 1,255,348
Receivables:			
Accounts	18	176,463	176,481
Interest	- -	244	244
Grants	71,212	- -	71,212
Due from:			
Other funds	- -	9,056	9,056
Prepaid insurance and lease	78,703	130,300	209,003
Restricted:			
Regular account	- -	296,202	296,202
Revenue bond covenant accounts	324,007	283,859	607,866
Customer deposits	62,929	- -	62,929
Total current assets	620,055	2,068,286	2,688,341
Noncurrent assets:			
Restricted:			
Revenue bond covenant accounts	- -	1,151,869	1,151,869
Capital assets not being depreciated:			
Land	300,000	4,066,447	4,366,447
Construction in progress	50,456	97,389	147,845
Capital assets being depreciated:			
Buildings and improvements	35,919,293	28,097,574	64,016,867
Machinery and equipment	863,229	932,462	1,795,691
Less: accumulated depreciation	(23,921,021)	(20,979,731)	(44,900,752)
Total capital assets (net of accumulated depreciation)	13,211,957	12,214,141	25,426,098
Total noncurrent assets	13,211,957	13,366,010	26,577,967
Total assets	$ 13,832,012	$ 15,434,296	$ 29,266,308

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS - PROPRIETARY FUNDS
June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
LIABILITIES			
Current liabilities:			
Accounts payable	$ 80,932	$ 51,997	$ 132,929
Benefits payable	17,290	26,659	43,949
Payroll payable	19,721	17,938	37,659
Other accrued expenses	4,504	- -	4,504
Compensated absences payable	44,966	31,337	76,303
Customer deposits payable	77,130	3,640	80,770
Due to:			
Other funds	568,362	- -	568,362
Accrued interest payable	71,564	28,321	99,885
Revenue bonds payable-current	280,000	970,000	1,250,000
Total current liabilities	1,164,469	1,129,892	2,294,361
Noncurrent liabilities:			
Revenue bonds payable (net of unamortized discount)	6,867,135	6,800,226	13,667,361
Total noncurrent liabilities	6,867,135	6,800,226	13,667,361
Total liabilities	8,031,604	7,930,118	15,961,722
NET ASSETS			
Invested in capital assets (net of related debt)	6,064,822	4,443,915	10,508,737
Restricted for debt service	324,007	1,731,930	2,055,937
Unrestricted	(588,421)	1,328,333	739,912
Total net assets	$ 5,800,408	$ 7,504,178	$ 13,304,586

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENSES AND
CHANGES IN FUND NET ASSETS - PROPRIETARY FUNDS
For the Fiscal Year Ended June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
Operating revenues:			
Sales and services to customers	$ 1,717,916	$ 3,796,367	$ 5,514,283
Rental fees	1,091,267	- -	1,091,267
Miscellaneous	- -	12,494	12,494
Total operating revenues	2,809,183	3,808,861	6,618,044
Operating expenses:			
Administrative and general	- -	1,785,542	1,785,542
Recreational	3,352,484	- -	3,352,484
Depreciation	1,069,683	867,655	1,937,338
Total operating expenses	4,422,167	2,653,197	7,075,364
Operating income (loss)	(1,612,984)	1,155,664	(457,320)
Nonoperating revenues (expenses):			
Investment earnings	30,138	127,463	157,601
Interest and fiscal charges	(467,617)	(487,518)	(955,135)
Total nonoperating revenues (expenses)	(437,479)	(360,055)	(797,534)
Income (loss) before contributions and transfers	(2,050,463)	795,609	(1,254,854)
Capital contributions	224,125	4,267	228,392
Transfers in	1,303,093	- -	1,303,093
Transfers (out)	(114,892)	- -	(114,892)
Change in net assets	(638,137)	799,876	161,739
Total net assets - beginning	6,438,545	6,704,302	13,142,847
Total net assets - ending	$ 5,800,408	$ 7,504,178	$ 13,304,586

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF CASH FLOWS - PROPRIETARY FUNDS
For the Fiscal Year Ended June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
Cash flows from operating activities:			
Receipts from customers and users	$ 2,868,867	$ 3,773,067	$ 6,641,934
Payments to suppliers	(1,907,791)	(721,911)	(2,629,702)
Payments to employees	(1,283,541)	(1,075,310)	(2,358,851)
Net cash provided (used) by operating activities	(322,465)	1,975,846	1,653,381
Cash flows from noncapital financing activities:			
Transfers in from other funds	388,165	- -	388,165
Net cash provided (used) by noncapital financing activities	388,165	- -	388,165
Cash flows from capital and related financing activities:			
Transfers from other funds for capital debt	733,298	- -	733,298
Transfers from other funds for capital projects	181,630	- -	181,630
Transfers to other funds for capital projects	(114,892)	- -	(114,892)
Capital contributions	224,125	- -	224,125
Acquisition and construction of capital assets	(354,716)	(142,417)	(497,133)
Principal paid on capital debt	(270,000)	(935,000)	(1,205,000)
Interest and fees paid on capital debt	(451,379)	(393,545)	(844,924)
Net cash provided (used) by capital and related financing activities	(51,934)	(1,470,962)	(1,522,896)
Cash flows from investing activities:			
Interest and dividends received	30,138	127,463	157,601
Net cash provided (used) by investing activities	30,138	127,463	157,601
Net increase (decrease) in cash and cash equivalents	43,904	632,347	676,251
Cash and cash equivalents, July 1, 2007 (including $300,515 and $1,688,562 in restricted)	363,289	2,271,745	2,635,034
Cash and cash equivalents, June 30, 2008 (including $324,007 and $1,731,930 in restricted)	$ 407,193	$ 2,904,092	$ 3,311,285

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF CASH FLOWS - PROPRIETARY FUNDS
For the Fiscal Year Ended June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
Reconciliation of operating income to net cash provided (used) by operating activities:			
Operating income (loss)	$ (1,612,984)	$ 1,155,664	$ (457,320)
Adjustments to reconcile operating income to net cash provided by operating activities:			
Depreciation expense	1,069,683	867,655	1,937,338
Decrease (increase) in accounts receivable	(71,230)	(27,809)	(99,039)
Decrease (increase) in due from other funds	76,880	(9,056)	67,824
Decrease (increase) in restricted deposits	11,844	- -	11,844
Decrease (increase) in prepaid insurance	(24,995)	5,169	(19,826)
Increase (decrease) in customer deposits	42,190	- -	42,190
Increase (decrease) in accounts payable	(44,546)	21,678	(22,868)
Increase (decrease) in payroll payable	2,893	5,856	8,749
Increase (decrease) in other accrued expenses	29	1,071	1,100
Increase (decrease) in due to other funds	227,771	(44,382)	183,389
Net cash provided by operations	$ (322,465)	$ 1,975,846	$ 1,653,381
Noncash investing, capital & financing activities:			
Contribution of capital asset from governmental fund	- -	4,267	4,267
	$ - -	$ 4,267	$ 4,267

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
FIDUCIARY FUND FINANCIAL STATEMENTS

Pension Trust Funds These funds are accounted for in essentially the same manner as proprietary funds using the accrual basis of accounting and account for the activities of the Public Safety Employees Retirement System, which accumulates resources for pension benefit payments to qualified public safety employees.

Policemen's Pension and Relief Fund This fund provides retirement benefits for substantially all full-time police employees and designated beneficiaries. The Board of Directors oversees the financial activities of the Pension Plan. The City is required to make annual contributions to the fund in accordance with West Virginia State Code which allows the City to contribute 108% of the previous year's contribution. The State also requires the pension plan to obtain an actuarial evaluation to determine solvency every three years. The Board may elect to obtain an actuarial evaluation in shorter intervals if deemed appropriate.

Firemen's Pension and Relief Fund This fund provides retirement benefits for substantially all full-time fire department employees and designated beneficiaries. The Board of Directors oversees the financial activities of the Pension Plan. The City is required to make annual contributions to the fund in accordance with West Virginia State Code which allows the City to contribute 108% of the previous year's contribution. The State also requires the pension plan to obtain an actuarial evaluation to determine solvency every three years. The Board may elect to obtain an actuarial evaluation in shorter intervals if deemed appropriate.

Agency Funds These funds are accounted for using the accrual basis of accounting and are used to account for assets that the City of Charleston, West Virginia holds for others in an agency capacity.

The individual Agency Fund descriptions and financial statements begin on page 105.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF FIDUCIARY NET ASSETS -
FIDUCIARY FUNDS
June 30, 2008

	Pension Trust Funds			
	Policemen's Pension and Relief	Firemen's Pension and Relief	Total Pension Trust Funds	Agency Funds
ASSETS				
Non-pooled cash	$ 2,496,075	$ 2,850,986	$ 5,347,061	$ 1,584,611
Total cash	2,496,075	2,850,986	5,347,061	1,584,611
Investments, at fair value:				
Federal government securities	2,995,224	1,088,076	4,083,300	- -
Managed bond funds	706,879	- -	706,879	- -
Managed stock funds	7,845,768	4,346,527	12,192,295	- -
Total investments	11,547,871	5,434,603	16,982,474	- -
Receivables:				
Interest	46,836	1,883	48,719	127
Accounts receivable	3,325	- -	3,325	32,055
Total receivables	50,161	1,883	52,044	32,182
Total assets	$ 14,094,107	$ 8,287,472	$ 22,381,579	$ 1,616,793
LIABILITIES				
Accounts payable	1,807	600	2,407	- -
Refunds payable and other	- -	- -	- -	1,616,793
Benefits payable	- -	448,795	448,795	- -
Total liabilities	1,807	449,395	451,202	1,616,793
NET ASSETS				
Net assets held in trust for pension benefits	$ 14,092,300	$ 7,838,077	$ 21,930,377	$ - -

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF CHANGES IN FIDUCIARY NET ASSETS - FIDUCIARY FUNDS
For the Fiscal Year Ended June 30, 2008

	Pension Trust Funds		
	Policemen's Pension and Relief	Firemen's Pension and Relief	Totals
ADDITIONS			
Contributions:			
Employer	$ 1,792,201	$ 2,827,560	$ 4,619,761
Plan members	713,672	702,322	1,415,994
State of West Virginia insurance premium surtax allocations	1,849,497	2,036,834	3,886,331
Total contributions	4,355,370	5,566,716	9,922,086
Investment earnings:			
Net increase (decrease) in fair value of investments	(1,256,692)	(651,314)	(1,908,006)
Interest and dividends	445,323	248,915	694,238
Less: investment expense	(119,384)	(68,492)	(187,876)
Net investment income	(930,753)	(470,891)	(1,401,644)
Total additions	3,424,617	5,095,825	8,520,442
DEDUCTIONS			
Benefits	4,872,987	5,428,301	10,301,288
Administrative expenses	29,694	9,976	39,670
Refunds of contributions	11,759	15,808	27,567
Total deductions	4,914,440	5,454,085	10,368,525
Change in net assets	(1,489,823)	(358,260)	(1,848,083)
Net assets held in trust for pension benefits:			
Beginning of year	15,582,123	8,196,337	23,778,460
End of year	$ 14,092,300	$ 7,838,077	$ 21,930,377

The notes to the financial statements are an integral part of this statement.

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of the City of Charleston, West Virginia, conform to generally accepted accounting principles as applicable to governmental units. The following is a summary of significant accounting policies:

A. Reporting Entity

The City of Charleston is a municipal corporation governed by an elected mayor and twenty-seven member council. The accompanying financial statements present the government and its component units as required by generally accepted accounting principles.

The services provided by the government and accounted for within these financial statements include law enforcement for the City, health and sanitation services, cultural and recreational programs, and other governmental services.

The accompanying financial statements present the government and its component units as required by the accounting principles generally accepted in the United States. In determining whether to include a governmental department, agency, commission or organization as a component unit, the government must evaluate each entity as to whether they are legally separate and financially accountable based on the criteria set forth by the Governmental Accounting Standards Board (GASB). Legal separateness is evaluated on the basis of: (1) its corporate name, (2) the right to sue and be sued and, (3) the right to buy, sell or lease and mortgage property. Financial accountability is based on: (1) the appointment of the governing authority and, (2) the ability to impose will or, (3) the providing of specific financial benefit or imposition of specific financial burden. Another factor to consider in this evaluation is whether an entity is fiscally dependent on the City of Charleston.

Blended Component Unit

The entity below is legally separate from the City and meets GAAP criteria for a component unit. This entity is blended with the primary government because it provides services entirely or almost entirely to the City.

The *City of Charleston Building Commission* serves the City of Charleston, West Virginia, and is governed by a board comprised of five members appointed by the City Council for a term of five years each. The Building Commission acquires property and debt on behalf of the City with the approval of the government's council and the legal liability for the general obligation portion of the Commission's debt remains with the government. The Commission does not issue separate financial statements.

Discretely Presented Component Units

Discretely presented component units are entities which are legally separate from the City, but are financially accountable to the City, or whose relationship with the City is such that exclusion would cause the City's financial statements to be misleading or incomplete. Because of the nature of services they provide and the City's ability to impose its will on them or a financial benefit/burden relationship exists, the following component units are discretely presented in accordance with generally accepted accounting principles. The discretely presented component units are presented on the government-wide statements.

The *City of Charleston Sanitary Board* serves all the citizens of the City of Charleston and is governed by a three member board comprised of the Mayor and two members of council. The rates for user charges and bond issuance authorizations are approved by the government's elected council.

The *City of Charleston Urban Renewal Authority* serves the City of Charleston, West Virginia, and is governed by a board comprised of members appointed by the City. The bond issuance authorizations are approved by the government's elected council. The City of Charleston Urban Renewal Authority derives its income from the leasing of developed properties.

The *City of Charleston Convention and Visitor's Bureau, Inc*. was established in 1979, as a nonprofit corporation. The Bureau is governed by a board comprised of members stipulated to be no less than fifteen but no more than nineteen which consists of three permanent members (the City of Charleston Civic Center Manager, Director of Yeager Airport, and Mayor of the City of Charleston) and the remainder of the board members are appointed by the City Council. The primary purpose of the bureau is to operate a convention and visitor's bureau for the Charleston, West Virginia area and to advance, stimulate, and promote exhibits, conferences and conventions. The bureau derives most of its revenue from hotel room taxes. The City of Charleston contributes 50% of the Hotel Occupancy Taxes collected to the Bureau. If these taxes were discontinued, the bureau's ability to continue in business would be threatened.

Complete financial statements for each of the individual component units can be obtained at the entity's administrative offices.

B. Government-wide and Fund Financial Statements

The government-wide financial statements (i.e, the statement of net assets and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements; however, if applicable, interfund services provided and used are not eliminated in the process of consolidation. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from certain legally separate component units for which the primary government is financially accountable.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function and, 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. Nonmajor governmental funds are combined into a single column.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund and fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied and collectible. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collectible within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, claims, and judgments, are recorded only when payment is due.

Property taxes, franchise taxes, interest and special assessments are susceptible to accrual. Also, certain taxpayer-assessed revenues such as business and occupation and utility taxes are accrued as revenue at year end. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. Other receipts and taxes become measurable and available when cash is received by the government and are recognized as revenue at that time.

Entitlements and shared revenues are recorded at the time of receipt or earlier if the susceptible to accrual criteria are met. Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other grant requirements have been met.

The government reports the following major governmental funds:

The *General Fund* is the government's primary operating fund. It accounts for all financial sources of the general government, except those required to be accounted for in another fund.

The *Coal Severance Tax Fund*, a special revenue fund, accounts for revenues and expenditures from a severance tax placed on coal that is distributed to West Virginia counties.

The *Community Development Fund*, a special revenue fund, accounts for federal grants received from the U.S. Housing and Urban Development for the purpose of developing "viable urban communities", which are achieved by providing decent housing, a suitable living environment, and expanded economic opportunities principally for low-and moderate income people.

The *HOME Fund*, a special revenue fund, accounts for federal grants received from the U.S. Housing and Urban Development to provide forgivable, deferred mortgage loans to first-time homebuyers that meet income and credit guidelines.

The government reports the following major proprietary funds:

The *Civic Center Fund* is a large multi-purpose meeting, convention and entertainment facility. The Civic Center/Auditorium Board was created in 1953, to supervise, operate and maintain the Civic Center and the Municipal Auditorium. The Board is appointed by the mayor with approval of City Council. This fund accounts for the receipts and expenses of the operations of this facility.

The *Parking System Fund* consists of parking buildings, parking lots and metered spaces. The City has delegated a special committee of the Council, designated as the Parking Facilities Committee composed of the mayor and members of the finance committee of council, to promulgate rules and regulations governing the usage of all the parking facilities. This fund accounts for all receipts and expenses of operating the parking system.

Additionally, the government reports the following fund types:

The *Pension Trust Funds* account for the activities of the Public Safety Employees Retirement System, which accumulates resources for pension benefit payments to qualified public safety employees. These funds are accounted for in essentially the same manner as the proprietary funds, using the accrual basis of accounting.

The *Agency Funds* account for assets held by the City of Charleston, West Virginia for others in a custodial capacity. The two Civic Center Agency Funds account for revenues from event ticket sales, subsequently dispersed to promoters, and for State grant revenues for advertising subsequently dispersed to advertising vendors. The police agency funds account for forfeited funds and confiscated property subsequently dispersed upon court order to the appropriate party. Agency funds are accounted for using the accrual basis of accounting and do not present results of operations or have a measurement focus.

The City of Charleston, West Virginia follows GASB guidance as applicable to proprietary funds and FASB Statements and Interpretations, Accounting Principles Board Opinions and Accounting Research Bulletins issued on or before November 30, 1989, that do not conflict with GASB Pronouncements in both the government-wide and proprietary fund financial statements.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. However, if applicable, interfund services provided and used are not eliminated in the process of consolidation.

Amounts reported as program revenues include: 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services in connection with a proprietary fund's principal ongoing operations. The principal operating revenue of the Civic Center and Parking System (enterprise funds) and the Sanitary Board, Urban Renewal Authority, and Convention and Visitor's Bureau (discretely presented component units) are charges to customers for services. Operating expenses for the enterprise funds include the cost of services, administrative expenses, and depreciation of capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

D. Assets, Liabilities, and Net Assets or Equity

1. Deposits and Investments

The City of Charleston, West Virginia's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of less than three months from the date of acquisition. For purposes of the Statement of Cash Flows, restricted assets may be considered cash equivalents based on liquidity.

In accordance with generally accepted accounting principles, the City reports its investments at fair value, except for non-participating investment contracts (certificates of deposit and repurchase agreements) which are reported at cost, which approximates fair value. All investment income, including changes in fair value of investments, are recognized as revenue in the operating statement. Fair value is determined by quoted market prices.

Short-term investments are reported at cost, which approximates fair value. Securities traded on a national or international exchange are valued at the last reported sales price at current exchange rates. Managed funds related to the retirement systems not listed on an established market are reported at estimated fair value as determined by the respective fund managers based on quoted sales prices of underlying securities. Cash deposits are reported at carrying amount, which reasonably estimates fair value. The composition of investments and fair values are presented in Note IV.A.

State statutes authorize the government to invest in the State Investment Pool or the Municipal Bond Commission or to invest such funds in the following classes of securities: Obligations of the United States or any agency thereof, certificates of deposit (which mature in less than one year), general and direct obligations of the State of West Virginia; obligations of the federal mortgage association; indebtedness secured by first lien deeds of trust for property situated within this State if the payment is substantially insured or guaranteed by the federal government; pooled mortgage trusts (subject to limitations); indebtedness of any private corporation that is properly graded as in the top two or three highest rating grades; interest earning deposits which are fully insured and collateralized; and mutual funds registered with the S.E.C. which have fund assets over three hundred million dollars.

State statute limitations concerning the aforementioned investments include the following: at no time can investment portfolios consist of more than seventy-five percent of the indebtedness of any private corporation nor can the portfolio have more than nine percent invested in securities issued by a single private corporation or association; and at no time can more than sixty percent of the portfolio be invested in equity mutual funds.

Municipal Pension Funds are governed as to type of investments by *West Virginia Code §8-22-22.* Pension funds are permitted to invest in all of the above mentioned types of investments with the exceptions of: (1) Direct and general obligations of the State and (2) Pooled mortgage trusts. Additionally, pension funds are permitted to invest funds in the following categories of investments: (1) Repurchase agreements and (2) Common stock, securities convertible into common stocks, or warrants and rights to purchase such securities. Pension funds have different rules concerning the purchase of marketable debt securities.

The following restrictions apply only to pension portfolios and are separate and distinct from the limitations mentioned above: (1) fixed income securities which are issued by one issuer (with the exception of the United States government) are not to exceed ten percent of the total pension fund assets; and (2) at no time can the equity portion of the portfolio exceed sixty percent of the total portfolio.

2. Receivables and Payables

Interfund Transactions

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "interfund receivables or payables" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the non-current portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds." Any residual balance outstanding between the governmental activities and the business-type activities are reported in the government-wide financial statements as "internal balances."

Trade Receivables

All trade receivables are shown at their gross value and, where appropriate, are reduced by the estimated portion that is expected to be uncollectible.

Property Tax Receivable

The property tax receivable is equal to 75 percent of the property taxes outstanding at June 30, 2008.

All current taxes assessed on real and personal property have a levy date of the 3rd Tuesday in April of each year. The due date for the taxes is September 1st for the first half and March 1st for the second half of the year. The lien date in which the sheriff has a legal right to collect is between October 14th and November 23rd of each year. Taxes paid on or before the date when they are payable, including both first and second installments, are subject to a discount of two and one-half percent. If the taxes are not paid on or before the date in which they become delinquent, including both first and second installments, interest at the rate of nine percent per annum is added from the date they become delinquent until the date they are paid. The City receives from the County its portion of property taxes for current, excess, and bond levies each month for the preceding month collections.

All municipalities within the state are authorized to levy taxes not in excess of the following maximum levies per $100 of assessed valuation: On Class I property, twelve and five-tenths cents (12.5 cents); On Class II property, twenty-five cents (25 cents); On Class IV property, fifty cents (50 cents). In addition, municipalities may provide for an election to lay an excess levy; the rates not to exceed statutory limitations, provided at least sixty percent of the voters cast ballots in favor of the excess levy.

The rates levied by the City per $100 of assessed valuation for each class of property for the fiscal year ended June 30, 2008, were as follows:

Class of Property		Assessed Valuation For Tax Purposes	Current Expense	Excess Levy	Bond Purposes
Class I	$	29,755	5.75 cents	5.03 cents	1.84 cents
Class II	$	1,053,556,896	11.50 cents	10.06 cents	3.67 cents
Class IV	$	1,598,249,819	23.00 cents	20.12 cents	7.34 cents

The City of Charleston, West Virginia held a special election on May 6, 2007. The City was authorized to lay an excess levy to provide approximately $3,958,752 annually during the next four fiscal years ended June 30, 2008, through June 30, 2011, for the purpose of subsidizing the payment of current governmental expenses.

3. Prepaid Items

Certain payments to vendors for liability insurance and leases reflect costs applicable to future accounting periods and are recorded as prepaid items.

4. Restricted Assets

Certain assets of the Civic Center and Parking System enterprise fund revenue bonds as well as certain proceeds set aside for their repayment are classified as restricted assets because their use is limited by applicable bond covenants. Certain assets of the Solid Waste, a governmental special revenue fund, are restricted for solid waste landfill closure expenditures.

The "regular" account is used to segregate resources accumulated for debt service payments over the next twelve months.

The "restricted cash" account is used to report resources set aside to pay for potential solid waste capital expenditures.

The "reserve for bond retirement" account is used to segregate resources accumulated for debt service payments.

The "customer deposit" account is used to report the segregation of returnable cash deposits from customers of the utility upon initial receipt of the service.

5. Capital Assets and Depreciation

Capital assets, which include property, plant, and equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of $5,000 or more and estimated to have a useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the assets or materially extend assets lives are not capitalized.

Major outlays for capital assets and improvements are capitalized in proprietary funds as projects are constructed. Interest incurred during the construction phase of proprietary fund capital assets is reflected in the capitalized value of the asset constructed, net of interest earned on the invested proceeds during the same period.

Capital assets of the primary government, as well as the component units, are depreciated using the straight-line method over the following estimated useful lives:

Assets	Years
Buildings	40
System infrastructure, transmission and distribution	40-50
Equipment	05-10
Vehicles	03-05
Office and computer equipment	05

6. Compensated Absences

It is the government's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. All vacation pay is accrued when incurred in the government-wide, proprietary, and fiduciary fund financial statements. There is no liability for unpaid accumulated sick leave since the government does not have a policy to pay any amounts when employees separate from service with the government.

When a permanent full time employee retires, the employee may elect to have any accrued sick leave converted to insurance benefits based on the formula of two days sick leave for one month single coverage insurance premium or three days sick leave for one month family coverage insurance premium. A liability has been accrued for all employees who have actually retired at June 30, 2008, converted accrued sick leave to insurance premiums, and the actual costs to the City has been calculated. The accrued benefit for June 30, 2008, was $492,585.

7. Long-term Obligations

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net assets. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and amortized over the term of the related debt.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

8. Fund Equity

In the fund financial statements, governmental funds report reservations of fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for a specific purpose. The City first applies restricted resources when an expense is incurred for purposes for which both restricted and unrestricted net assets are available. Designations of fund balance represent tentative management plans that are subject to change.

II. RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

A. Explanation of Certain Differences Between the Governmental Fund Balance Sheet and the Government-wide Statement of Net Assets

The governmental fund balance sheet includes a reconciliation between fund balance total governmental funds and net assets-governmental activities as reported in the government-wide statement of net assets. One element of that reconciliation explains that "long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds." The details of this $77,913,383 difference are as follows:

Bonds payable:	$	(6,805,337)
Less: issuance cost (to be amortized as interest expense)		13,211
Accrued interest payable		(877,128)
Capital leases payable		(11,261,072)
Claims and judgments		(4,318,101)
Compensated absences		(1,718,193)
Net pension obligation		(52,946,763)
Net adjustment to decrease fund balance-total governmental funds to arrive at net assets-governmental activities	$	(77,913,383)

B. Explanation of Certain Differences Between the Governmental Fund Statement of Revenues, Expenditures, and Changes in Fund Balance and the Government-wide Statement of Activities

The governmental fund statement of revenues, expenditures, and changes in fund balances includes a reconciliation between net changes in fund balances-total governmental funds and changes in net assets of governmental activities as reported in the government-wide statement of activities. One element of that reconciliation explains that, "Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets are allocated over their estimated useful lives and reported as depreciation expense. This is the amount that depreciation expense exceeded capital outlays for the current period." The details of the $1,031,695 difference are as follows:

Capital outlays	$	6,096,365
Depreciation expense		(7,128,060)
Net adjustment to decrease net change in fund balance-total governmental funds to arrive at changes in net assets of governmental activities	$	(1,031,695)

Another element of that reconciliation states that, "The issuance of long-term debt (i.e. bonds, leases) provide current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs, premiums, discounts and similar items when debt is first issued, whereas, these amounts are deferred and amortized in the statement of activities." The details of this $1,258,475 difference are as follows:

Debt issued or incurred:		
Capital lease financing	$	(2,328,000)
Principle repayments:		
General obligation, revenue bonds, and capital leases		3,496,100
Reduction of accrued interest expense		90,375
Net adjustment to increase net changes in fund balances-total governmental funds to arrive at changes in net assets of governmental activities	$	1,258,475

Another element of that reconciliation states that, "Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds." The details of this $10,823,385 difference are as follows:

Compensated absences	$	(90,788)
Claims and judgments		482,956
Net pension obligation		(11,215,553)
Net adjustment to decrease net changes in fund balances-total governmental funds to arrive at changes in net assets of governmental activities	$	(10,823,385)

Another element of reconciliation is the difference of $4,267 in the amount of transfers between the fund level and the government-wide level. This difference is due to transfers that consisted of nonfinancial resources (capital assets) transferred from governmental funds to proprietary funds. The governmental funds did not record the transfer because only financial resources are accounted for in a governmental fund; however, the proprietary funds recorded the transaction not as a transfer but as capital contribution revenue in the lower portion of their operating statements. Even though the transfers are not presented in the governmental funds it must be presented as transfers in the governmental activities column in the statement of activities. Consequently, the amount of transfers from the fund level to the government-wide level increased in the amount of $4,267.

III. STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

Budgetary Information

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for the General Fund and the Coal Severance Tax Special Revenue Fund, except that business and occupation taxes are not reported on the modified accrual basis for budgetary purposes. All annual appropriations lapse at fiscal year end.

The City of Charleston, West Virginia prepares its budget on the cash/cash plus encumbrances basis of accounting. Therefore, a reconciliation has been performed on the Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual (Budgetary Basis) for the General Fund.

The governing body of the City is required to hold a meeting or meetings between the seventh and twenty-eighth days of March to ascertain the financial condition of the City and to prepare the levy estimate (budget) for the fiscal year commencing July 1. The budget is then forthwith submitted to the State Auditor for approval. The governing body then reconvenes on the third Tuesday in April to hear objections from the public and formally lay the levy.

The appropriated budget is prepared by fund, function, and department. The legal level of budgetary control is the department. Transfers of appropriations between departments and revenue related revisions to the budget require approval from the governing council and then submission to the State Auditor for approval. Revisions become effective when approved by the State Auditor and budgeted amounts in the financial statements reflect only such approved amounts. The governing body made the following material supplementary budgetary appropriations throughout the year:

Amount	Description
$ 3,026,045	General Government Expenditure Increase
3,310,418	Capital Projects Expenditure Increase

Encumbrance accounting is employed as an extension of the formal budgetary process. Encumbrances (e.g. purchase orders, contracts) are reported as reservations of fund balance and do not constitute expenditures or liabilities because the commitments will be reappropriated and honored during the subsequent year.

WV Code 11-8-26 states in part that "...a local fiscal body shall not expend money or incur obligations: (1) In an unauthorized manner; (2) For an unauthorized purpose; (3) In excess of the amount allocated to the fund in the levy order; (4) In excess of the funds available for current expenses...". The municipal officials of the City of Charleston incurred expenditures for certain items in the General Fund in excess of the amounts allocated for those items in the official levy estimate (budget) as last revised. Specifically, expenditures in the following categories exceeded budgeted amounts: General Government $824,561; Streets and Transportation $25,000; Culture and Recreation $159,865; Capital Projects $219,870; and Debt Service $1,732. However, the total expenditures of the General Fund did not exceed the total appropriations. This noncompliance occurred because the City failed to submit the Council approved budget revisions to the State Auditor's Office by the required deadline. Subsequent to year end the management of the City of Charleston has implemented additional policies and procedures that will ensure compliance with budgetary requirements.

A reconciliation from the budgetary basis to the GAAP Modified Accrual Fund Basis is due to the recording of business and occupation tax revenues on the cash basis for budgetary purposes and the accrual basis for GAAP purposes in the amount of $673,951 is as follows:

	Net Change in Fund Balance	Fund Balance
Budgetary Basis	$ 730,393	$ 9,862,751
Basis of Accounting Difference	673,951	9,712,182
GAAP Basis	$ 1,404,344	$ 19,574,933

IV. DETAILED NOTES ON ALL FUNDS

A. Deposits and Investments

At year end, the government had the following investments:

		Credit Risk Rating	
Primary Government	Fair Value	Standard & Poor's and Fitch	Moody's Investment Services
State Investment Management Board pool	$ 1,808,436	AAA	AAA
Repurchase Agreements-FNMA	988,225	Not Rated	Not Rated
U.S. Government Agency Securities	475,235	Not Rated	Aaa
Corporate Bonds-Merrill Lynch	114,579	Not Rated	A1
Corporate Bonds-Bank America Corp	98,209	Not Rated	Aa2
Corporate Bonds-General Electric	144,015	Not Rated	Aaa
Mutual Bond Fund	103,536	Not Rated	Not Rated
Total Rated Securities	3,732,235		
Total Unrated Securities	449,741		
	$ 4,181,976		

Policemen's Pension and Relief			
U.S. Government Agency Securities	$ 2,231,157	AAA	Not Rated
FHLMC-Mortgage/Asset Backed	523,249	Not Rated	Not Rated
FNMA-Mortgage/Asset Backed	240,818	Not Rated	Not Rated
Corporate Bonds-Bank America Corp	505,515	AA	AA2
Corporate Bonds-JP Morgan & Company	201,364	A+	AA3
Total Rated Securities	3,702,103		
Total Unrated Securities	7,845,768		
	$ 11,547,871		
Firemen's Pension and Relief			
U.S. Government Agency Securities	$ 1,088,076	AAA	Not Rated
Total Rated Securities	1,088,076		
Total Unrated Securities	4,346,527		
	$ 5,434,603		
Civic Center Ticket Agency Fund			
Repurchase Agreement	$ 676,000	Not Rated	AAA

The City's investment in the State Investment Management Board Investment Pool includes funds held at the Municipal Bond Commission (Commission) for the City's General Obligation Bond and for the Parking System and Civic Center, Proprietary Funds, revenue bond issuances. The West Virginia Legislature created this Commission to act as the fiscal agent/trustee for the bond issuances of the State and its political subdivisions. The oversight of the Commission is the State Treasurer's Office, the State Auditor's Office, and other financial professionals not associated with government. For seventy-six years, the Legislature has made a blanket appropriation annually to cover possible deficiencies that could arise in State and general obligation sinking fund accounts. Standard & Poor has recognized this annual Legislative appropriation and the Commission's management as a Credit Enhancement Program, and has awarded all West Virginia general obligation administered by the Commission a minimum rating of AA-. The City's fair value position in the pool is the same as the value of the pool shares.

Credit Risk

It's the government's policy to limit its investments as stated in the West Virginia State Code §8-13-22a and c and §8-22-22 and §8-22-22a. The specific investments allowed for municipal and pension investments are fully described with all applicable limitations in Note I.D.1. The government does not have a policy for credit risk in addition to governing statutes. As of June 30, 2008, the government's investments were rated using Standard & Poor's and Fitch and Moody's Investment Services.

Interest Rate Risk

The City of Charleston has adopted the provisions of West Virginia Code §8-13-22a and c and §8-22-22 and §8-22-22a (for policemen and firemen's pension plans) as it's investment policy, the specific provisions of which are more fully described in Note I.D.1. The government does not have a policy for interest rate risk in addition to the governing West Virginia statutes.

Security Type	Fair Value	Less than 1 Year	1-5	6-10	More than 10 Years
Primary Government:					
State Investment Management Board Pool	$ 1,808,436	$ 1,808,436	$ -	$ -	$ -
Repurchase Agreements	988,225	988,225	-	-	-
U.S. Government Agencies	475,235	-	475,235	-	-
Corporate Bonds-Bank of America	98,209	-	98,209	-	-
Corporate Bonds-Merrill Lynch	114,579	114,579	-	-	-
Corporate Bonds-General Electric	144,015	-	96,425	-	47,590
Mutual funds	103,536	103,536	-	-	-
Policemen's Pension & Relief Fund:					
U.S. Government Agency Securities	2,231,157	1,230,817	1,000,340	-	-
FHLMC-Mortgage/Asset Backed	523,249	-	41,234	218,502	263,513
FNMA-Mortgage/Asset Backed	240,818	-	-	-	240,818
Corporate Bonds-Bank of America	505,515	505,515	-	-	-
Corporate Bonds-JP Morgan & Co.	201,364	201,364	-	-	-
Firemen's Pension & Relief Fund:					
U.S. Government Agency Securities	1,088,076	-	500,265	587,811	-
Civic Center Ticket Agency Fund:					
Repurchase Agreement	676,000	676,000	-	-	-
Totals	$ 9,198,414	$ 5,628,472	$ 2,211,708	$ 806,313	$ 551,921

Concentration of Credit Risk

The government has adopted the provisions contained in West Virginia Code §8-13-22a and c and §8-22-22 and §8-22-22a as it's investment policy which does not allow for an investment in any one issuer that is in excess of nine percent of the government's total investment or ten percent of the pension fund total investment. Other limitations on investments are more fully described in Note I.D.I. The government does not have a policy for concentration of credit risk in addition to governing West Virginia statutes. Any investment in one issuer of five percent or greater must be disclosed in accordance with GAAP. The Police Pension Fund had two common stock investments in ISHARES RUSSELL MIDCAP Growth Index and ISHARES RUSSELL MIDCAP Value Index that were six percent and six percent, respectively, of the total portfolio; and Spring Hill Cemetery had three corporate bond investments in Bank America Corporation, General Electric and Merrill Lynch that were six, nine, and seven percent, respectively, of the total portfolio and one mutual fund investment in Federated Ultrashort that was six percent of the total portfolio at June 30, 2008.

Custodial Credit Risk

The City of Charleston's deposits with financial institutions are fully insured or collateralized by securities held in the government's name.

B. Receivables

Receivables at year end for the government's individual major funds and nonmajor, and fiduciary funds in the aggregate, including applicable allowances for uncollectible accounts, are as follows:

	General	Community Development	HOME	Parking System	Civic Center
Receivables:					
Accounts	$ 4,197,196	$ -	$ -	$ 197,963	$ 18
Accrued interest	32,284	1,745	-	242	-
Taxes	11,538,347	-	-	-	-
Loans	-	1,953,485	3,458,234	-	-
Grants	-	140,612	9,351	-	71,212
Gross receivables	15,767,827	2,095,842	3,467,585	198,205	71,230
Less: allowance for uncollectible	(1,105,390)	(488,371)	-	(21,500)	-
Net total receivables	$ 14,662,437	$ 1,607,471	$ 3,467,585	$ 176,705	$ 71,230

	Nonmajor Funds and Fiduciary Funds	Total
Receivables:		
Accounts	$ 2,668,487	$ 7,063,664
Accrued interest	62,664	96,935
Taxes	152,496	11,690,843
Loans	332,672	5,744,391
Grants	254,135	475,310
Gross receivables	3,470,454	25,071,143
Less: allowance for uncollectible	(2,256,042)	(3,871,303)
Net total receivables	$ 1,214,412	$ 21,199,840

Governmental funds report deferred revenue in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period. Governmental funds also defer revenue recognition in connection with resources that have been received, but not yet earned. At the end of the current fiscal year, the various components of deferred revenue and unearned revenue reported in the governmental funds were as follows:

	Unavailable	Unearned
Property Taxes	$ 484,949	$ -
Prepaid License Fees , Cemetery Fees, and Recycling Grant (general fund)	-	102,423
Grant drawdowns prior to meeting all eligibility requirements	-	5,171,605
Total deferred/unearned revenue for governmental funds	$ 484,949	$ 5,274,028

C. Capital Assets

Capital asset activity for the fiscal year ended June 30, 2008, was as follows:

	Primary Government			
	Beginning Balance	Increases	Decreases	Ending Balance
Governmental activities:				
Capital assets, not being depreciated:				
Land	$ 7,420,037	$ 30,000	$ -	$ 7,450,037
Construction in progress	456,164	1,738,601	(893,726)	1,301,039
Total capital assets not being depreciated	7,876,201	1,768,601	(893,726)	8,751,076
Capital assets being depreciated:				
Buildings and improvements	44,804,080	632,302	(3,190)	45,433,192
Structures and improvements	13,357,337	1,486	-	13,358,823
Machinery and equipment	12,476,484	1,570,472	(278,110)	13,768,846
Vehicles	14,605,698	1,857,822	(1,025,676)	15,437,844
Furniture	303,308	5,875	(4,966)	304,217
Infrastructure	75,888,048	1,153,534	-	77,041,582
Total capital assets being depreciated	161,434,955	5,221,491	(1,311,942)	165,344,504
Less accumulated depreciation:				
Buildings and improvements	(13,760,742)	(1,137,843)	3,190	(14,895,395)
Structures and improvements	(5,642,556)	(526,003)	-	(6,168,559)
Machinery and equipment	(9,520,877)	(1,060,228)	270,990	(10,310,115)
Vehicles	(10,465,007)	(1,518,852)	1,025,676	(10,958,183)
Furniture	(202,190)	(34,790)	4,966	(232,014)
Infrastructure	(40,978,789)	(2,850,343)	-	(43,829,132)
Total accumulated depreciation	(80,570,161)	(7,128,059)	1,304,822	(86,393,398)
Total capital assets being depreciated, net	80,864,794	(1,906,568)	(7,120)	78,951,106
Governmental activities capital assets, ne	$ 88,740,995	$ (137,967)	$ (900,846)	$ 87,702,182

	Beginning Balance	Increases	Decreases	Ending Balance
Business-type activities:				
Capital assets, not being depreciated:				
Land	$ 4,366,447	$ -	$ -	$ 4,366,447
Construction in progress	129,069	445,204	(426,428)	147,845
Total capital assets, not being depreciated	4,495,516	445,204	(426,428)	4,514,292
Capital assets being depreciated:				
Buildings and improvements	63,001,924	247,371	-	63,249,295
Structures and improvement	767,572	-	-	767,572
Machinery and equipment	1,384,277	235,253	-	1,619,530
Vehicles	176,161	-	-	176,161
Total capital assets being depreciated	65,329,934	482,624	-	65,812,558
Less accumulated depreciation:				
Buildings and improvements	(41,598,777)	(1,780,873)	-	(43,379,650)
Structures and improvements	(259,682)	(27,888)	-	(287,570)
Machinery and equipment	(1,008,482)	(94,936)	-	(1,103,418)
Vehicles	(96,473)	(33,641)	-	(130,114)
Total accumulated depreciation	(42,963,414)	(1,937,338)	-	(44,900,752)
Total capital assets being depreciated, net	22,366,520	(1,454,714)	-	20,911,806
Business-type activities capital assets, net	$ 26,862,036	$ (1,009,510)	$ (426,428)	$ 25,426,098

Depreciation expense was charged to functions/programs of the primary government as follows:

Governmental activities:	
General government	$ 3,227,546
Public safety	1,559,034
Highways and streets, including depreciation of general infrastructure assets	563,631
Health and sanitation	609,390
Culture and recreation	1,106,735
Social services	61,724
Total depreciation expense-governmental activities	$ 7,128,060
Business-type activities:	
Civic Center	$ 1,069,683
Parking System	867,655
Total depreciation expense-business-type activities	$ 1,937,338

Construction in Progress

The government has active construction projects as of June 30, 2008. The projects include street, retaining walls, and bridge repairs, City Hall renovations and additions, recreation facilities renovations and greenspace. At year end, the amounts for governmental activities spent-to-date are as follows:

Project	Spent-to-Date	Funded
North Hills Drainage	$ 26,704	General Fund
Ball Park Additions	2,217	General Fund
Landslide Twilight Drive	2,500	General Fund & State DOH Grant
Landslide Pansy & Comos Drives	2,200	General Fund
Fire Station Renovations	1,800	General Fund
City Hall Renovations & Additions	296,731	General Fund
Municipal Auditorium Stage Lighting	3,737	General Fund
MOECD-Sojourners' Renovations	43,457	CDBG Grants
Auditorium	11,795	General Fund
Bridge & Retaining Walls Projects	600,754	General Fund and CDBG Grants
Feasibility Study-Civic Center	38,968	General Fund
Lighting Design for Lee St. Bridge and Elk River Bridge	26,040	Donations and General Fund
RSLC Veteran's Transitional Housing Project	128,154	CDBG Grants
Greenspace	115,982	General Fund and CDBG Grants
Total	$ 1,301,039	

D. Interfund Receivables, Payables, and Transfers

The composition of interfund balances as of June 30, 2008 is as follows:

Interfund receivables/payables:

Receivable Fund	Payable Fund	Purpose	Amount
General	Civic Center	Reimbursements Insurance	$ 497,150
	Civic Center	Reimbursement Loan	71,212
	CDBG	Reimbursement Salary & Utilities	43,606
	HOME	Reimbursement Salary & Utilities	8,911
	Nonmajor Governmental Fund	Reimbursements Salaries, loans, and transfer of fines	419,782
Parking System	General Fund	Overpayment Reimbursement	9,056
Nonmajor Governmental Funds	General Fund	Transfer of funds	20,750
Nonmajor Governmental Funds	Nonmajor Governmental Fund	Reimbursement capital projects	769
	Total		$ 1,071,236

Interfund transfers:

	Transfers In			
	General Fund	Nonmajor Governmental	Civic Center	Total Transfers In
Transfers out:				
General fund	$ -	$ 3,457,040	$ 928,687	$ 4,385,727
Coal severance tax	-	-	192,776	192,776
Nonmajor governmental funds	3,587,533	-	-	3,587,533
Civic Center	-	114,892	181,630	296,522
Total Transfers Out	$ 3,587,533	$ 3,571,932	$ 1,303,093	$ 8,462,558

Interfund transfers provide appropriations to subsidize the funds to support the programs and activities of the government.

E. Leases

Capital Leases

The government has entered into lease agreements as lessee for financing the acquisition of recreation, office equipment and public safety equipment. These lease agreements qualify as capital leases for accounting purposes, and, therefore have been recorded at the present value of the future minimum lease payments as of the inception date.

On November 1, 2004, the City of Charleston entered into a Contract of Lease-Purchase with the West Virginia Economic Development Authority in the amount of $8,000,000 with average interest rate of 5.29 percent to be used to acquire, construct, renovate, equip and complete a baseball stadium complex, including renovations of an existing building for leasing to prospective tenants.

The government has entered into lease agreements as lessee for financing the acquisition of machinery and equipment for its Civic Center and Parking System. These lease agreements qualify as capital leases for accounting purposes, and, therefore have been recorded at the present value of future minimum lease payments as of the inception date in the Civic Center and Parking System enterprise fund. All outstanding lease obligations for the Civic Center and Parking System had been fully satisfied as of June 30, 2008.

The assets acquired through capital leases are as follows:

Asset	Governmental Activities	Civic Center	Parking System
Machinery, equipment and vehicles	$ 9,620,252	$ 28,677	$ 218,399
Less: accumulated depreciation	(7,005,463)	(28,677)	(218,269)
Total	$ 2,614,789	$ -	$ 130

The future minimum lease obligations and the net present value of these minimum lease payments as of June 30, 2008, were as follows:

Year Ending June 30	Governmental Activities
2009	$ 2,264,610
2010	1,897,859
2011	1,626,379
2012	1,289,243
2013	928,168
2014 - 2018	3,557,815
2019 - 2023	2,637,648
2024 - 2028	956,729
Total minimum lease payments	15,158,451
Less: amount representing interest	(3,897,379)
Present value of minimum lease payments	$ 11,261,072

F. Long-term Debt

General Obligation Bonds

The government issues general obligation bonds to provide for the acquisition and construction of major capital facilities. General Obligation Bonds currently outstanding are as follows:

Governmental Activities					
Purpose	Maturity Date	Interest Rates	Issued	Retired	Balance June 30, 2008
Public Improvement Bonds					
Series 1989	2010	7.1-7.2%	$ 15,000,000	$ 12,355,000	$ 2,645,000
Total			$ 15,000,000	$ 12,355,000	$ 2,645,000

Annual debt service requirements to maturity for general obligation bonds are as follows:

Year Ending June 30	Governmental Activities	
	Principal	Interest
2009	$ 1,275,000	$ 144,540
2010	1,370,000	49,320
Total	$ 2,645,000	$ 193,860

Revenue Bonds

The City issues bonds where the government pledges designated revenues to pay debt service. The bonds are issued to acquire or construct assets. Revenue Bonds outstanding, net of unamortized issuance costs of $995,851 (Fire Station $13,211; Parking System $679,775, and Civic Center $302,865) at year end are as follows:

Purpose	Maturity Dates	Interest Rates	Issued	Retired	Balance June 30, 2008
Governmental activities:					
Public Safety Center Series 1999	2024	5.00-5.70%	$ 1,500,000	$ 330,000	$ 1,170,000
Charleston Building Commission 1999	2024	5.30-5.95%	2,895,000	630,000	2,265,000
Fire Station Series 2002B	2013	3.81%	1,300,000	587,874	712,126
Total governmental activities			$ 5,695,000	$ 1,547,874	$ 4,147,126
Business-type activities:					
Parking System Refunding Series 2005A	2016	2.50-4.50%	$ 8,710,000	$ 2,455,854	$ 6,254,146
Parking System Refunding Series 2005B	2013	3.00-4.40%	2,655,000	1,138,920	1,516,080
Civic Center Improvement Series 1998	2023	4.60-5.10%	3,635,000	943,389	2,691,611
Civic Center Improvement Series 1999	2024	4.51-6.71%	4,060,000	847,534	3,212,466
Civic Center Lease Revenue Series 1999	2024	5.20-6.70%	1,610,000	366,942	1,243,058
Total revenue bonds			$ 20,670,000	$ 5,752,639	$ 14,917,361

Revenue bond debt service requirements to maturity are as follows:

Year Ended	Governmental Activities Principal	Governmental Activities Interest	Business-type Activities Principal	Business-type Activities Interest
2009	$ 271,701	$ 221,670	$ 1,134,709	$ 794,159
2010	281,767	209,334	1,179,709	742,110
2011	297,027	196,539	1,219,709	685,528
2012	307,490	183,026	1,274,709	626,109
2013	324,141	165,165	1,149,709	561,990
2014 - 2018	1,015,000	664,483	5,239,665	1,818,960
2019 - 2023	1,335,000	336,103	2,651,492	808,320
2024 - 2028	315,000	18,480	1,067,659	69,947
Totals	$ 4,147,126	$ 1,994,800	$ 14,917,361	$ 6,107,123

Changes in Long-term Liabilities

	Governmental Activities				
	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
General obligation bonds payable	$ 3,830,000	$ -	$ (1,185,000)	$ 2,645,000	$ 1,275,000
Revenue Bonds	4,419,270	-	(258,933)	4,160,337	271,701
Less: deferred amounts:					
Issuance costs	(15,853)	-	2,642	(13,211)	-
Total bonds payable	8,233,417	-	(1,441,291)	6,792,126	1,546,701
Capital leases	10,987,881	2,328,000	(2,054,809)	11,261,072	1,753,691
Net pension obligation	41,731,210	52,946,763	(41,731,210)	52,946,763	-
Claims and judgments	4,801,056	4,318,101	(4,801,056)	4,318,101	3,991,259
Compensated absences	1,627,405	1,718,193	(1,627,405)	1,718,193	1,718,193
Governmental activities Long-term liabilities	$ 67,380,969	$ 61,311,057	$ (51,655,771)	$ 77,036,255	$ 9,009,844

	Business-type Activities				
	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Revenue bonds payable	$ 17,105,000	$ -	$ (1,205,000)	$ 15,900,000	$ 1,250,000
Less: deferred amounts:					
Issuance costs	(1,097,930)	-	115,291	(982,639)	-
Total bonds payable	16,007,070	-	(1,089,709)	14,917,361	1,250,000
Compensated absences	73,534	76,303	(73,534)	76,303	76,303
Business-type activities Long-term liabilities	$ 16,080,604	$ 76,303	$ (1,163,243)	$ 14,993,664	$ 1,326,303

For the governmental activities, the General Fund has been used to liquidate other long-term liabilities.

G. Restricted Assets

The balances of the restricted asset accounts for the primary government are as follows:

	Governmental Activities	Business-type Activities
Customer deposits	$ -	$ 62,929
Cash - contractual agreement	1,868,364	-
Capital lease debt service	190,551	-
General obligation bond debt service account	79,989	-
Revenue bond operations and maintenance account	-	296,202
Revenue bond debt service account	693	607,866
Revenue bond reserve account	-	1,151,869
Total restricted assets	$ 2,139,597	$ 2,118,866

H. Benefits Funded by the State of West Virginia

For the year ended June 30, 2008, the State of West Virginia contributed estimated payments on behalf of the government's public safety employees in accordance with West Virginia State Code §33-3-14d. These contributions are funded by State collections of insurance premium tax and are shown in the General Fund (Employer) Statement of Revenues, Expenditures, and Changes in Fund Balance as Intergovernmental-State revenues and as Public Safety Expenditures for the contribution to the Police and Fire Pension Funds in accordance with GAAP. The State contributions were deposited directly into the Policemen's and Firemen's Pension Funds as follows:

Plan	Amount
Policemen's Pension and Relief Fund	$ 1,849,497
Firemen's Pension and Relief Fund	2,036,834
Total	$ 3,886,331

V. OTHER INFORMATION

A. Risk Management

The government is exposed to various risks of loss related to torts, theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which the government carries insurance with Commercial Insurance Services for umbrella (general liability) insurance for these various risks.

Workers' Compensation Fund (WCF): West Virginia utilizes a single private insurance company, Brick Street Insurance, to provide workers' compensation coverage to all employers in the state. Other private insurance companies may begin to offer coverage to private sector employers beginning July 1, 2008, and to government employers July 1, 2012. For the most part, all employers in the State, including governmental entities, must have coverage. The cost of all coverage, as determined by Brick Street, is paid by the employers. The WCF risk pool retains the risk related to the compensation of injured employees under the program.

Liabilities are reported when it is probable a loss has occurred and the amount of the loss can be reasonably estimated.

Claims liabilities are calculated considering the effects of inflation, recent claim settlement trends including frequency and amount of pay-outs and other economic and social factors. The liability for claims and judgments include an amount for claims that have been incurred but not reported (IBNRs). An excess coverage insurance policy covers individual claims in excess of $300,000 for liability retention and loss and $500,000 for workers' comp retention-all employees. Settlements have not exceeded coverages for each of the past three fiscal years. Changes in the balances of claims liabilities during the past two years are as follows:

	Year Ended 6/30/2008	Year Ended 6/30/2007
Unpaid claims, beginning of fiscal year	$ 4,801,056	$ 3,809,459
Incurred claims (including IBNRs)	4,318,101	4,801,056
Claims paid	(4,801,056)	(3,809,459)
Unpaid claims, end of fiscal year	$ 4,318,101	$ 4,801,056

The government is the owner and permit holder for the City of Charleston's landfill. In accordance with the provisions of an Operating Agreement between the government and contractor dated February 15, 1994, the government maintains a contingency fund for the closure/post closure costs for the landfill in the event of default by contractor.

B. Contingent Liabilities

Amounts received or receivable from grant agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds.

The amount, if any, of expenditures which may be disallowed by the grantor cannot be determined at this time although the government expects such amounts, if any, to be immaterial.

The government is a defendant in various lawsuits. Although the outcome of these lawsuits is not presently determinable, it is the opinion of the government's counsel that resolution of these matters will not have a material effect on the financial condition of the government.

C. Deferred Compensation Plan

The government offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan, available to all full-time government employees at their option, permits participants to defer a portion of their salary until future years. The deferred compensation is not available to participants until termination, retirement, death or unforeseeable emergency.

All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property or rights are held for the exclusive benefit of the participants and their beneficiaries.

D. Joint Venture

The Kanawha-Charleston Board of Health is a multi-government arrangement which qualifies as a joint venture. An annual contract is signed between the Board, Kanawha County and the City of Charleston. The Kanawha-Charleston Board of Health is a separate and specific activity which is jointly controlled by the County and City due to their shared responsibility for appointment of the five-member Board. In addition, there is an ongoing financial responsibility for the participating governments pursuant to Article 2, Chapter 16, Paragraph 14 of the Code of West Virginia which states in part "the appointing authorities for local boards of health shall provide financial support for the operation of the local health department." It further authorizes the county or municipality to appropriate and spend money from the general funds for public health purposes and to pay the expenses of the operation of the local board of health services and facilities. There is no ongoing financial interest for the participating governments. Complete financial statements for the Kanawha-Charleston Board of Health can be obtained at the entity's administrative offices.

E. Other Post-employment Benefits

The government does not provide post-retirement health benefits except those mandated by the Consolidated Omnibus Budget Reconciliation Act (COBRA). The requirements established by COBRA are fully funded by employees who elect coverage under the Act, and no direct costs are incurred by the City; however, employees who elect COBRA are covered under the City's self-insured health plan as are all active employees and those retired employees who maintain City health plan coverage.

F. Donor-Restricted Endowment

The City of Charleston was a recipient of a donor-restricted endowment for the Spring Hill Cemetery. The corpus of the trust is non-expendable and only the income earned from the trust may be spent for the general care and maintenance of the cemetery. The government's council at its regular meeting held on November 16, 1970, adopted a resolution authorizing the creation of Spring Hill, Inc. and charged the corporation with the management of funds it might receive for the perpetual care of Spring Hill Cemetery. The corporation qualified as a tax-exempt organization under Section 501(c)(13) of the Internal Revenue Code of 1954. The unspent endowment earnings of $553,215 since the inception may be spent for the general maintenance of the cemetery. This amount is reported in the government's net assets as restricted for perpetual care-expendable.

G. Prior Period Adjustment

Beginning net assets for governmental activities was restated for a correction of an error by the net effect of the change which was zero. A vehicle was erroneously reported donated in fiscal year 2004 by the Police Department which had a book value of $12,292 and a loss was reported on the donation for the 2004 fiscal year in the same amount. During inventory at the latter part of the 2008 fiscal year, it was discovered that this vehicle was still in use by the City's Police Department. The vehicle was purchased in 2002 and had been depreciated for two years and had a remaining estimated life of three years at the time of the donation; consequently, at July 1, 2007 the vehicle would have been fully depreciated. The beginning capital assets were restated including the cost of the vehicle of $20,486 and the beginning accumulated depreciation restated at the same amount. The net effect to beginning capital assets and to the governmental net assets at July 1, 2007 was zero.

VI. EMPLOYEE RETIREMENT SYSTEMS AND PLANS

VI:A.1. Plan Descriptions, Contribution Information, and Funding Policies

The City of Charleston, West Virginia participates in two single employer, public employee retirement systems. Assets are held separately and may be used only for the payment of benefits to the members of the respective plans, as follows:

The Policemen's Pension and Relief Fund (PPRF) provides retirement benefits for substantially all full-time police employees. Unless otherwise indicated, PPRF information in this Note is provided as of the latest actuarial valuation, July 1, 2007.

The Firemen's Pension and Relief Fund (FPRF) provides retirement benefits for substantially all full-time fire employees. Unless otherwise indicated, FPRF information in this Note is provided as of the latest actuarial valuation, July 1, 2006.

Actuarial valuations are required to be performed once every three years per state statute. However, the actuarial valuations can be performed in shorter intervals at the discretion of the PPRF and FPRF's boards. The boards have the valuations performed every two years in accordance with GAAP. For additional information relating to basis of accounting and reported investment values, see Notes I.C., I.D.1. and IV.A.

The Firemen's Pension and Relief Fund (FPRF) and the Policemen's Pension and Relief Fund (PPRF) recognizes benefits and refunds when due and payable in accordance with the terms of the plans.

Memberships of the plans are as follows:

Group	PPRF	FPRF	Totals
Active Employees	184	193	377
Vested Terminated Benefits	2	2	4
Retirees and Beneficiaries Currently Receiving Benefits	202	217	419
Total	388	412	800

These plans are defined benefit plans. The following is a summary of funding policies, contribution methods and benefit provisions.

	PPRF	FPRF
Determination of contribution requirements	Actuarially determined	Actuarially determined
Employer	Contributes annually an amount which, together with contributions from the members and the allocable portion of the state premium tax fund, will be sufficient to meet the normal cost of the fund and amortize any actuarial deficiency over a period of not more than thirty years in accordance with West Virginia State Code §8-22-10. However, municipalities may utilize an alternative contribution method which allows the City to contribute no less than 107% of the prior year contribution provided the actuary certifies in writing that the fund will be solvent over the next 15 years under this method as authorized by West Virginia State Code §8-22-20c(1). In no event can the employer contribution be less than the normal cost as determined by the actuary. The City of Charleston contributes 108% of the prior year's contributions for both the police and fire pension plans.	
Plan Members	8% of covered payroll	8% of covered payroll
Period Required to Vest	No vesting occurs. If separation from employment occurs the member is entitled to a refund of his/her contributions only.	
Post-Retirement Benefit Increases	On July 1 following two years of retirement, benefit equal to the percentage increase in the Consumer Price Index, limited to 4% (2% for some disability retirees).	
Eligibility for Distribution	20 years of credited service or age 65; whichever comes first. Must be at least age 50.	
Provisions for:	PPRF	FPRF
Disability Benefits	Yes	Yes
Death Benefits	Yes	Yes

Annual Required Contributions and Significant Actuarial Assumptions

The actuarial assumptions and other information used to determine the annual required contributions (ARC) are as follows:

	Policemen's Pension & Relief Fund	Firemen's Pension & Relief Fund
Valuation Date	7/1/2007	7/1/2006
Actuarial Cost Method	Entry age normal-Closed Group	Entry Age Normal-Closed Group
Amortization Method	Level with a 24-year closed period ending June 30, 2031	Level with a 25 year closed period ending June 30, 2031
Amortization Period	Level with a 24-year closed period ending June 30, 2031	Level with a 25 year closed period ending June 30, 2031
Actuarial Asset Valuation Method	Market Value	Market Value
Actuarial Assumptions:		
Investment Rate of Return	7.0% per year, net of expenses	7.0% per year, net of expenses
Projected Salary Increases	4% per year	4% per year
Post-Retirement Benefit Increases	None	None
Inflation	3.00%	3.00%
Cost of Living Adjustments	On July 1 following two years of retirement, benefit equal to the percentage increase in the Consumer Price Index, limited to 4% (2% for some disability retirees).	On July 1 following two years of retirement, benefit equal to the percentage increase in the Consumer Price Index, limited to 4% (2% for some disability retirees).

VI.A.2. Annual Pension Cost, Net Pension Obligation and Reserves

Current year annual pension costs for the PPRF and FPRF are shown in the trend information provided in VI.A.4. The annual required contributions were not made by both the PPRF or FPRF. The net pension obligation is listed in VI.A.3.

Benefits, Refund, and Administrative Costs

Benefits and refunds of the defined benefit pension plans are recognized when due and payable in accordance with the terms of the plans. Administrative costs are financed with revenues from contributions and investment earnings.

Reserves

There are no assets legally reserved for purposes other than the payment of plan members benefits for either plan.

VI:A.3 Annual Pension Cost and Net Pension Obligation (NPO)

The City's annual pension cost and net pension obligation for the Policemen's and Firemen's Pension and Relief funds are as follows:

	PPRF	FPRF
Annual required contribution	$ 7,240,761	$ 8,275,064
Interest on short-term	1,586,111	1,335,074
Adjustment to annual required contribution	(1,412,639)	(1,189,057)
Annual pension cost	7,414,233	8,421,081
Contributions made	(1,792,201)	(2,827,560)
Increase in net pension obligation	5,622,032	5,593,521
Net pension obligation at beginning of the year	22,658,730	19,072,480
Net pension obligation at the end of the year	$ 28,280,762	$ 24,666,001

VI.A.4. Trend Information

Policemen's Pension and Relief Fund (PPRF)

Fiscal Year		Annual Pension Cost	Percentage Contributed		Net Pension Obligation
2008	$	7,414,233	24%	$	28,280,762
2007	$	4,438,134	37%	$	22,658,730
2006	$	3,830,559	40%	$	19,880,042
2005	$	4,046,054	36%	$	17,600,365
2004	$	3,995,277	34%	$	15,003,734
2003	$	3,490,259	36%	$	12,363,057

Firemen's Pension and Relief Fund (FPRF)

Fiscal Year		Annual Pension Cost	Percentage Contributed		Net Pension Obligation
2008	$	8,421,080	34%	$	24,666,001
2007	$	7,516,226	35%	$	19,072,481
2006	$	4,157,681	59%	$	14,174,365
2005	$	4,115,289	56%	$	12,463,517
2004	$	4,075,783	52%	$	10,634,988
2003	$	4,028,690	50%	$	8,696,363

VI.A.5. Funding progress

SCHEDULE OF FUNDING PROGRESS:

Policemen's Pension and Relief Fund (PPRF)

Actuarial Valuation Date		Actuarial Value of Assets (a)		Actuarial Accrued Liability (AAL) (b)		Unfunded AAL (UAAL) (b)-(a)	Funded Ratio (a)/(b)		Covered Payroll (c)	UAAL as a % covered payroll (b-a)/c
7/1/07	$	15,582,123	$	95,751,500	$	80,169,377	16.27%	$	8,666,547	925%

Firemen's Pension and Relief Fund (FPRF)

Actuarial Valuation Date		Actuarial Value of Assets (a)		Actuarial Accrued Liability (AAL) (b)		Unfunded AAL (UAAL) (b)-(a)	Funded Ratio (a)/(b)		Covered Payroll (c)	UAAL as a % covered payroll (b-a)/c
7/1/06	$	7,121,731	$	97,573,128	$	90,451,397	7.30%	$	8,589,398	1053%

The schedule of funding progress included in the required supplementary information immediately following the notes indicates the actuarial value of the plan assets is (increasing 38% for the PPRF and increasing 8% for the FPRF) over time relative to the actuarial accrued liability for both pension plans (is increasing 46% for the PPRF and increasing 37% for the FPRF) over time relative to the actuarial accrued liability.

VI.B.1 Plan Descriptions, Contribution Information and Funding Policies

Public Employees Retirement System (PERS)

The City of Charleston, West Virginia participates in a state-wide, cost-sharing, multiple-employer defined benefit plan on behalf of general City employees. The system is administered by agencies of the State of West Virginia and funded by contributions from participants, employers, and state appropriations, as necessary.

The following is a summary of eligibility factors, contribution methods, and benefit provisions:

	Public Employees' Retirement System (PERS)
Eligibility to participate:	All City full-time employees, except those covered by other pension plans.
Authority establishing contribution obligations and benefit provisions:	State Statute
Plan member's contribution rate:	4.50%
City's contribution rate:	10.50%
Period required to vest:	Five Years
Benefits and eligibility for distribution:	A member who has attained age 60 and has earned 5 years or more of contributing service or age 55 if the sum of his/her age plus years of credited service is equal to or greater than 80. The final average salary (three highest consecutive years in the last 10) times the years of service times 2% equals the annual retirement benefit.
Deferred retirement portion:	No
Provisions for:	
Cost of Living	No
Death Benefits	Yes

VI.B.2. Trend Information

Public Employees Retirement System (PERS)

Fiscal Year	Annual Pension Cost	Percentage Contributed
2008	$ 1,600,134	100%
2007	1,522,933	100%
2006	1,408,585	100%
2005	1,367,748	100%
2004	1,113,501	100%
2003	1,089,353	100%

PERS issues a publicly available financial report that includes financial statements and required supplementary information. That information may be obtained by writing to the Public Employees' Retirement System, 4101 MacCorkle Avenue. S.E., Charleston, WV 25304.

THE CITY OF CHARLESTON
WEST VIRGINIA

REQUIRED SUPPLEMENTARY INFORMATION

I. SCHEDULES OF FUNDING PROGRESS

Policemen's Pension and Relief Fund (PPRF)

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b)-(a)	Funded Ratio (a)/(b)	Covered Payroll (c)	UAAL as a % covered payroll (b-a)/c
7/1/97	$ 11,329,860	$ 65,658,421	$ 54,328,561	17.26%	$ 6,430,212	845%
7/1/99	13,183,185	68,856,200	55,673,015	19.15%	6,545,780	851%
7/1/01	14,436,077	76,015,300	61,579,223	18.99%	6,606,800	932%
7/1/03	13,955,874	86,255,000	72,299,126	16.18%	6,916,700	1045%
7/1/05	14,028,062	90,598,400	76,570,338	15.00%	7,901,100	969%
7/1/07	15,582,123	95,751,500	80,169,377	16.27%	8,666,547	925%

Firemen's Pension and Relief Fund (FPRF)

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b)-(a)	Funded Ratio (a)/(b)	Covered Payroll (c)	UAAL as a % covered payroll (b-a)/c
7/1/98	$ 6,613,424	$ 71,358,728	$ 64,745,304	9.27%	$ 7,063,357	917%
7/1/00	6,492,763	68,627,600	62,134,837	9.46%	7,140,380	870%
7/1/02	6,281,501	79,213,700	72,932,199	7.93%	7,674,090	950%
7/1/04	6,427,687	87,142,700	80,715,013	7.38%	7,818,820	1032%
7/1/06	7,121,731	97,573,128	90,451,397	7.30%	8,589,398	1053%

SUPPLEMENTARY INFORMATION

CITY OF CHARLESTON, WEST VIRGINIA
GOVERNMENTAL FUND TYPES - NONMAJOR

Special Revenue Funds are used to account for the receipt and use of specific revenues that are legally restricted by ordinance or grant agreements for specific purposes.

Debt Service Funds are used to account for the accumulation of resources and payment of general long-term debt principal and interest from governmental resources.

Capital Projects Funds are used to account for the acquisition and construction of major capital facilities other than those financed by proprietary funds.

Permanent Funds are used to account for resources that are legally restricted to the extent that only earnings, not principal, may be used for purposes that support specific programs, for the benefit of the City or its citizens.

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING BALANCE SHEET - NONMAJOR GOVERNMENTAL FUNDS
June 30, 2008

	Special Revenue	Capital Projects	Debt Service	Permanent	Total Nonmajor Governmental Funds
ASSETS					
Cash and cash equivalents	$ 2,502,928	$ 4,929,094	$ 3,542,613	$ 164,027	$ 11,138,662
Investments	- -	- -	- -	1,385,315	1,385,315
Receivables:					
Taxes	- -	- -	114,372	- -	114,372
Accounts	464,380	6,073	- -	- -	470,453
Grants	253,935	- -	- -	- -	253,935
Loans	277,608	- -	- -	- -	277,608
Accrued interest	1,073	700	1,053	10,992	13,818
Due from:					
Other funds	- -	15,706	- -	5,813	21,519
Component units	32,836	- -	- -	- -	32,836
Restricted cash	1,868,364	- -	80,682	- -	1,949,046
Total assets	$ 5,401,124	$ 4,951,573	$ 3,738,720	$ 1,566,147	$ 15,657,564
LIABILITIES AND FUND BALANCES					
Liabilities:					
Accounts payable	261,710	269,805	- -	1,659	533,174
Due to:					
Other funds	395,524	25,026	- -	- -	420,550
Deferred revenue:					
Unearned revenue	380,737	- -	- -	- -	380,737
Taxes	- -	- -	78,465	- -	78,465
Total liabilities	1,037,971	294,831	78,465	1,659	1,412,926
Fund balances:					
Reserved for:					
Perpetual care	- -	- -	- -	1,564,488	1,564,488
Debt service	- -	- -	3,660,255	- -	3,660,255
Community development	2,338,482	- -	- -	- -	2,338,482
Capital projects	- -	4,656,742	- -	- -	4,656,742
Public safety	188,461	- -	- -	- -	188,461
Unreserved	1,836,210	- -	- -	- -	1,836,210
Total fund balances	4,363,153	4,656,742	3,660,255	1,564,488	14,244,638
Total liabilities and fund balances	$ 5,401,124	$ 4,951,573	$ 3,738,720	$ 1,566,147	$ 15,657,564

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
NONMAJOR GOVERNMENTAL FUNDS
For the Fiscal Year Ended June 30, 2008

	Special Revenue	Capital Projects	Debt Service	Permanent	Total Nonmajor Governmental Funds
REVENUES					
Taxes:					
Ad valorem property taxes	$ --	$ --	$ 1,554,191	$ --	$ 1,554,191
Intergovernmental:					
Federal	1,880,165	--	--	--	1,880,165
Charges for services	4,062,811	14,564	--	--	4,077,375
Fines and forfeits	1,206,087	--	--	--	1,206,087
Interest and investment earnings	160,687	135,913	141,400	(19,193)	418,807
Reimbursements	--	194,556	--	--	194,556
Contributions and donations	69,289	--	--	9,181	78,470
Miscellaneous	4,994	--	--	--	4,994
Total revenues	7,384,033	345,033	1,695,591	(10,012)	9,414,645
EXPENDITURES					
Current:					
General government	395,704	--	--	--	395,704
Public safety	1,142,218	--	--	--	1,142,218
Streets and transportation	720	--	--	--	720
Health and sanitation	1,105,669	--	--	--	1,105,669
Social services	--	--	--	60,328	60,328
Economic development	1,011,212	--	--	--	1,011,212
Debt service:					
Principal	--	--	1,315,000	--	1,315,000
Interest	--	--	442,654	--	442,654
Capital outlay:					
Streets and transportation	--	1,980,606	--	--	1,980,606
Total expenditures	3,655,523	1,980,606	1,757,654	60,328	7,454,111
Excess (deficiency) of revenues over (under) expenditures	3,728,510	(1,635,573)	(62,063)	(70,340)	1,960,534
OTHER FINANCING SOURCES (USES)					
Transfers in	20,000	3,177,409	333,542	40,981	3,571,932
Transfers (out)	(3,546,315)	(208,698)	--	(14,150)	(3,769,163)
Total other financing sources (uses)	(3,526,315)	2,968,711	333,542	26,831	(197,231)
Net change in fund balances	202,195	1,333,138	271,479	(43,509)	1,763,303
Fund balances - beginning	4,160,958	3,323,604	3,388,776	1,607,997	12,481,335
Fund balances - ending	$ 4,363,153	$ 4,656,742	$ 3,660,255	$ 1,564,488	$ 14,244,638

CITY OF CHARLESTON, WEST VIRGINIA
SPECIAL REVENUE FUNDS

Nonmajor Funds

Asset Forfeiture and Reimbursement Fund This fund is used to account for monies seized by Charleston Police department or Drug Unit and have been ordered released or forfeited by a court of law.

Byrne Justice Assistance Grant Fund This fund was established to account for grants received from the U.S. Department of Justice passed through from the West Virginia Department of Criminal Justice Services to encourage arrest policies and enforcement of protection orders.

Charleston Land Trust Commission Fund This fund was established to account for donations or other funding to acquire, maintain, improve, and preserve public trust lands.

COPS Meth Grant Fund This fund was established to account for grants received from the Department of Justice for meth enforcement overtime, purchase meth lab investigation supplies (haz-mat suits, evidence collection tubes, etc.) and materials and supplies such as computers , first aid kits and travel training.

DOT Federal Grant Fund This fund was established to account for federal grant revenues from the Department of Transportation for capital improvements.

Employee Health Insurance Fund This fund was established to maintain funds reserved for health insurance benefits.

EPA Brownfields Grant Fund This fund is used to account for federal grant revenues received from the U.S. Environmental Protection Agency for a two-year period to inventory sites either perceived to be contaminated or actually contaminated with petroleum. The funds will be used to pay a consultant who will work with the technical aspects of the project and to purchase supplies needed for public meetings and creating a reuse plan for sites that may be re-developed. The time-frame has been extended into its third year.

FEMA-WV Flood Mitigation Fund This fund was established to account for federal grants received from U.S. Federal Emergency Management Agency passed through the WV Office of Emergency Services for City flood disaster relief area improvements and repairs.

Historic Preservation Fund This fund was established to account for federal grants received from U.S. Department of Interior, National Park Service to be granted by the State Historic Preservation Office to organizations participating in activities authorized in the National Historic Preservation Act of 1966.

CITY OF CHARLESTON, WEST VIRGINIA
SPECIAL REVENUE FUNDS (Continued)

Homeland Security Grant Fund This fund was established to account for federal grants received from U.S. Department of Homeland Security passed through the WV Office of Emergency Services primarily for salary reimbursements for police officers and other public safety costs.

Homeland Security Assistance to Firefighters Fund This fund was established to account for federal grants received from the U.S. Department of Homeland Security for the purchase of portable and mobile radios for use on the WV I RP for the Charleston Fire Department.

Human Rights Fund This fund is a cooperative agreement with HUD for the Fair Housing Assistance Program (FHAP) within the City.

Metro Loan Fund This fund was established to account for funds received from the State for small business loans. Loans are no longer given, however, collection of payments on prior loans are accounted for.

Municipal Beautification Fund This fund was established to account for revenues received from fee charges for clean up of properties within the City and for donations received to be used for beautification of the City.

Municipal Court Fund This fund accounts for monies received for fines and forfeitures.

Municipal Stabilization Fund This fund was established by City Council in accordance with state legislative requirements to account for funds to be maintained as a "rainy day" contingency.

Police & Fire Donations Fund This fund was established to receive private contributions to be utilized for police and fire operations.

Police Grants Fund This fund was established to account for federal grants received from the U.S. Department of Justice to encourage arrest policies and enforcement of protection orders.

Rental Rehabilitation Fund This fund was established to account for loan payments collected from housing rehabilitation clients to MOECD. The rehab program no longer exists, however, this fund still accounts for payments received from loans originating several years ago.

Sister Cities Fund This fund was established to account for revenues expended for the sister cites program.

Solid Waste Fund This fund accounts for the revenues collected from refuse fees and royalties from the contracted landfill operations. This fund also reserves monies for contingency post fund closure landfill cost.

CITY OF CHARLESTON, WEST VIRGINIA
SPECIAL REVENUE FUNDS (Continued)

Special Demolition Fund This fund accounts for monies to be used for demolition of buildings as necessary within the City.

Supportive Housing Fund This fund accounts for Supporting Housing Grants received to pay salaries for supportive service coordinators and other direct expenses for five shelters.

Wayfinding Commission Fund This fund accounts for funds used for purchase and distribution of signs pointing to specific destinations, sights, and tourist information spots throughout the City. In addition, the Commission has banner programs for community neighborhoods and events.

THE CITY OF CHARLESTON
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING BALANCE SHEET - NONMAJOR SPECIAL REVENUE FUNDS
June 30, 2008

	Asset Forfeiture and Reimbursement	Byrne Justice Assistance Grant	Charleston Land Trust Commission	Cops Meth Grant	DOT Federal Grant
ASSETS					
Cash and cash equivalents	$ 54,447	$ 227,883	$ 20,392	$ 9,754	$ --
Receivables:					
Accounts	4,728	325	--	--	--
Grants	--	--	--	--	400
Loans	--	--	--	--	--
Interest	8	39	3	--	--
Due from:					
Component units	--	--	--	--	--
Restricted cash	--	--	--	--	--
Total assets	$ 59,183	$ 228,247	$ 20,395	$ 9,754	$ 400
LIABILITIES AND FUND BALANCES					
Liabilities:					
Accounts payable	--	316	--	--	--
Due to:					
Other funds	--	16,490	--	--	400
Deferred revenue:					
Unearned revenue	--	162,399	--	9,754	--
Total liabilities	--	179,205	--	9,754	400
Fund balances:					
Reserved for:					
Community development	--	--	20,395	--	--
Public safety	59,183	49,042	--	--	--
Unreserved	--	--	--	--	--
Total fund balances	59,183	49,042	20,395	--	--
Total liabilities and fund balances	$ 59,183	$ 228,247	$ 20,395	$ 9,754	$ 400

Employee Health Insurance	EPA Brownfields Grant	FEMA -WV Flood Mitigation	Historic Preservation	Homeland Security Grant	Homeland Security Assistance to Firefighters	Human Rights
$ 1,124,911	$ --	$ 10,561	$ --	$ 21,419	$ --	$ 198,754
--	--	--	200	--	--	--
--	--	--	2,000	--	--	--
--	--	--	--	--	--	--
334	--	--	--	--	--	--
--	--	--	--	--	--	--
--	--	--	--	--	--	--
$ 1,125,245	$ --	$ 10,561	$ 2,200	$ 21,419	$ --	$ 198,754
--	--	--	--	4,901	--	250
--	--	--	2,200	--	--	--
--	--	10,561	--	15,739	--	182,284
--	--	10,561	2,200	20,640	--	182,534
--	--	--	--	--	--	--
--	--	--	--	779	--	--
1,125,245	--	--	--	--	--	16,220
1,125,245	--	--	--	779	--	16,220
$ 1,125,245	$ --	$ 10,561	$ 2,200	$ 21,419	$ --	$ 198,754

Metro Loan	Municipal Beautification	Municipal Court	Municipal Stabilization	Police & Fire Donations	Police Grants	Rental Rehabilitation
$ 5,842	$ 24,034	$ 246,155	$ 89,047	$ 50,330	$ 134,465	$ 161,259
--	--	118,742	--	--	--	--
--	--	--	--	--	219,351	--
112,418	--	--	--	--	--	165,190
58	3	--	24	9	--	42
--	--	--	--	--	--	--
--	--	--	--	--	--	--
$ 118,318	$ 24,037	$ 364,897	$ 89,071	$ 50,339	$ 353,816	$ 326,491
--	--	15,344	--	7,750	139,384	15,379
--	--	198,441	--	--	177,564	--
--	--	--	--	--	--	--
--	--	213,785	--	7,750	316,948	15,379
118,318	--	--	--	--	--	311,112
--	--	--	--	42,589	36,868	--
--	24,037	151,112	89,071	--	--	--
118,318	24,037	151,112	89,071	42,589	36,868	311,112
$ 118,318	$ 24,037	$ 364,897	$ 89,071	$ 50,339	$ 353,816	$ 326,491

Sister Cities	Solid Waste	Special Demolition	Supportive Housing	Wayfinding Commission	Total Nonmajor Special Revenue Funds
$ 1,258	$ 80,953	$ 32,638	$ --	$ 8,826	$ 2,502,928
--	340,385	--	--	--	464,380
--	--	--	32,184	--	253,935
--	--	--	--	--	277,608
--	553	--	--	--	1,073
--	32,836	--	--	--	32,836
--	1,868,364	--	--	--	1,868,364
$ 1,258	$ 2,323,091	$ 32,638	$ 32,184	$ 8,826	$ 5,401,124
--	46,631	--	31,755	--	261,710
--	--	--	429	--	395,524
--	--	--	--	--	380,737
--	46,631	--	32,184	--	1,037,971
--	1,879,831	--	--	8,826	2,338,482
--	--	--	--	--	188,461
1,258	396,629	32,638	--	--	1,836,210
1,258	2,276,460	32,638	--	8,826	4,363,153
$ 1,258	$ 2,323,091	$ 32,638	$ 32,184	$ 8,826	$ 5,401,124

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
NONMAJOR SPECIAL REVENUE FUNDS
For the Fiscal Year Ended June 30, 2008

	Asset Forfeiture and Reimbursement	Byrne Justice Assistance Grant	Charleston Land Trust Commission	Cops Meth Grant	DOT Federal Grant
REVENUES					
Intergovernmental:					
Federal	$ --	$ 114,085	$ --	$ 37,496	$ 535,811
Charges for services	--	--	--	--	--
Fines and forfeits	56,185	--	--	--	--
Interest and investment earnings	2,005	9,116	348	--	--
Contributions and donations	--	--	49,030	--	--
Miscellaneous	--	--	--	--	--
Total revenues	58,190	123,201	49,378	37,496	535,811
EXPENDITURES					
Current:					
General government	--	--	--	--	--
Public safety	43,432	114,085	--	37,496	--
Streets and transportation	--	--	--	--	--
Health and sanitation	--	--	--	--	--
Economic development	--	--	30,000	--	535,811
Total expenditures	43,432	114,085	30,000	37,496	535,811
Excess (deficiency) of revenues over (under) expenditures	14,758	9,116	19,378	--	--
OTHER FINANCING SOURCES (USES)					
Transfers in	--	--	--	--	--
Transfers (out)	--	--	--	--	--
Total other financing sources (uses)	--	--	--	--	--
Net change in fund balances	14,758	9,116	19,378	--	--
Fund balances - beginning	44,425	39,926	1,017	--	--
Fund balances - ending	$ 59,183	$ 49,042	$ 20,395	$ --	$ --

Employee Health Insurance	EPA Brownfields Grant	FEMA -WV Flood Mitigation	Historic Preservation	Homeland Security Grant	Homeland Security Assistance to Firefighters	Human Rights
$ --	$ 46,765	$ --	$ 3,600	$ 4,901	$ 232,265	$ 26,311
--	--	--	--	--	--	--
--	--	--	--	--	--	--
46,947	--	--	--	--	--	--
--	--	--	200	--	--	--
--	--	--	--	--	--	--
46,947	46,765	--	3,800	4,901	232,265	26,311
--	--	--	--	--	--	--
--	--	--	--	4,901	232,265	--
--	--	--	--	--	--	--
--	--	--	--	--	--	--
--	46,765	--	3,800	--	--	26,311
--	46,765	--	3,800	4,901	232,265	26,311
46,947	--	--	--	--	--	--
--	--	--	--	--	--	--
--	--	--	--	--	--	--
--	--	--	--	--	--	--
46,947	--	--	--	--		--
1,078,298	--	--	--	779	--	16,220
$ 1,125,245	$ --	$ --	$ --	$ 779	$ --	$ 16,220

Metro Loan	Municipal Beautification	Municipal Court	Municipal Stabilization	Police & Fire Donations	Police Grants
$ --	$ --	$ --	$ --	$ --	$ 701,832
--	2,081	--	--	--	--
--	--	1,149,902	--	--	--
309	927	--	3,664	1,691	--
--	1,250	--	--	18,809	--
--	--	--	--	--	--
309	4,258	1,149,902	3,664	20,500	701,832
--	--	395,704	--	--	--
--	--	--	--	8,209	701,830
--	720	--	--	--	--
--	--	--	--	--	--
--	--	--	--	--	--
--	720	395,704	--	8,209	701,830
309	3,538	754,198	3,664	12,291	2
--	--	--	--	--	--
--	--	(746,315)	--	--	--
--	--	(746,315)	--	--	--
309	3,538	7,883	3,664	12,291	2
118,009	20,499	143,229	85,407	30,298	36,866
$ 118,318	$ 24,037	$ 151,112	$ 89,071	$ 42,589	$ 36,868

Rental Rehabilitation	Sister Cities	Solid Waste	Special Demolition	Supportive Housing	Wayfinding Commission	Total Nonmajor Special Revenue Funds
$ --	$ --	$ --	$ --	$ 177,099	$ --	$ 1,880,165
--	--	4,060,730	--	--	--	4,062,811
--	--	--	--	--	--	1,206,087
--	50	94,362	1,247	--	21	160,687
--	--	--	--	--	--	69,289
--	--	--	4,994	--	--	4,994
--	50	4,155,092	6,241	177,099	21	7,384,033
--	--	--	--	--	--	395,704
--	--	--	--	--	--	1,142,218
--	--	--	--	--	--	720
--	--	1,105,669	--	--	--	1,105,669
180,231	--	--	--	177,099	11,195	1,011,212
180,231	--	1,105,669	--	177,099	11,195	3,655,523
(180,231)	50	3,049,423	6,241	--	(11,174)	3,728,510
--	--	--	--	--	20,000	20,000
--	--	(2,800,000)	--	--		(3,546,315)
--	--	(2,800,000)	--	--	20,000	(3,526,315)
(180,231)	50	249,423	6,241	--	8,826	202,195
491,343	1,208	2,027,037	26,397	--	--	4,160,958
$ 311,112	$ 1,258	$ 2,276,460	$ 32,638	$ --	$ 8,826	$ 4,363,153

• THE CITY OF CHARLESTON •
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
CAPITAL PROJECTS FUNDS

Nonmajor Funds

Ball Park Maintenance Fund This fund is used to account for contributions by the General Fund of $25,000 annually for maintenance and improvements of the ball park in accordance with a contract between the City and West Virginia Power Ball Team.

Ball Park Stadium Fund This fund accounts for receipts of state funds, contributions, and lease proceeds that have been used for the construction of a new ball park within the City.

Bridge Fund This City Council established fund is maintained to account for revenue sources expended for the construction and maintenance of bridges.

City Service Fee Project Fund This fund receives transfers from the General Fund of the city service fee revenues that are dedicated for street maintenance throughout the City in order to better provide public accountability for the monies.

Civic Center Capital Improvements Fund This City Council established fund is operated to receive transfers of all capital improvement fees collected at the Civic Center events. These revenue sources are maintained for capital improvements to the Civic Center.

General Maintenance Fund This City Council established fund is operated to receive transfers from the General Fund to separately account for funds expended for capital improvements.

Infrastructure Fund This City Council established fund is used to maintain revenue sources for capital improvements to infrastructure.

Municipal Auditorium Capital Improvements Fund This City Council established fund is operated to receive capital improvement fees collected at the Municipal Auditorium events to account for funds expended for capital improvements to the Municipal Auditorium.

Soccer Field Fund This City Council established fund is used to receive revenue resources dedicated to improvements of City soccer fields.

South Side Recreation Fund This City Council established fund is used to receive revenue sources dedicated to improvements for recreation on the South Side of Charleston, WV.

CITY OF CHARLESTON, WEST VIRGINIA
CAPITAL PROJECTS FUNDS

Nonmajor Funds

Ball Park Maintenance Fund This fund is used to account for contributions by the General Fund of $25,000 annually for maintenance and improvements of the ball park in accordance with a contract between the City and West Virginia Power Ball Team.

Ball Park Stadium Fund This fund accounts for receipts of state funds, contributions, and lease proceeds that have been used for the construction of a new ball park within the City.

Bridge Fund This City Council established fund is maintained to account for revenue sources expended for the construction and maintenance of bridges.

The City Service Fee Project Fund This fund receives transfers from the General Fund of the city service fee revenues that are dedicated for street maintenance throughout the City in order to better provide public accountability for the monies.

Civic Center Capital Improvements Fund This City Council established fund is operated to receive transfers of all capital improvement fees collected at the Civic Center events. These revenue sources are maintained for capital improvements to the Civic Center.

General Maintenance Fund This City Council established fund is operated to receive transfers from the General Fund to separately account for funds expended for capital improvements.

Infrastructure Fund This City Council established fund is used to maintain revenue sources for capital improvements to infrastructure.

Municipal Auditorium Capital Improvements Fund This City Council established fund is operated to receive capital improvement fees collected at the Municipal Auditorium events to account for funds expended for capital improvements to the Municipal Auditorium.

Soccer Field Fund This City Council established fund is used to receive revenue resources dedicated to improvements of City soccer fields.

South Side Recreation Fund This City Council established fund is used to receive revenue sources dedicated to improvements for recreation on the South Side of Charleston, WV.

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING BALANCE SHEET - NONMAJOR CAPITAL PROJECTS FUNDS
June 30, 2008

	Ball Park Maintenance	Ball Park Stadium	Bridge	City Service Fee Project
ASSETS				
Cash and cash equivalents	$ 17,015	$ 185,171	$ 107	$ 2,433,900
Receivables:				
Accounts	--	--	--	6,023
Accrued interest	--	--	--	399
Due from:				
Other funds	--	--	--	14,937
Total assets	17,015	185,171	107	2,455,259
LIABILITIES AND FUND BALANCES				
LIABILITIES				
Accounts payable	430	--	--	255,007
Due to:				
Other funds	769	--	--	--
Total liabilities	1,199	--	--	255,007
FUND BALANCES				
Reserved for:				
Capital projects	15,816	185,171	107	2,200,252
Total fund balances	15,816	185,171	107	2,200,252
Total liabilities and fund balances	$ 17,015	$ 185,171	$ 107	$ 2,455,259

Civic Center Capital Improvements	General Maintenance	Infrastructure	Municipal Auditorium Capital Improvements	Soccer Field	South Side Recreation	Total Nonmajor Capital Projects Funds
$ 357,349	$ 1,616,563	$ 141,115	$ 165,440	$ 2,970	$ 9,464	$ 4,929,094
--	--	--	50	--	--	6,073
--	298	--	--	--	3	700
--	769	--	--	--	--	15,706
357,349	1,617,630	141,115	165,490	2,970	9,467	4,951,573
--	14,368	--	--	--	--	269,805
--	--	--	24,257	--	--	25,026
--	14,368	--	24,257	--	--	294,831
357,349	1,603,262	141,115	141,233	2,970	9,467	4,656,742
357,349	1,603,262	141,115	141,233	2,970	9,467	4,656,742
$ 357,349	$ 1,617,630	$ 141,115	$ 165,490	$ 2,970	$ 9,467	$ 4,951,573

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
NONMAJOR CAPITAL PROJECTS FUNDS
For the Fiscal Year Ended June 30, 2008

	Ball Park Maintenance	Ball Park Stadium	Bridge	City Service Fee Project	Civic Center Capital Improvements
REVENUES					
Charges for services	$ --	$ --	$ --	$ --	$ --
Interest and investment earnings	489	7,634	350	54,088	15,738
Reimbursements	--	--	--	193,431	--
Total revenues	489	7,634	350	247,519	15,738
EXPENDITURES					
Current:					
Capital projects	10,776	--	12,000	1,438,166	--
Total expenditures	10,776	--	12,000	1,438,166	--
Excess (deficiency) of revenues over (under) expenditures	(10,287)	7,634	(11,650)	(1,190,647)	15,738
OTHER FINANCING SOURCES (USES)					
Transfers in	25,000	--	--	2,071,313	114,892
Transfers (out)	--	--	--	--	(181,630)
Total other financing sources (uses)	25,000	--	--	2,071,313	(66,738)
Net change in fund balances	14,713	7,634	(11,650)	880,666	(51,000)
Fund balances - beginning	1,103	177,537	11,757	1,319,586	408,349
Fund balances - ending	$ 15,816	$ 185,171	$ 107	$ 2,200,252	$ 357,349

General Maintenance	Infrastructure	Municipal Auditorium Capital Improvements	Soccer Field	South Side Recreation	Total Nonmajor Capital Projects Funds
$ --	$ --	$ 14,564	$ --	$ --	$ 14,564
44,971	5,760	6,371	118	394	135,913
1,125	--	--	--	--	194,556
46,096	5,760	20,935	118	394	345,033
519,664	--	--	--	--	1,980,606
519,664	--	--	--	--	1,980,606
(473,568)	5,760	20,935	118	394	(1,635,573)
966,204	--	--	--	--	3,177,409
--	--	(27,068)	--	--	(208,698)
966,204	--	(27,068)	--	--	2,968,711
492,636	5,760	(6,133)	118	394	1,333,138
1,110,626	135,355	147,366	2,852	9,073	3,323,604
$ 1,603,262	$ 141,115	$ 141,233	$ 2,970	$ 9,467	$ 4,656,742

THE CITY OF CHARLESTON
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
DEBT SERVICE FUND

Nonmajor Fund

Debt Service Sinking Fund This fund is used to account for the accumulation of resources and payment of general long-term debt principal and interest from governmental resources.

CITY OF CHARLESTON, WEST VIRGINIA
BALANCE SHEET - NONMAJOR DEBT SERVICE FUND
June 30, 2008

	Sinking Fund
ASSETS	
Cash and cash equivalents	$ 3,542,613
Receivables:	
Taxes	114,372
Accrued interest	1,053
Restricted cash	80,682
Total assets	$ 3,738,720
LIABILITIES AND FUND BALANCES	
LIABILITIES	
Deferred revenue:	
Taxes	78,465
Total liabilities	78,465
FUND BALANCE	
Reserved for:	
Debt service	3,660,255
Total fund balance	3,660,255
Total liabilities and fund balance	$ 3,738,720

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE -
NONMAJOR DEBT SERVICE FUND
For the Fiscal Year Ended June 30, 2008

	Sinking Fund
REVENUES	
Taxes:	
Ad valorem property taxes	$ 1,554,191
Interest and investment earnings	141,400
Total revenues	1,695,591
EXPENDITURES	
Current:	
Principal	1,315,000
Interest	442,654
Total expenditures	1,757,654
Excess (deficiency) of revenues over (under) expenditures	(62,063)
OTHER FINANCING SOURCES (USES)	
Transfers in	333,542
Total other financing sources (uses)	333,542
Net change in fund balance	271,479
Fund balance - beginning	3,388,776
Fund balance - ending	$ 3,660,255

THE CITY OF CHARLESTON
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
PERMANENT FUND

Nonmajor Fund

Spring Hill Cemetery Fund This fund was created in 1973 by City Council to manage funds received for the perpetual care of Spring Hill Cemetery. The corpus is maintained in trust and the earnings thereon are to be expended for the general care and maintenance of the cemetery.

CITY OF CHARLESTON, WEST VIRGINIA
BALANCE SHEET - NONMAJOR PERMANENT FUND
June 30, 2008

	Spring Hill Cemetery
ASSETS	
Cash and cash equivalents	$ 164,027
Investments	1,385,315
Receivables:	
Accrued interest	10,992
Due from:	
Other funds	5,813
Total assets	$ 1,566,147
LIABILITIES AND FUND BALANCE	
Liabilities:	
Accounts payable	1,659
Total liabilities	1,659
FUND BALANCE	
Reserved for:	
Perpetual care	1,564,488
Total liabilities and fund balance	$ 1,566,147

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE -
NONMAJOR PERMANENT FUND
For the Fiscal Year Ended June 30, 2008

	Spring Hill Cemetery
REVENUES	
Interest and investment earnings	$ (19,193)
Contributions and donations	9,181
Total revenues	(10,012)
EXPENDITURES	
Current:	
Social services	60,328
Total expenditures	60,328
Excess (deficiency) of revenues over (under) expenditures	(70,340)
OTHER FINANCING SOURCES (USES)	
Transfers in	40,981
Transfer out	(14,150)
Total other financing sources (uses)	26,831
Net change in fund balance	(43,509)
Fund balance - beginning	1,607,997
Fund balance - ending	$ 1,564,488

THE CITY OF CHARLESTON
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
AGENCY FUNDS

Civic Center Ticket Fund This fund is custodial in nature and accounts for revenues received from ticket sales for events held at the Civic Center and subsequently dispersed to promoters of the various events.

Civic Center Tourism Grant Fund This fund is custodial in nature and accounts for grant revenues received from the West Virginia Tourism Direct Advertising Grant and dispersed to the various Advertising Vendors.

Metro Drug Enforcement Task Force Fund This fund is custodial in nature where revenues from forfeitures and donations are held until dispersed to various other City or State Agencies.

Pending Forfeiture Fund This fund is custodial in nature operated to hold revenues from forfeitures until disbursed to appropriate federal or state entity or returned by court order.

Police Asset & Liability Fund This fund is custodial in nature operated by the Charleston Police Department for confiscated property that will normally be refunded upon court order.

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF FIDUCIARY NET ASSETS -
AGENCY FUNDS
June 30, 2008

	Civic Center Ticket	Civic Center Tourism Grant	Metro Drug Enforcement Task Force	Pending Forfeiture	Police Asset & Liability	Total Agency Funds
ASSETS						
Cash and cash equivalents	$ 791,432	$ 8,545	$ 55,408	$ 723,047	$ 6,179	$ 1,584,611
Receivables:						
Accounts	- -	- -	32,055	- -	- -	32,055
Interest	- -	- -	7	119	1	127
Total assets	$ 791,432	$ 8,545	$ 87,470	$ 723,166	$ 6,180	$ 1,616,793
LIABILITIES						
Refunds payable and others	791,432	8,545	87,470	723,166	6,180	1,616,793
Total liabilities	$ 791,432	$ 8,545	$ 87,470	$ 723,166	$ 6,180	$ 1,616,793

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF CHANGES IN ASSETS AND LIABILITIES - AGENCY FUNDS
For the Fiscal Year Ended June 30, 2008

	Civic Center Ticket	Civic Center Tourism Grant	Metro Drug Enforcement Task Force	Pending Forfeiture	Police Asset & Liability	Total Agency Funds
ASSETS						
Cash and cash equivalents July, 1, 2007	$ 408,910	$ 9,099	$ 24,529	$ 671,465	$ 5,924	$ 1,119,927
Receivables, July 1, 2007	- -	- -	36,670	- -	- -	36,670
Additions-Cash	228,127,082	23,318	259,596	193,330	255	228,603,581
Deductions-Cash	(227,744,560)	(23,872)	(228,717)	(141,748)	- -	(228,138,897)
Additions-Receivable	- -	- -	32,824	119	1	32,944
Deductions-Receivable	- -	- -	(37,432)	- -	- -	(37,432)
Cash and cash equivalents June 30, 2008	791,432	8,545	55,408	723,047	6,179	1,584,611
Receivables, June 30, 2008	- -	- -	32,062	119	1	32,182
Total Assets, June 30, 2008	$ 791,432	$ 8,545	$ 87,470	$ 723,166	$ 6,180	$ 1,616,793
LIABILITIES						
Refunds payable and others July 1, 2007	408,910	9,099	61,199	671,465	5,924	1,156,597
Additions	228,127,082	23,318	213,390	193,449	256	228,557,495
Deductions	(227,744,560)	(23,872)	(187,119)	(141,748)	- -	(228,097,299)
June 30, 2008	$ 791,432	$ 8,545	$ 87,470	$ 723,166	$ 6,180	$ 1,616,793

• THE CITY OF CHARLESTON •
WEST VIRGINIA

STATISTICAL SECTION

CITY OF CHARLESTON, WEST VIRGINIA
STATISTICAL SECTION

This part of the City of Charleston's comprehensive annual financial report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health.

Contents

Financial Trends

These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.

Revenue Capacity

These schedules contain information to help the reader assess the factors affecting the City's ability to generate its property, business and occupation taxes and other tax revenues.

Debt Capacity

These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.

Demographic and Economic Information

These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place and to help make comparisons over time and with other governments.

Operating Information

These schedules contain information about the City's operations and resources to help the reader understand how the City's financial information relates to the services the city provides and the activities it performs.

Sources: Unless otherwise noted, the information in these schedules is derived from the City's audited financial statements for the relevant year. The City implemented Governmental Accounting Standards Board Statement No. 34 in 2003; schedules presenting government-wide information include information beginning in that year.

CITY OF CHARLESTON, WEST VIRGINIA
Table 1
Net Assets by Component -
Last Six Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year					
	2003	2004	2005	2006	2007	2008
Governmental activities						
Investment in capital assets, net of related debt	$ 48,464,912	$ 55,719,550	$ 66,448,722	$ 68,309,020	$ 71,869,697	$ 69,648,983
Restricted	10,893,812	11,422,818	9,488,250	10,392,753	12,211,193	14,713,465
Unrestricted	(20,073,060)	(16,200,296)	(15,967,485)	(20,756,708)	(32,287,210)	(40,056,384)
Total governmental activities net assets	$ 39,285,664	$ 50,942,072	$ 59,969,487	$ 57,945,065	$ 51,793,680	$ 44,306,064
Business-type activities						
Investment in capital assets, net of related debt	9,576,130	9,135,802	10,485,290	10,907,278	10,854,966	10,508,737
Restricted	371,033	3,597,002	1,855,216	1,967,296	1,989,077	2,055,937
Unrestricted	(284,787)	(137,205)	196,325	140,807	298,804	739,912
Total business-type activities	$ 9,662,376	$ 12,595,599	$ 12,536,831	$ 13,015,381	$ 13,142,847	$ 13,304,586
Primary government						
Investment in capital assets, net of related debt	58,441,042	64,855,352	76,934,012	79,216,302	82,724,663	80,157,720
Restricted	14,603,845	15,019,820	11,343,466	12,360,049	14,200,270	16,769,402
Unrestricted	(20,357,847)	(16,337,501)	(15,771,160)	(20,615,905)	(31,988,406)	(39,316,472)
Total primary government net assets	$ 52,687,040	$ 63,537,671	$ 72,506,318	$ 70,960,446	$ 64,936,527	$ 57,610,650

The City of Charleston implemented GASB 34 for the fiscal year ended June 30, 2003.

CITY OF CHARLESTON, WEST VIRGINIA
Table 2
Changes in Net Assets - Last Six Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year					
	2003	2004	2005	2006	2007	2008
Expenses						
Governmental activities						
General government	$ 16,007,554	$ 12,892,126	$ 18,117,093	$ 15,595,021	$ 16,226,688	$ 15,897,074
Public safety	31,452,519	34,016,023	34,256,666	35,437,345	39,543,593	48,241,928
Streets and transportation	5,535,598	6,173,346	3,185,260	6,454,730	7,993,195	8,346,954
Health and sanitation	4,021,705	4,503,132	3,672,291	4,302,817	5,354,317	5,207,158
Culture and recreation	4,786,629	4,659,938	5,930,600	6,962,595	6,378,521	6,675,344
Social services	803,574	648,972	637,832	666,342	360,025	822,953
Economic development	1,814,596	1,494,515	2,351,533	2,746,483	3,358,208	2,995,622
Administrative and general	24,095	-	-	-	-	-
Interest on long-term debt	972,348	724,960	1,082,377	982,256	881,524	783,299
Total governmental activities	65,418,618	65,113,012	69,233,652	73,147,589	80,096,071	88,970,332
Business-type activities						
Civic center	3,703,883	4,041,658	4,266,734	4,515,951	4,735,314	4,889,784
Parking system	3,601,138	3,522,269	3,347,906	3,141,969	3,233,036	3,140,715
Total business-type activities	7,305,021	7,563,927	7,614,640	7,657,920	7,968,350	8,030,499
Total primary government	$ 72,723,639	$ 72,676,939	$ 76,848,292	$ 80,805,509	$ 88,064,421	$ 97,000,831
Program revenues						
Governmental activities						
Charges for services						
General government	12,212,222	4,167,161	5,926,506	3,621,630	3,708,650	3,535,513
Public safety	22,898	5,563,713	5,718,864	5,575,741	6,837,529	8,163,860
Culture and recreation	56,114	124,499	140,381	113,375	129,364	95,038
Streets and transportation	-	3,981	4,858	2,183,248	1,615,441	2,071,313
Health and sanitation	-	4,070,540	4,382,690	4,024,738	4,167,357	4,193,130
Economic development	-	-	2,252	-	-	-
Social services	-	131,898	154,468	194,080	213,931	191,635
Operating grants and contributions	3,421,187	5,136,988	4,802,708	4,720,285	4,730,700	9,541,628
Capital grants and contributions	3,072,562	11,506,048	5,075,683	2,194,445	2,107,864	1,471,975
Total governmental activities program revenues	18,784,983	30,704,828	26,208,410	22,627,542	23,510,836	29,264,092

CITY OF CHARLESTON, WEST VIRGINIA
Table 2 (Continued)
Changes in Net Assets - Last Six Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year					
	2003	2004	2005	2006	2007	2008
Business-type activities						
Charges for services						
Rentals	$ 2,845,573	$ 3,402,583	$ 3,504,671	$ 3,488,733	$ 3,653,123	$ 1,091,267
Catering services	574,527	533,695	966,151	683,345	722,995	698,859
Parking violations	301,391	545,797	454,985	525,906	606,142	690,898
Parking meters	491,997	505,994	492,123	486,990	529,717	550,322
Other	746,539	732,283	847,534	827,436	874,709	3,586,698
Capital grants and contributions	5,253	63,615	26,032	40,334	73,344	224,125
Total business-type activities program revenues	4,965,280	5,783,967	6,291,496	6,052,744	6,460,030	6,842,169
Net (expense) revenue						
Governmental activities	(46,633,635)	(34,408,184)	(43,025,242)	(50,520,047)	(56,585,235)	(59,706,240)
Business-type activities	(2,339,741)	(1,779,960)	(1,323,144)	(1,605,176)	(1,508,320)	(1,188,330)
Total primary government net (expense) revenue	$ (48,973,376)	$ (36,188,144)	$ (44,348,386)	$ (52,125,223)	$ (58,093,555)	$ (60,894,570)
General revenues and other changes in net assets						
Governmental activities						
Taxes						
Property taxes	10,800,459	9,846,179	10,499,462	9,898,401	10,389,006	10,355,037
Business and occupation taxes	31,619,878	32,820,776	32,863,908	33,681,586	35,567,872	36,666,641
Utility taxes	1,828,769	2,118,914	2,017,526	2,140,036	2,120,895	2,307,808
Hotel occupancy taxes	1,042,551	1,034,995	1,143,828	2,311,414	2,433,977	2,567,145
Other taxes	835,165	1,019,372	710,085	967,036	768,397	1,048,092
Unrestricted grants and contributions	15,766	100	2,000	-	-	-
Investment earnings	118,440	89,052	195,021	411,672	445,379	336,531
Gain (Loss) on sale of capital assets	100,251	59,158	5,768,495	709,370	162,017	129,838
Miscellaneous	15,446	2,156	404	37,031	224	-
Special item-legal settlement	-	-	-	300,978	-	-
Transfers	(1,810,573)	(1,326,110)	(1,148,072)	(1,961,899)	(1,453,917)	(1,192,468)
Total governmental activities	44,566,152	45,664,592	52,052,657	48,495,625	50,433,850	52,218,624

CITY OF CHARLESTON, WEST VIRGINIA
Table 2 (Continued)
Changes in Net Assets - Last Six Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year					
	2003	2004	2005	2006	2007	2008
Business-type activities						
Investment earnings	$ 112,953	$ 47,948	$ 116,038	$ 120,926	$ 176,954	$ 157,601
Miscellaneous	(2,947)	125	267	900	4,915	-
Transfers	1,810,573	1,326,109	1,148,072	1,961,899	1,453,917	-
Total business-type activities	1,920,579	1,374,182	1,264,377	2,083,725	1,635,786	157,601
Total primary government	46,486,731	47,038,774	53,317,034	50,579,350	52,069,636	52,376,225
Change in net assets						
Governmental activities	(2,067,483)	11,256,408	9,027,415	(2,024,422)	(6,151,385)	(7,487,616)
Business-type activities	(419,162)	(405,778)	(58,767)	478,549	127,466	161,739
Total primary government	$ (2,486,645)	$ 10,850,630	$ 8,968,648	$ (1,545,873)	$ (6,023,919)	$ (7,325,877)

The City of Charleston implemented GASB 34 for the fiscal year ended June 30, 2003.

CITY OF CHARLESTON, WEST VIRGINIA
Table 3
Fund Balances - Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

	Fiscal Years									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
General fund										
Reserved	$ 500,273	$ 1,340,740	$ 207,189	$ 386,378	$ 786,001	$ 3,849,291	$ 6,097,480	$ 3,321,573	$ 4,086,968	$ 4,538,744
Unreserved	8,653,536	7,799,077	7,949,764	10,217,347	10,770,000	12,733,620	14,391,977	14,665,775	14,083,621	15,036,189
Total general fund	$ 9,153,809	$ 9,139,817	$ 8,156,953	$ 10,603,725	$ 11,556,001	$ 16,582,911	$ 20,489,457	$ 17,987,348	$ 18,170,589	$ 19,574,933
All other governmental funds										
Reserved	13,503,663	9,090,857	11,030,994	10,022,027	8,168,578	9,419,244	7,420,690	9,754,460	10,918,600	12,607,962
Unreserved, reported in:										
Special revenue funds	965,816	1,065,521	853,424	199,302	450,603	593,582	1,021,116	1,717,429	1,729,893	1,836,210
Total all other Governmental funds	$ 14,469,479	$ 10,156,378	$ 11,884,418	$ 10,221,329	$ 8,619,181	$ 10,012,826	$ 8,441,806	$ 11,471,889	$ 12,648,493	$ 14,444,172

For comparability from year to year, the fiscal years 1998 through 2002 include Spring Hill Cemetery, that was classified as nonexpendable trust and Municipal Court classified as an expendable trust fund until implementation of GASB 34 effective for the fiscal year ended June 30, 2003. Spring Hill Cemetery became a Permanent Fund and Municipal Court became a Special Revenue Fund which are governmental funds.

CITY OF CHARLESTON, WEST VIRGINIA
Table 4
Changes in Fund Balances - Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

	Fiscal Years									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Revenues										
Taxes	$ 40,979,657	$ 42,089,550	$ 43,380,813	$ 44,007,787	$ 45,950,963	$ 46,654,270	$ 46,430,717	$ 49,242,614	$ 51,334,552	$ 53,028,638
Licenses and permits	1,079,859	1,182,805	1,022,220	1,187,156	1,300,538	1,506,119	1,406,671	1,507,731	1,585,869	1,455,775
Fines and forfeitures	75,527	42,593	-	-	736,997	958,049	1,237,831	1,425,243	1,334,183	1,206,087
Charges for services	5,331,534	5,008,778	8,533,508	9,208,473	9,854,411	11,420,219	13,242,403	12,545,403	13,455,536	15,318,855
Intergovernmental	4,819,869	4,601,036	6,280,671	5,079,259	6,683,885	15,992,003	8,696,949	5,595,090	4,928,969	9,438,800
Investment earnings	903,906	877,084	611,407	1,783,495	253,535	285,676	549,103	818,789	1,184,506	778,985
Other revenues	4,503,162	3,390,532	2,177,551	296,932	1,087,700	1,742,909	2,109,403	2,098,938	2,426,221	2,370,284
Total revenues	57,693,514	57,192,378	62,006,170	61,563,102	65,868,029	78,559,245	73,673,077	73,233,808	76,249,836	83,597,424
Expenditures										
General government	8,753,579	8,976,103	9,114,612	12,358,471	10,520,913	10,441,852	12,386,355	12,680,635	14,029,365	15,247,865
Public safety	26,358,522	27,979,123	28,051,845	26,808,819	26,094,332	27,419,019	30,988,041	32,091,386	32,351,932	38,115,187
Streets & transportation	4,672,643	4,566,118	4,729,577	5,024,285	5,148,866	5,352,417	6,369,531	6,517,185	7,007,636	7,795,553
Health & sanitation	4,556,427	4,468,889	4,534,159	3,896,761	3,714,943	4,048,560	4,579,408	4,976,157	5,090,595	5,248,854
Culture & recreation	4,521,687	4,004,158	3,947,486	3,705,715	4,209,369	11,838,552	4,463,030	5,453,355	5,852,014	5,816,312
Economic development	2,970,635	2,612,439		-	4,882,570	5,673,238	2,990,521	3,640,671	4,043,828	4,004,487
Social services	1,337,583	1,271,407	5,185,443	1,590,703	762,201	584,404	647,150	665,296	856,383	828,870
Capital outlay	557,910	4,834,992	2,044,730	2,315,862	8,507,509	5,041,945	22,074,584	5,011,702	3,311,765	1,980,606
Debt service:										
Principal	1,303,509	1,449,793	1,550,620	1,645,965	1,740,766	1,104,052	1,183,247	1,517,603	1,651,681	1,761,291
Interest	1,008,325	1,166,586	1,075,033	974,550	879,354	840,682	735,873	1,079,040	979,118	873,674
Total expenditures	56,040,820	61,329,608	60,233,505	58,321,131	66,460,823	72,344,721	86,417,740	73,633,030	75,174,317	81,672,699
Excess of revenues over (under) expenditures	1,652,694	(4,137,230)	1,772,665	3,241,971	(592,794)	6,214,524	(12,744,663)	(399,222)	1,075,519	1,924,725
Special item-legal settlement	-	-	-	-	-	-	-	300,978	-	-
Other financing sources (uses)										
Proceeds from borrowing	4,236,900	-	-	-	1,000,000	1,532,141	10,116,502	1,573,000	1,317,227	2,326,542
Transfers in	1,920,121	2,359,575	2,876,444	3,672,484	6,809,247	13,675,581	15,311,778	10,755,743	8,002,458	7,159,465
Transfers out	(1,814,298)	(2,660,216)	(244,566)	(5,173,750)	(8,619,820)	(15,001,691)	(16,459,853)	(12,573,603)	(9,209,992)	(8,347,666)
Other	-	-	-	(101,743)	75,100	-	6,111,760	871,075	174,632	136,957
Total other financing sources (uses)	4,342,723	(300,641)	2,631,878	(1,603,009)	(735,473)	206,031	15,080,187	626,215	284,325	1,275,298
Net change in fund balance	5,995,417	(4,437,871)	4,404,543	1,638,962	(1,328,267)	6,420,555	2,335,524	527,971	1,359,844	3,200,023
Debt service as a percentage of noncapital expenditures	4%	5%	5%	5%	5%	3%	3%	4%	4%	3%

Fines & Forfeitures were included in transfers in from the Municipal Court prior to the implementation of GASB 34 for the Fiscal Year Ended June 30, 2003.
General Fund Capital Expenditures in a few years were included with the categories.
Classifications of Revenues and Expenditures were changed from year to year.

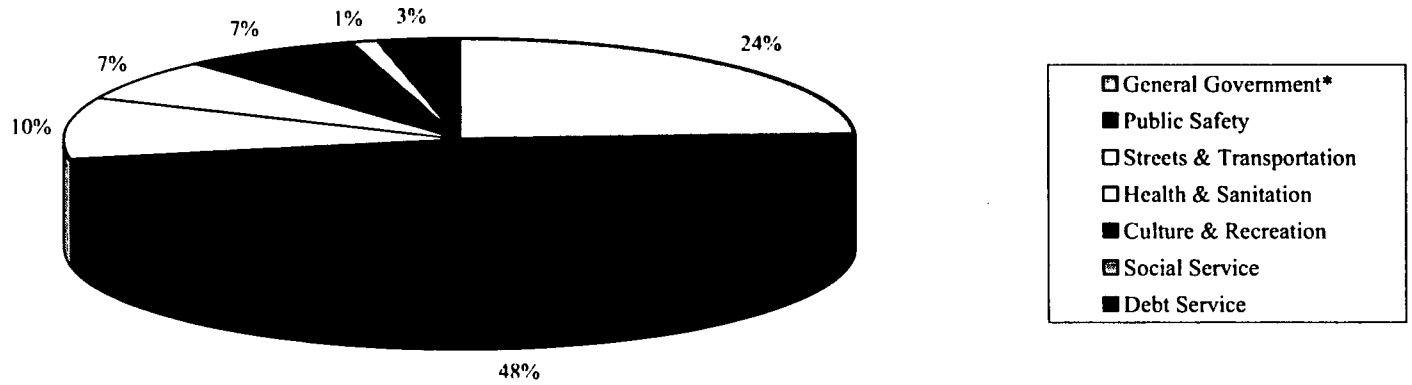
CITY OF CHARLESTON, WEST VIRGINIA
Table 5
Expenditures By Function - Governmental Fund Types - For the Last Ten Fiscal Years

Fiscal Year	General Government*	Public Safety	Streets & Transportation	Health & Sanitation	Culture & Recreation	Social Service	Debt Service	Total
1999	$ 9,311,489	$ 26,367,194	$ 4,672,643	$ 4,556,427	$ 5,171,846	$ 855,784	$ 2,311,834	$ 53,247,217
2000	13,811,098	28,012,413	4,566,118	4,468,889	4,684,300	800,279	2,616,379	58,959,476
2001	11,116,089	28,087,348	4,729,577	4,534,159	4,660,454	768,317	2,625,653	56,521,597
2002	11,874,851	26,827,964	5,024,285	3,896,761	4,481,027	843,389	2,620,515	55,568,792
2003	16,188,083	27,673,867	5,992,898	4,003,528	4,331,771	779,292	2,620,120	61,589,559
2004	16,786,059	28,759,664	6,090,358	4,503,661	4,136,695	625,152	1,944,734	62,846,323
2005	15,376,877	30,988,041	6,369,531	4,579,408	4,463,030	647,150	1,919,120	64,343,157
2006	16,321,306	32,091,386	6,517,185	4,976,157	5,453,355	665,296	2,596,643	68,621,328
2007	18,073,193	32,351,932	7,007,636	5,090,595	5,852,014	856,383	2,630,799	71,862,552
2008	19,252,352	38,115,187	7,795,553	5,248,854	5,816,312	828,870	2,634,965	79,692,093

Includes General Fund, Special Revenue Funds and Debt Service Fund

*Includes expenditures for economic development

Expenditures by Function - Governmental Fund Types for the Current Year

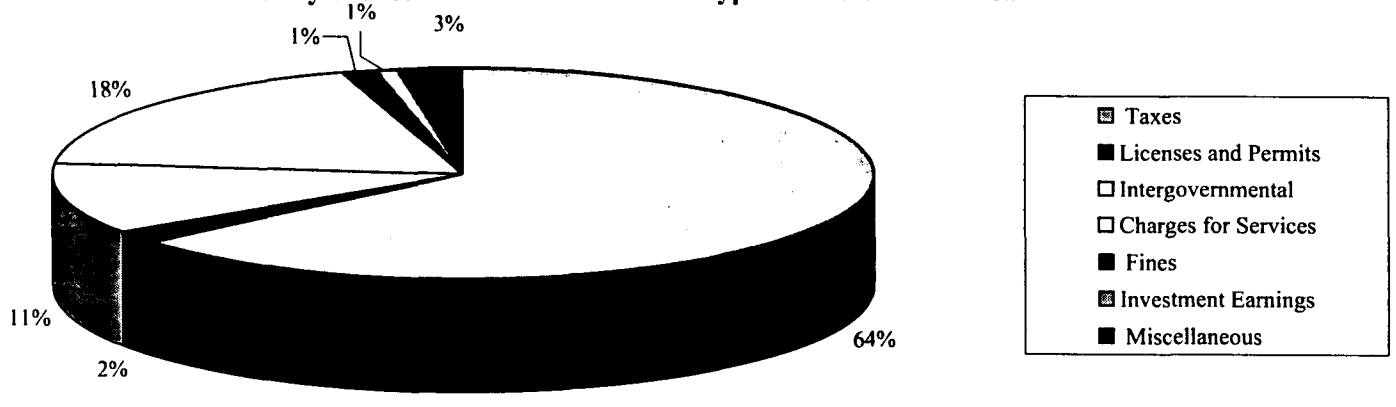


CITY OF CHARLESTON, WEST VIRGINIA
Table 6
Revenues By Source - Governmental Fund Types - For the Last Ten Fiscal Years

Fiscal Year	Taxes	Licenses and Permits	Intergovernmental	Charges for Services	Fines	Investment Earnings	Miscellaneous	Total
1999	$ 40,979,657	$ 1,079,859	$ 4,819,869	$ 5,331,534	$ 575,620	$ 933,616	$ 2,588,893	$ 56,309,048
2000	42,301,042	996,157	4,601,036	5,008,778	515,577	756,930	3,187,980	57,367,500
2001	42,973,988	1,012,299	6,280,671	8,382,185	443,906	550,378	1,330,120	60,973,547
2002	42,949,413	1,187,156	5,079,259	8,409,624	512,910	502,177	1,243,416	59,883,955
2003	45,950,963	1,300,538	6,683,885	9,854,411	736,997	197,678	942,927	65,667,399
2004	46,654,270	1,506,119	15,307,826	11,272,407	1,036,914	233,624	1,847,187	77,858,347
2005	46,430,717	1,406,671	8,696,949	13,209,907	1,237,831	429,158	1,999,821	73,411,054
2006	49,242,614	1,507,731	5,588,637	12,536,018	1,425,243	772,955	2,058,036	73,131,234
2007	51,334,552	1,585,869	4,928,969	13,423,005	1,334,183	1,088,606	2,206,694	75,901,878
2008	53,028,638	1,455,775	9,438,600	15,304,291	1,206,087	643,072	2,175,928	83,252,391

Includes General Fund, Special Revenue Funds, and Debt Service Fund

Revenues by Source - Governmental Fund Type for the Current Year



CITY OF CHARLESTON, WEST VIRGINIA
Table 6
Detailed Revenues From Taxes - Governmental Fund Types - For the Last Ten Fiscal Years

Fiscal Year	Property Tax	Business & Occupation Tax	Utility Tax	Consumer Sales Tax Liquor	Hotel Occupancy Tax	Amusement Tax	Miscellaneous Taxes	Total
1999	$ 8,736,763	$ 28,800,353	$ 1,826,150	$ 475,703	$ 934,866	$ 173,041	$ 32,781	$ 40,979,657
2000	8,973,825	29,884,642	1,844,282	487,448	967,708	120,958	22,179	42,301,042
2001	9,934,635	29,527,633	1,910,094	485,955	978,270	116,548	20,853	42,973,988
2002	10,599,134	28,259,242	2,194,803	661,348	1,101,583	105,954	27,349	42,949,413
2003	10,800,456	31,619,878	1,828,767	371,664	1,042,551	264,742	22,905	45,950,963
2004	9,820,894	32,820,776	2,118,914	625,700	1,034,995	201,089	31,902	46,654,270
2005	9,844,571	32,714,707	2,017,526	474,137	1,143,828	190,822	45,126	46,430,717
2006	10,142,543	33,681,586	2,140,036	746,717	2,311,414	163,005	57,314	49,242,615
2007	10,443,411	35,567,872	2,120,895	551,366	2,433,977	161,559	55,472	51,334,552
2008	10,438,952	36,666,641	2,307,808	800,647	2,567,145	187,168	60,277	53,028,638

CITY OF CHARLESTON, WEST VIRGINIA
Table 7
Property Tax Levies and Collections - General Fund - For the Last Ten Fiscal Years

Fiscal Year	Total Tax Levy	Current Tax Collections	Percent Current Taxes Collected	Delinquent Tax Collections	Total Tax Collections	Ratio of Total Tax Collections to Total Tax Levy	Outstanding Delinquent Taxes	Ratio of Delinquent Taxes to Total Tax Levy
1999	$ 5,911,003	$ 5,850,000	98.97%	$ 388,997	$ 6,238,997	105.55%	$ 402,696	6.81%
2000	6,183,592	5,857,584	94.73%	441,408	6,298,992	101.87%	421,268	6.81%
2001	7,008,126	6,000,772	85.63%	551,912	6,552,684	93.50%	461,146	6.58%
2002	7,620,982	6,594,784	86.53%	538,483	7,133,267	93.60%	501,473	6.58%
2003	7,734,464	6,763,663	87.45%	693,878	7,457,541	96.42%	508,940	6.58%
2004	7,715,097	9,187,869	119.09%	633,025	9,820,894	127.29%	506,278	6.56%
2005	7,875,027	6,912,926	87.78%	1,386,381	8,299,307	105.39%	515,819	6.55%
2006	7,983,561	8,261,230	103.48%	322,779	8,584,009	107.52%	510,092	6.39%
2007	8,309,807	8,327,767	100.22%	548,019	8,875,786	106.81%	470,677	5.66%
2008	8,393,656	8,540,242	101.75%	344,519	8,884,761	105.85%	406,484	4.84%

CITY OF CHARLESTON, WEST VIRGINIA
Table 8
Principal Revenue Source
Business and Occupation Tax Revenue Filers By Class - Fiscal Years 2008, 2007, 2006 and 2005

Fiscal Year 2008

	Class	Rate per $1.00 Gross Revenue	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
1	Production of Natural Resources	1.00%	10	0.16% $	3,921	0.01%
2	Manufacturing	0.30%	54	0.85%	362,330	1.06%
3	Retailers	0.50%	1,177	18.49%	6,851,776	20.02%
4	Wholesalers	0.15%	450	7.07%	1,214,168	3.55%
5	Electric Power Companies (Domestic Purposes and Commercial Lighting)	4.00%	1	0.02%	1,326,877	3.88%
6	Electric Power Companies (All Other Sales and Demand Charges)	3.00%	1	0.02%	792,692	2.32%
7	Natural Gas Companies	3.00%	2	0.03%	890,233	2.60%
8	Water Companies	4.00%	1	0.02%	656,817	1.92%
9	All Other Public Utilities	2.00%	4	0.06%	81,902	0.24%
10	Contracting	2.00%	763	11.99%	3,264,605	9.54%
11	Amusement	0.50%	46	0.72%	302,396	0.88%
12	Service & All Other Businesses	1.00%	2,153	33.83%	14,381,469	42.01%
13	Rents and Royalties	1.00%	1,627	25.57%	2,102,504	6.14%
14	Banking and Other Financial Institutions	1.00%	75	1.18%	1,999,636	5.84%
	Totals		6,364	100.00% $	34,231,326	100.00%

Fiscal Year 2007

	Class	Rate per $1.00 Gross Revenue	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
1	Production of Natural Resources	1.00%	15	0.23% $	2,999	0.01%
2	Manufacturing	0.30%	58	0.91%	350,353	1.05%
3	Retailers	0.50%	1,167	18.24%	7,007,495	21.08%
4	Wholesalers	0.15%	428	6.69%	1,048,908	3.16%
5	Electric Power Companies (Domestic Purposes and Commercial Lighting)	4.00%	3	0.05%	1,216,064	3.66%
6	Electric Power Companies (All Other Sales and Demand Charges)	3.00%	1	0.02%	548,390	1.65%
7	Natural Gas Companies	3.00%	3	0.05%	973,137	2.93%
8	Water Companies	4.00%	2	0.03%	657,833	1.98%
9	All Other Public Utilities	2.00%	7	0.11%	78,230	0.24%
10	Contracting	2.00%	811	12.68%	3,055,984	9.19%
11	Amusement	0.50%	45	0.70%	342,871	1.03%
12	Service & All Other Businesses	1.00%	2,129	33.28%	13,618,532	40.97%
13	Rents and Royalties	1.00%	1,671	26.12%	2,168,817	6.53%
14	Banking and Other Financial Institutions	1.00%	58	0.91%	2,168,322	6.52%
	Totals		6,398	100.00% $	33,237,935	100.00%

CITY OF CHARLESTON, WEST VIRGINIA
Table 8 (Continued)
Principal Revenue Source
Business and Occupation Tax Revenue Filers By Class

		Fiscal Year 2006				
	Class	Rate per $1.00 Gross Revenue	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
1	Production of Natural Resources	1.00%	14	0.20%	$ 10,056	0.03%
2	Manufacturing	0.30%	71	1.02%	362,036	1.07%
3	Retailers	0.50%	1,365	19.57%	6,799,683	20.19%
4	Wholesalers	0.15%	464	6.65%	916,554	2.72%
5	Electric Power Companies (Domestic Purposes and Commercial Lighting)	4.00%	5	0.07%	1,181,517	3.51%
6	Electric Power Companies (All Other Sales and Demand Charges)	3.00%	2	0.03%	742,428	2.20%
7	Natural Gas Companies	3.00%	4	0.06%	865,231	2.57%
8	Water Companies	4.00%	2	0.03%	659,616	1.96%
9	All Other Public Utilities	2.00%	3	0.04%	3,409	0.01%
10	Contracting	2.00%	867	12.43%	3,387,279	10.06%
11	Amusement	0.50%	50	0.72%	384,539	1.14%
12	Service & All Other Businesses	1.00%	2,273	32.58%	14,364,904	42.65%
13	Rents and Royalties	1.00%	1,792	25.69%	2,074,824	6.16%
14	Banking and Other Financial Institutions	1.00%	64	0.92%	1,929,559	5.73%
	Totals		6,976	100.00%	$ 33,681,635	100.00%

Source: City of Charleston Revenue System

CITY OF CHARLESTON, WEST VIRGINIA
Table 8 (Continued)
Principal Revenue Source
Business and Occupation Tax Revenue Filers By Class

		Fiscal Year 2005				
	Class	Rate per $1.00 Gross Revenue	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
1	Production of Natural Resources	1.00%	16	0.22%	$ 15,049	0.05%
2	Manufacturing	0.30%	79	1.11%	335,813	1.03%
3	Retailers	0.50%	1,360	19.09%	6,781,563	20.89%
4	Wholesalers	0.15%	483	6.78%	803,359	2.47%
5	Electric Power Companies (Domestic Purposes and Commercial Lighting)	4.00%	1	0.01%	1,116,703	3.44%
6	Electric Power Companies (All Other Sales and Demand Charges)	3.00%	3	0.04%	865,422	2.67%
7	Natural Gas Companies	3.00%	4	0.06%	438,162	1.35%
8	Water Companies	4.00%	1	0.01%	586,135	1.81%
9	All Other Public Utilities	2.00%	6	0.08%	44,245	0.14%
10	Contracting	2.00%	791	11.10%	3,573,848	11.01%
11	Amusement	0.50%	58	0.81%	376,528	1.16%
12	Service & All Other Businesses	1.00%	2,383	33.46%	13,757,357	42.37%
13	Rents and Royalties	1.00%	1,866	26.20%	1,981,182	6.10%
14	Banking and Other Financial Institutions	1.00%	72	1.01%	1,792,896	5.52%
	Totals		7,123	100.00%	$ 32,468,262	100.00%

Source: City of Charleston Revenue System

The City of Charleston imposes a Business and Occupation tax upon all business performed within the City of Charleston. Non-profit organizations are exempt from this tax. The tax is calculated by multiplying the classification(s) rate times the business' gross receipts. The City presents only four years of data instead of ten because our current customized revenue system was implemented in the fiscal year 2005 which allowed extraction of this data in summary form.

CITY OF CHARLESTON, WEST VIRGINIA
Table 9
Ratio of Outstanding General Obligation Bonds to Assessed Value, Estimated Actual Taxable Value and Net Debt Per Capita - For the Last Ten Fiscal Years

Fiscal Year	Assessed Value	Estimated Actual Taxable Value of Property	Gross Bonded Debt	Debt Service Fund	Net Bonded Debt	Ratio of Bonded Debt to Assessed Value	Ratio of Net Bonded Debt to Estimated Actual Value	Net Bonded Debt Per Capita
1999	$ 2,056,034,665	$ 1,233,620,799	$ 13,822,144	$ 1,392,148	$ 12,429,996	0.60%	1.01%	228
2000	2,127,257,787	1,276,354,672	12,442,351	1,656,423	10,785,928	0.51%	0.85%	202
2001	2,221,087,692	1,332,652,615	10,981,731	1,989,499	8,992,232	0.40%	0.67%	169
2002	2,452,868,321	1,471,720,993	9,435,766	2,224,206	7,211,560	0.29%	0.49%	137
2003	2,479,903,422	1,487,942,053	7,795,000	2,474,126	5,320,874	0.21%	0.36%	102
2004	2,454,272,860	1,472,563,716	6,910,000	2,589,805	4,320,195	0.18%	0.29%	83
2005	2,499,526,545	1,499,715,927	5,955,000	2,761,237	3,193,763	0.13%	0.21%	62
2006	2,531,327,042	1,518,796,225	4,930,000	2,955,244	1,974,756	0.08%	0.13%	39
2007	2,623,069,250	1,573,841,550	3,830,000	3,346,560	483,440	0.02%	0.03%	10
2008	2,651,836,470	1,591,101,882	2,645,000	3,622,601	(977,601)	-0.04%	-0.06%	(19)

Note: Details regarding the City's outstanding debt can be found in the notes to the financial statements. Assessed value does not include exempt property. The Kanawha County Assessor estimates actual taxable value of property at sixty percent.
Population data can be found in the Table of Demographic Statistics.

CITY OF CHARLESTON, WEST VIRGINIA
Table 10
Ratio of Outstanding Debt by Type -
For the Last Ten Fiscal Years

	Governmental Activities			Business-type Activities				
Fiscal Year	General Obligation Bonds	Revenue Bonds	Capital Leases	Revenue Bonds	Capital Leases	Total Primary Government	Percentage of Personal Income	Per Capita
1999	$ 13,822,144	$ 4,395,000	$ 3,050,368	$ 17,584,944	$ -	$ 38,852,456	28.93%	712
2000	12,442,351	4,325,000	3,603,497	22,413,842	-	42,784,690	31.15%	800
2001	10,981,731	4,235,000	4,149,658	21,811,928	87,742	41,266,059	28.75%	774
2002	9,435,766	4,135,000	3,785,174	21,135,016	67,765	38,558,721	26.12%	733
2003	7,795,000	5,228,274	3,483,971	20,413,104	83,754	37,004,103	24.41%	712
2004	6,910,000	5,115,948	3,351,270	19,641,190	47,913	35,066,321	22.29%	677
2005	5,955,000	4,887,701	11,705,822	18,076,489	15,787	40,640,799	24.81%	787
2006	4,930,000	4,650,098	11,491,961	17,056,779	-	38,128,838	22.53%	745
2007	3,830,000	4,418,825	10,987,881	16,007,070	-	35,243,776	20.13%	694
2008	2,645,000	4,147,126	11,261,072	14,917,361	-	32,970,559	18.16%	653

Note: Details regarding the City's outstanding debt can be found in the notes to the financial statements.
See Table 13 on Demographic Statistics for personal income and population data.

CITY OF CHARLESTON, WEST VIRGINIA
Table 11
Revenue Bond Coverage - Civic Center Revenue Bonds - For the Last Ten Fiscal Years

Fiscal Year	Gross Revenues	Operating Expenses	Net Revenue Available for Debt Service	Debt Service Requirements				General Fund & Coal Severance Subsidy
				Principal	Interest	Total	Coverage	
1999	$ 1,853,815	$ 2,117,219	$ (263,404)	$ -	$ -	$ -	0.00%	$ 368,645
2000	1,867,185	2,277,377	(410,192)	80,000	356,854	436,854	-93.90%	730,393
2001	1,855,981	2,189,865	(333,884)	150,000	529,130	679,130	-49.16%	1,160,028
2002	1,707,687	1,995,034	(287,347)	195,000	407,515	602,515	-47.69%	1,162,232
2003	2,230,497	2,403,291	(172,794)	210,000	511,434	721,434	-23.95%	1,112,067
2004	2,213,020	3,507,409	(1,294,389)	220,000	510,913	730,913	-177.09%	1,140,375
2005	2,801,245	3,758,036	(956,791)	230,000	504,424	734,424	-130.28%	1,091,309
2006	2,533,883	4,019,922	(1,486,039)	245,000	475,718	720,718	-206.19%	1,137,268
2007	2,848,127	4,252,177	(1,404,050)	255,000	465,415	720,415	-194.89%	1,081,807
2008	3,063,446	4,422,167	(1,358,721)	270,000	519,124	789,124	-172.18%	1,121,463

CITY OF CHARLESTON, WEST VIRGINIA
Table 12
Revenue Bond Coverage - Parking System Revenue Bonds - For the Last Ten Fiscal Years

Fiscal Year	Gross Revenues	Operating Expenses	Net Revenue Available for Debt Service	Debt Service Requirements			
				Principal	Interest	Total	Coverage
1999	$ 3,323,525	$ 1,379,910	$ 1,943,615	$ 510,000	$ 981,493	$ 1,491,493	130.31%
2000	3,242,592	1,414,248	1,828,344	525,000	956,408	1,481,408	123.42%
2001	3,547,799	1,440,989	2,106,810	555,000	929,638	1,484,638	141.91%
2002	3,232,847	1,444,653	1,788,194	585,000	900,148	1,485,148	120.41%
2003	2,844,789	1,524,145	1,320,644	615,000	867,995	1,482,995	89.05%
2004	3,619,020	2,506,190	1,112,830	655,000	830,341	1,485,341	74.92%
2005	3,606,556	2,473,235	1,133,321	875,000	839,929	1,714,929	66.09%
2006	3,784,728	2,591,777	1,192,951	890,000	449,604	1,339,604	89.05%
2007	4,040,726	2,716,769	1,323,957	910,000	421,403	1,331,403	99.44%
2008	3,940,591	2,653,197	1,287,394	935,000	390,455	1,325,455	97.13%

CITY OF CHARLESTON, WEST VIRGINIA
Table 13
Demographic Statistics - Last Ten Fiscal Years

Fiscal Year	Population	Personal Income	Per Capita Income	Unemployment Rate
1999	54,598	$ 1,343,111	$ 25,661	5.3
2000	53,484	1,373,469	26,765	4.6
2001	53,340	1,435,379	27,915	5.0
2002	52,610	1,476,237	29,116	6.2
2003	51,971	1,515,994	30,368	6.2
2004	51,813	1,573,043	31,674	5.3
2005	51,648	1,638,275	33,036	5.1
2006	51,156	1,692,240	34,456	4.8
2007	50,773	1,751,161	35,938	4.0
2008	50,478	1,815,189	37,483	4.7

BEA Regional Economic Accounts
Bureau of Economic Analysis/U.S. Department of Commerce
Personal Income is based on an average annual growth rate of TPI of 4.0%
Per Capital Income is based on an average annual growth rate of PCPI of 4.3%

CITY OF CHARLESTON, WEST VIRGINIA
Table 14
Legal Debt Margin Information - Last Ten Fiscal Years

Legal Debt Margin Calculation for Fiscal Year 2008

Assessed value	$ 2,651,836,470
Debt limit (5% of assessed value)	132,591,824
Debt applicable to limit:	
General obligation bonds	2,645,000
Less: amount set aside for repayment of general obligation debt	3,622,601
Total net debt applicable to limit	977,601
Legal debt margin	$ 133,569,425

	Fiscal Year									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Debt limit	$ 92,685,438	$ 96,393,094	$ 101,040,920	$ 112,412,476	$ 113,745,197	$ 112,773,976	$ 114,708,065	$ 115,320,129	$ 119,639,489	$ 132,591,824
Total debt applicable to limit	13,822,144	12,442,351	10,981,731	9,435,766	7,795,000	6,910,000	5,955,000	4,930,000	3,830,000	2,645,000
Legal debt margin	$ 80,255,442	$ 85,577,166	$ 92,048,688	$ 105,200,915	$ 108,424,323	$ 108,453,781	$ 111,514,302	$ 113,430,666	$ 119,156,049	$ 133,569,425
Total net debt applicable to the limit as a percentage of debt limit	17%	15%	12%	9%	7%	6%	5%	4%	3%	2%

Note: Under state finance law, WV State Code §13-1-3, the City's outstanding debt should not exceed 5 percent of total assessed property value. By law, the general obligation debt subject to the limitation may be offset by amounts set aside for repaying general obligation debt.

CITY OF CHARLESTON, WEST VIRGINIA
Table 15
Employment/Unemployment and Change - Last Ten Fiscal Years

Date	Employment		Unemployment	
	Total	% Change Year Ago	Rate	Unit Change Year Ago
1999	28,575	1.6	4.7	-0.3
2000	25,241	-11.7	4.4	-0.3
2001	24,880	-1.4	4.3	-0.2
2002	24,277	-2.4	4.8	0.5
2003	23,738	-2.2	4.8	0.0
2004	23,695	-0.2	4.3	-0.5
2005	23,665	-0.1	4.3	0.0
2006	23,781	0.5	4.7	0.4
2007	23,899	0.5	4.5	-0.2
2008	24,110	0.4	4.7	0.3

U.S. Bureau of Labor Statistics and Real Estate Center at Texas A&M University

CITY OF CHARLESTON, WEST VIRGINIA
Table 16
Kanawha County
Ten Largest Employers in Kanawha County and Rank -
June 30, 2008 and 1999

Rank	2008 Company Name	1999 Company Name
1	Charleston Area Medical Center, Inc.	Kanawha County Board of Education
2	Kanawha County Board of Education	Charleston Area Medical Center
3	Minneapolis Postal Data Center	Union Carbide Corporation
4	Herbert J. Thomas Memorial Hospital Association	US Postal Data Center
5	Wal-Mart Associates, Inc.	WV Department of Highways
6	West Virginia Department of Highways	The Kroger Company
7	City of Charleston Municipality	Herbert J. Thomas Memorial Hospital
8	Kroger	Shawnee Hills, Inc.
9	West Virginia Department of Health and Human Resources	Rhone-Poulenc, Inc.
10	Dow (Union Carbide Corp)	Columbia Gas Transmission Corporation

Workforce West Virginia, an agency of the Department of Commerce

CITY OF CHARLESTON, WEST VIRGINIA
Table 17
Operating Indicators by Function/Program -
Last Four Fiscal Years

Function/Program	Fiscal Year 2004	2005	2006	2007	2008
Police					
Physical arrest	4,281	4,990	6,314	6,270	7,649
Citations written	10,402	16,460	19,946	23,494	20,804
Offenses charged	15,646	28,207	29,659	29,195	24,006
Fire					
Emergency medical responses	12,289	11,157	12,373	18,926	17,788
Fire responses	5,318	8,661	9,000	12,214	13,131
Inspections	1,064	1,019	1,019	1,156	1,124
Refuse collection					
Refuse collected (tons annually)	28,113	27,461	27,869	30,571	26,977
Recyclables collected (tons annually)	1,254	1,350	1,380	1,293	1,072
Yard waste collected (tons annually)	4,238	3,428	2,658	2,271	1,653
Sludge (tons annually)	3,630	2,170	2,289	5,175	5,641
Other public works					
Streets resurfaced (Miles)	Unavailable	27.50	25.58	9.30	10.56
Potholes repaired	113	83	34	177	27
Parking systems					
Parking violations	54,162	52,995	64,418	62,942	98,187
Civic center					
Number of events (annual average)	2,000	2,000	2,000	2,000	2,000
Municipal auditorium					
events (number of days annual average)	115-120	115-120	115-120	115-120	115-120

Sources: Various City of Charleston departments

Note: The City of Charleston began preparation of a CAFR for the fiscal year 2004 and information on the various statistics for prior fiscal years was not available in the various departments.

CITY OF CHARLESTON, WEST VIRGINIA
Table 18
Capital Asset Statistics by Function / Program -
Last Four Fiscal Years

	Fiscal Years				
Function/Program	2004	2005	2006	2007	2008
Police					
Stations	1	1	1	1	1
Zone offices	5	5	5	5	5
Patrol units	100	90	90	94	94
Fire stations	8	9	9	9	9
Refuse collection					
Collection trucks	30	30	30	30	30
Other public works					
Street (miles)	300	300	300	300	300
Traffic signals	152	152	152	152	152
Parks and recreation					
Community centers	3	3	3	3	3
Neighborhood centers	3	3	3	3	3
Parks	6	6	6	6	6
Parks acreage	115	115	115	115	115
Swimming pools	5	5	5	5	5
Tennis courts	16	16	16	16	16
Parking system					
Number of parking garages	6	6	6	6	6
Number of parking meters	108	1,073	1,098	1,100	1,150
Civic center					
Types of facilities	6	6	6	6	6

Sources: Various City of Charleston Departments

Note: The City of Charleston began preparation of a CAFR for the fiscal year 2004 and information on the various statistics for prior fiscal years was not available in the various departments.

CITY OF CHARLESTON, WEST VIRGINIA

Table 19

Full-Time Equivalent City Government Employees By Function / Program

Last Ten Fiscal Years

Function/Program	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
General government										
Management	58	61	58	58	58	61	44	42	47	48
Finance	22	22	20	20	21	21	21	23	26	26
Planning	12	12	13	14	14	15	17	17	17	17
Building	6	6	5	4	3	3	4	14	14	14
Engineering	10	8	6	6	5	6	8	8	8	8
Other	16	46	45	48	42	52	39	32	31	32
Police										
Officers	182	182	172	163	162	164	168	171	180	179
Civilians	59	37	33	42	44	46	45	29	28	28
Fire										
Officers	205	197	196	197	197	188	190	191	187	191
Civilians	5	5	5	5	5	5	5	5	5	4
Other public safety	14	13	12	8	9	8	9	9	8	8
Refuse collection	90	77	71	58	58	72	77	69	74	66
Public works	88	84	83	97	99	97	119	120	119	118
Parks and recreation	118	106	91	76	85	88	80	90	87	93
Social services	26	10	21	18	20	21	19	19	17	21
Civic center	27	29	22	29	32	34	44	30	24	23
Parking system	37	37	37	37	37	38	36	35	28	26
Total	975	932	890	880	891	919	925	904	900	902

Sources: City of Charleston Payroll

THE CITY OF CHARLESTON
WEST VIRGINIA

Appendix C

Proposed Form of Bond Counsel Opinion

PROPOSED FORM OF BOND COUNSEL OPINION

Jackson Kelly PLLC, Bond Counsel, proposes to issue its approving opinion in substantially the form set forth below upon the issuance of the Bonds.

_____, 2009

The City of Charleston
P.O. Box 2749
Charleston, WV 25330

Re: The City of Charleston, West Virginia
Civic Center Improvement Refunding Bonds, Series 2009 A

Ladies and Gentlemen:

We have acted as bond counsel to The City of Charleston, West Virginia (the "Issuer"), a municipal corporation, in connection with the issuance of its $_____ Civic Center Improvement Refunding Bonds, Series 2009 A, dated the date hereof (the "Bonds"). In such capacity, we have examined such law and such certified proceedings, certifications and other documents as we have deemed necessary to render this opinion.

The Bonds are issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the Code of West Virginia, 1931, as amended (collectively, the "Act"), and under and pursuant to a Bond Ordinance duly passed by the Issuer on November 2, 2009, effective November 16, 2009, as supplemented by a Supplemental Resolution duly adopted by the Issuer on _____, 2009 and a Certificate of Determination executed _____, 2009 (collectively, the "Ordinance"), pursuant to and under which Act and Ordinance the Bonds are authorized and issued. Capitalized terms used and not otherwise defined herein shall have the respective meanings given them in the Ordinance.

In connection with the issuance of the Bonds, the Issuer has executed a Tax and Non-Arbitrage Certificate, dated as of the date hereof (the "Tax Certificate"), which, among other things, sets forth restrictions on the investment and expenditure of the Bonds proceeds and earnings thereon, to ensure that the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder (collectively, the "Code"), necessary to establish and maintain the excludability of interest on the Bonds from gross income for federal income tax purposes, are and will continue to be met.

Regarding questions of fact material to our opinion, we have relied upon representations of the Issuer contained in the herein-described documents and certifications furnished to us by or on behalf of the Issuer (including certifications as to matters which are material to paragraph 4 below), without undertaking to verify the same by independent investigation.

The Bonds are issued in the form of a series of fully registered Bonds.

Based upon the foregoing, we are of the opinion, under existing law, as follows:

1. The Issuer is a duly organized and presently existing municipal corporation and political subdivision of the State of West Virginia, with the power to adopt the Ordinance, which has been duly and lawfully enacted and adopted by the Issuer, is in full force and effect and is valid and binding upon the Issuer and enforceable in accordance with its terms, and no other authorization for the Ordinance is required.

2. The Issuer is duly authorized to issue the Bonds, which Bonds have been duly and validly authorized and issued in accordance with the Act and in accordance with the Ordinance, and constitutes a valid, binding special and limited revenue obligation of the Issuer as provided in the Ordinance, payable and enforceable in accordance with their terms and the terms of the Ordinance and are entitled to the benefits of the Ordinance and of the Act.

3. The Bonds are secured by the Tax Revenues, as defined in the Ordinance and from funds on deposit in the Series 2009 A Bonds Sinking Fund and the Series 2009 A Bonds Reserve Account, and are on parity with the Issuer's Civic Center Improvement Bonds, Series 1998, all as more fully described in the Ordinance. In addition, the Ordinance imposes a statutory mortgage lien on the Tax Revenues.

4. Under existing laws, regulations, rulings and judicial decisions of the United States of America, as presently written and applied, interest on the Bonds is excludable in the gross income of the owners thereof for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed upon individuals and corporations. The opinions set forth in the preceding sentences are subject to the condition that the Issuer comply, on a continuing basis, with all representations, covenants and certifications set forth in the Ordinance and the Tax Certificate and other documents relating thereto. Failure to comply with certain of such representations, covenants and certifications could cause the interest on the Bonds to be includable in a holder's gross income retroactive to the date of issuance of the Bonds. Except as described herein, we express no opinion regarding other federal tax consequences arising with respect to the Bonds.

5. The Issuer has designated the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") and has covenanted that it does not reasonably expect to issue, together with the Corporation and any subordinate entities, more than $30,000,000 of tax-exempt obligations (other than certain private activity bonds and refunding bonds) during the calendar year 2009. Therefore, the Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code, and

the provisions of the Code which disallow all deductibility of interest expense incurred by financial institutions on debt incurred or continued to purchase or carry most tax-exempt obligations do not apply to the Bonds.

6. Under the Act, as presently written and applied, the Bonds and any interest thereon is exempt from all taxation by the State of West Virginia, or any county, municipality, political subdivision or agency thereof.

It is to be understood that the rights of the owners of the Bonds and the enforceability of the Bonds, the Ordinance and the pledges set forth therein are limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights generally, by equitable principles, whether considered at law or in equity, and by the exercise of judicial discretion. Further, we express no opinion regarding tax consequences arising with respect to the Bonds other than as expressly set forth herein.

We have not been engaged, or undertaken, to review the accuracy, completeness or sufficiency of the Official Statement or other offering material related to the Bonds (except to the extent, if any, stated in the Official Statement) and we express no opinion relating thereto.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur.

We have examined the executed and authenticated Bond numbered AR-1 and in our opinion, the form of said Bond and its execution and authentication are regular and proper.

Very truly yours,

Appendix D

Form of Continuing Disclosure Certificate

Form of Continuing Disclosure Certificate

$3,310,000*
CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS
SERIES 2009 A

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (this "Certificate") is executed and delivered this ____ day of _____, 2009, by the City of Charleston (the "City"), in connection with the issuance of its $3,310,000* Civic Center Improvement Refunding Bonds, Series 2009 (the "Bonds"). The Bonds are being issued pursuant to a bond ordinance enacted by the Council of the City on November 16, 2009, and a supplemental resolution adopted by the Council of the City on _____, 2009 (collectively, the "Ordinance"). The City covenants and agrees as follows:

SECTION 1. Purpose of Certificate. This Certificate is being executed and delivered by the City for the benefit of the holders and beneficial owners of the Bonds and in order to assist the Underwriter in complying with SEC Rule 15c2-12(b)(5).

SECTION 2. Definitions. In addition to the definitions set forth in the Ordinance and the Purchase Contract, which apply to any capitalized term used in this Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Financial Information" means the financial information (which shall be based on financial statements prepared in accordance with generally accepted accounting principles ("GAAP")), provided at least annually, of the type included in those sections of the final official statement with respect to the Bonds attached thereto as Appendix B, which Annual Financial Information shall include Audited Financial Statements if available on the due date set forth herein, and, if not then available, unaudited financial statements.

"Audited Financial Statements" means the City's annual financial statements, prepared in accordance with GAAP, which financial statements shall have been audited by a qualified independent auditor.

"Beneficial Owner" shall mean any person who has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any the Bonds (including persons holding the Bonds through nominees, depositories or other intermediaries).

*Preliminary, subject to change.

"Bonds" shall mean the $3,310,000* Civic Center Improvement Refunding Bonds, Series 2009 A.

"Dissemination Agent" shall initially mean the City and any later appointed Dissemination Agent or any successor Dissemination Agent designated in writing by the City and which has filed with the City a written acceptance of such designation.

"EMMA" means the Electronic Municipal Market Access system described in 1934 Act Release No. 59062 and maintained by the Municipal Securities Rulemaking Board for purposes of the Rule.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Certificate.

"National Repository" shall mean the Municipal Securities Rulemaking Board, Washington, D.C., the sole Nationally Recognized Municipal Securities Information Repository for purposes of the Rule, effective as of July 1, 2009.

"Purchase Contract" shall mean the Bond Purchase Agreement dated _____, 2009, between the Underwriter and the City, by which the Underwriter offered to purchase the Bonds from the City upon the terms set forth therein.

"Repository" shall mean the National Repository and the State Repository.

"Rule" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State" shall mean the State of West Virginia.

"State Repository" shall mean any public or private repository or entity designated by the State as the state repository for the purpose of the Rule and recognized as such by the Securities and Exchange Commission. As of the date of this Certificate, there is no State Repository.

"Underwriter" shall mean Crews & Associates, Inc., the original underwriter of the Bonds, who is required to comply with the Rule in connection with offering of the Bonds.

*Preliminary, subject to change.

SECTION 3. Provision of Annual Reports.

(a) The City shall, or shall cause the Dissemination Agent to, not later than 360 days after the end of the City's fiscal year (presently June 30), commencing with the report for the Fiscal Year ending June 30, 2009, provide to each Repository Annual Financial Information and Audited Financial Statements, which are consistent with the requirements of Section 4 of this Certificate. The Annual Financial Information and Audited Financial Statements may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Certificate. If the City's fiscal year changes, the City shall give notice of such change in the same manner as for a Listed Event under Section 5(a).

(b) Not later than fifteen (15) Business Days prior to said date, the City shall provide the Annual Financial Information and Audited Financial Statements to the Dissemination Agent (if other than the City). If the City is unable to provide to the Repositories its Annual Financial Information and Audited Financial Statements by the date required in subsection (a), the City shall send a notice to the Repositories, in substantially the form attached as Exhibit A.

(c) The Dissemination Agent shall:

(i) determine each year prior to the date for providing the Annual Financial Information and Audited Financial Statements the name and address of each Repository; and

(ii) if the Dissemination Agent is other than the City, file a report with the City certifying that the Annual Financial Information and Audited Financial Statements have been provided pursuant to this Certificate, stating the date it was provided and listing the Repositories to which it was provided.

(d) Effective on July 1, 2009 and thereafter, all documents provided to the Municipal Securities Rulemaking Board shall be provided in an electronic formant and shall be accompanied by identifying information as prescribed by the Municipal Securities Rulemaking Board.

SECTION 4. Content of Annual Financial Information and Audited Financial Statements. The City's Annual Financial Information and Audited Financial Statements shall contain or include by reference the following:

Within three hundred sixty (360) days of the City's fiscal year ended June 30, 2009, and each subsequent fiscal year, for delivery to each Repository in the format required by the Rule, such information and data of the City for the prior fiscal year, including the audited financial statements, prepared in accordance with generally accepted accounting principles in effect from time to time.

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the City or related public entities, which have been submitted to each of the Repositories or the Securities and Exchange Commission. If the document included by reference is a final official statement it must be available from the Municipal Securities Rulemaking Board. The City shall clearly identify each such other document so included by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the City shall give, or cause to be given, notice of the occurrence of any of the following events, if applicable, with respect to the Bonds, if material:

1. principal and interest payment delinquencies;

2. non-payment related defaults;

3. unscheduled draws on debt service reserves reflecting financial difficulties;

4. unscheduled draws on credit enhancements reflecting financial difficulties;

5. substitution of credit or liquidity providers, or their failure to perform;

6. adverse tax opinions or events affecting the tax-exempt status of the security;

7. modifications to rights of security holders;

8. bond calls;

9. defeasances;

10. release, substitution, or sale of property securing repayment of the securities, except as provided by the Ordinance;

11. rating changes.

(b) Whenever the City obtains knowledge of the occurrence of any of the Listed Events, the City shall as soon as possible determine if such event would be material under applicable federal securities laws.

(c) If the City determines that knowledge of the occurrence of any of the Listed Events would be material under applicable federal securities laws, the City shall promptly file a notice of such occurrence with each Repository. Notwithstanding the foregoing, notice of Listed Events described in subsections (a) (4) and (5) need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to holders of affected the Bonds pursuant to the Ordinance.

SECTION 6. Termination of Reporting Obligation. The City's obligations under this Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. If such termination occurs prior to the final maturity of the Bonds, the City shall give notice of such termination in the same manner as for any of the Listed Events under Section 5(a).

SECTION 7. Dissemination Agent. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Certificate. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the City pursuant to this Certificate.

SECTION 8. Amendment, Waiver. Notwithstanding any other provision of this Certificate, the City may amend this Certificate, and any provision of this Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Sections 3(a), 4 or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of an obligated person with respect to the Bonds, or the type of business conducted;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances, and

(c) The amendment or waiver either (i) is approved by the Holders of the Bonds in the same manner as provided in the Ordinance for amendments to the Ordinance with the consent of holders of the Bonds, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or beneficial owners of the Bonds.

In the event of any amendment or waiver of a provision of this Certificate, the City shall describe such amendment in the next Annual Financial Information and Audited Financial Statements, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given in the same manner as for any of the Listed Events under Section 5(a), and (ii) the Annual Financial Information and Audited Financial Statements for the year in which the change is made should present a comparison (in

narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

SECTION 9. Additional Information. Nothing in this Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Certificate or any other means of communication, or including any other information in any Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events, in addition to that which is required by this Certificate. If the City chooses to include any information in any Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events in addition to that which is specifically required by this Certificate, the City shall have no obligation under this Certificate to update such information or include it is any future Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events.

SECTION 10. Default. In the event of a failure of the City to comply with any provision of this Certificate, any Holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Certificate. A default under this Certificate shall not be deemed an Event of Default under the Ordinance, and the sole remedy under this Certificate in the event of any failure of the City to comply with this Certificate shall be an action to compel performance.

SECTION 11. Beneficiaries. This Certificate shall inure solely to the benefit of the City, the Underwriter and holders and beneficial owners from time to time of the Bonds, and shall create no rights in any other person or entity.

Date: _____, 2009

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Mayor

EXHIBIT A

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: CITY OF CHARLESTON (WEST VIRGINIA)

Name of Issue: $3,310,000* CITY OF CHARLESTON CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

Date of Issuance: _____, 2009

Notice is hereby given that the City has not provided an Annual Report with respect to the above-named bonds as required by its covenant made in connection with the above-referenced bond issue. The City anticipates that the Annual Report will be filed by _____.

Dated this ___ day of _____, 20__.

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Mayor

*Preliminary, subject to change

Appendix E

Bond Ordinance

THE CITY OF CHARLESTON
WEST VIRGINIA

Bill No. 7403

Adopted by Council:
November 2, 2009

Introduced in Council
October 19, 2009

Referred to
Finance Committee

Introduced by
Robert Reishman

A BILL AUTHORIZING THE REFUNDING OF THE CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999, OF THE CITY OF CHARLESTON; AND AUTHORIZING THE ISSUANCE OF CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A, OF THE CITY OF CHARLESTON, IN THE AMOUNT OF $3,500,000, TO FINANCE THE COST OF SUCH REFUNDING AND THE COST OF ISSUANCE FOR SUCH BONDS; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITY OF THE HOLDERS OF THE BONDS; PROVIDING A STATUTORY MORTGAGE LIEN ON SPECIFIED TAX REVENUES DEDICATED FOR SUCH PURPOSES; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND PROVIDING GENERAL TERMS AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

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ARTICLE I
STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance is adopted pursuant to the provisions of Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended (the "Act') and other applicable provisions of law.

Section 1.02. Findings and Determinations. It is hereby found, determined and declared as follows:

A. The City of Charleston (the "City" or "Issuer") is a municipal corporation and political subdivision of the State of West Virginia located in Kanawha County, West Virginia.

B. The Issuer now has a public facility known as the Charleston Civic Center (the "Facility"). In 1999 the City permanently financed the acquisition, construction, equipping and improving of the Facility through the issuance of its Civic Center Improvement Bonds, Series 1999 dated December 23, 1999 in the aggregate principal amount of $4,060,000 (the "Refunded Bonds").

C. The City may now refund the Refunded Bonds at a savings to the City. The City hereby determines that it would be a benefit to refund the Refunded Bonds with proceeds from the issuance of its Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds") in the aggregate principal amount not to exceed $3,500,000.

D. Based upon the assumed principal amount, maturity schedule and interest rates for the Series 2009 A Bonds presented to the City by the Original Purchaser, and after making allowance for the use of cash on hand of the City, the Series 2009 A Bonds show a net present value debt service savings to the City after deducting all expenses of the refunding and the costs of issuing the Series 2009 A Bonds.

E. The City shall not sell the Series 2009 A Bonds without setting forth in the Supplemental Resolution the determination set forth in paragraph D above, based upon the actual principal amount, maturity schedule and interest rates for the Series 2009 A Bonds, and the City shall not issue the Series 2009 A Bonds without having obtained from an Independent Certified Public Accountant a certification that the amount of savings stated to be achieved by the refunding shall in fact be saved, based upon their review, comparison and analysis of the net interest cost in dollars of the Series 2009 A Bonds and the net interest cost in dollars of the Prior Bonds.

F. The period of usefulness of the Facility is not less than twenty-five (25) years.

G. There are outstanding the Issuer's Civic Center Improvement Bonds, Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount of $3,635,000 with which the Series 2009 A Bonds will rank on a parity as to lien on and source of and security for payment.

H. The Issuer is not in default under the terms of any document and has complied with all requirements with respect to the issuance of the Series 2009 A Bonds.

I. The estimated revenues to be derived in each year from hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes will be sufficient to pay all the principal of and interest on the Series 2009 A Bonds (as hereinafter defined) and all debt service and other payments provided for herein.

J. The Issuer has complied with all requirements of West Virginia law relating to the issuance of the Bonds, or will have so complied prior to issuance of the Bonds.

K. It is in the best interests of the Issuer that the Bonds be sold to Crews & Associates, Inc. (the "Purchaser"), pursuant to the terms and provisions of a Bond Purchase Agreement to be entered into between the Purchaser and the City.

L. The City shall not permit at any time any of the proceeds of the Series 2009 A Bonds or other funds of the City to be used directly or indirectly in any manner which would result in the exclusion of the Series 2009 A Bonds from the treatment afforded by Section 103(a) of the Code.

M. The City will file all statements, instruments and returns necessary to assure the tax-exempt status of the Series 2009 A Bonds.

N. The Series 2009 A Bonds will not be federally guaranteed within the meaning of Section 149(b) of the Code.

Section 1.03. Ordinance to Constitute Contract. In consideration of the acceptance of the Bonds by the Purchasers, this Ordinance (the "Ordinance") shall be deemed to be and shall constitute a contract between the Issuer and the Purchasers, and the covenants and agreements set forth herein to be performed by the Issuer shall be for the benefit, protection and security of the Registered Owner of the Bonds.

Section 1.04. Definitions. The following terms shall have the following meanings herein unless the text otherwise expressly requires:

"Act" means Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended.

"City Clerk" means the City Clerk of the Governing Body.

"Commission" means the West Virginia Municipal Bonds Commission or any other agency of the State of West Virginia that succeeds to the functions of the Commission.

"Depository Bank" means the bank or trust company which is a member of FDIC and its successors and assigns or such other qualified bank or trust company designated in the Supplemental Resolution.

"Escrow Agent" shall mean the Escrow Agent with respect to each Escrow Agreement, which shall be appointed pursuant to a resolution supplemental hereto.

"Escrow Agreement" shall mean the agreements between the City and the Escrow Agent, substantially in the form of the agreement attached to a resolution supplemental hereto and by this reference made a part hereof, relating to the refunding and defeasance of the Prior Bonds.

"Escrow Fund" shall mean the escrow fund created by each Escrow Agreement.

"Facility" or "Facilities" means all the land and tangible properties of the Charleston Civic Center Coliseum and also any tangible properties which may hereafter be added to the Facility by addition, betterments, extensions and improvements thereto and properties, furniture, fixtures or equipment therefor, hereafter at any time constructed or acquired.

"FDIC" means the Federal Deposit Insurance Corporation.

"Fiscal Year" means each year beginning on July 1 and ending on the succeeding June 30.

"Governing Body" means the City Council of the Issuer.

"Government Obligations" means direct obligations of or obligations the principal of and interest on which are guaranteed by, the United States of America.

"Herein" means in this Ordinance.

"Holder of the Bonds" or any similar term means any person who shall be the registered owner of the Bonds.

"Issuer" or "City" means City of Charleston, Kanawha County, West Virginia, and, where appropriate, also means the Governing Body.

"Mayor" means the Mayor or the Acting Mayor of the Governing Body.

"Ordinance" means this Ordinance and all resolutions supplemental hereto.

"Prior Ordinance" means the Ordinance authorizing the Series 1998 Bonds enacted September 8, 1998.

"Project" means the Project as defined in the Ordinance of the City authorizing the issuance of the Refunded Bonds enacted December 6, 1999.

"Purchasers" means Crews & Associates, Inc. and any successor or successors thereto.

"Qualified Investments" means and include any of the following:

(a) Government Obligations;

(b) Government Obligations which have been stripped of their unmatured interest coupons, interest coupons stripped from Government Obligations, and receipts or certificates evidencing payments from Government Obligations or interest coupons stripped from Government Obligations;

(c) Bonds, debentures, notes or other evidence of indebtedness issued by any of the following agencies: Banks for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank Facility; Export-Import Bank of the United States; Federal Land Banks; Government National Mortgage Association; Tennessee Valley Authority; or Washington Metropolitan Area Transit Authority;

(d) Any Bonds, debenture, note, participation certificate or other similar obligations issued by the Federal National Mortgage Association to the extent such obligation is guaranteed by the Government National Mortgage Association or issued by any other federal agency and backed by the full faith and credit of the United States of America;

(e) Time accounts (including accounts evidenced by time certificates of deposit, time deposits or other similar banking arrangements) which, to the extent not insured by the FDIC or Federal Savings and Loan Insurance Corporation, shall be secured by a pledge of Government Obligations, provided, that said Government Obligations pledged either must mature as nearly as practicable coincident with the maturity of said lime accounts or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said time accounts;

(f) Money market funds or similar funds whose only assets are investments of the type described in paragraphs (a) through (e) above;

(g) Repurchase agreements, fully secured by investments of the types described in paragraphs (a) through (e) above, with banks or national banking associations which are members of FDIC or with government bond dealers recognized as primary dealers by the Federal Reserve Bank of New York provided, that said investments securing said repurchase agreements either must mature as nearly as practicable coincident with the maturity of said repurchase agreements or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said repurchase agreements, and provided further that the holder of such repurchase agreement shall have a prior perfected security interest in the collateral therefor, must have (or its agent must have) possession of such collateral, and such collateral must be free of all claims by third parties;

(h) The West Virginia "consolidated fund" managed by the West Virginia State Board of Treasury Investments pursuant to Chapter 12, Article 6C, of the West Virginia Code of 1931, as amended; and

(i) Obligations of states or political subdivisions or agencies thereof the interest on which is excluded from gross income for federal income tax purposes, and which are rated at least "A" by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

"Redemption Accounts" means the redemption account within the Series 2009 A Sinking Fund established by Section 4.01 of this Ordinance.

"Redemption Price" means the price paid for redemption of the Series 2009 A Bonds as set forth in the redemption provisions determined in the Supplemental Resolution.

"Refunded Bonds" or "Series 1999 Bonds" means the $4,060,000 City of Charleston Civic Center Improvement Bonds, Series 1999, to be refunded by the Series 2009 A Bonds.

"Registrar" or "Bond Registrar" means the Bank or Trust Company designated by the Issuer in the Supplemental Resolution.

"Representation Letter" means the DTC Letter of Representation of the City.

"Series 1998 Bonds" means the City's Civic Center Improvement Bonds, Series 1998 issued on September 11, 1998, in the aggregate principal amount of $3,635,000.

"Series 2009 A Bonds" or "Bonds" means the City's Civic Center Improvement Refunding Bonds, Series 2009 A, authorized by this Ordinance.

"Tax Revenues" means (i) the specified tax revenues dedicated for such purposes by the City to pay debt service on the Series 2009 A Bonds and consisting of coal severance taxes and hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) received or collected by the City and (ii) any other revenues dedicated for such purposes by the City to pay debt service on the Series 2009 A Bonds and the Series 1998 Bonds and on any additional bonds issued under the Ordinance.

"Term Bonds" means the Series 2009 A Bonds subject to mandatory sinking fund redemption, as described by Section 3.09 of this Ordinance.

Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations; words importing the masculine, feminine or neuter genders shall include any other gender; and any requirement for execution, sealing and/or attestation of the Bonds or any certificate or other document by the City Clerk shall mean that such Bond certificate or other document which may be executed, sealed and/or attested by an Acting City Clerk.

ARTICLE II

AUTHORIZATION OF REFUNDING AND REDEMPTION OF THE SERIES 1999 BONDS

Section 2.01. Authorization of Refunding and Redemption of the Series 1999 Bonds. The lien of the Series 1999 Bonds outstanding as of the date of issuance of the Note imposed by the Prior Ordinance on the Tax Revenues is hereby ordered terminated, discharged and released upon the payment onto the Series 1999 Escrow Fund from the proceeds of the Series 2009 A Bonds, together with other moneys available therefor, including those moneys transferred as provided below, of the following: (a) an amount equal to the fiscal and paying agent charges, and (b) an amount which will be simultaneously invested in United States Treasury Obligations bearing interest and having maturities sufficient to provide (i) for the payment of the principal of the Series 1999 Bonds as the same mature on each principal payment date established with respect thereto prior to the Series 1999 Bonds Redemption Date, if any, established for such Series 1999 Bonds, (ii) for the payment of the redemption price of the Series 1999 Bonds outstanding on the Series 1999 Bonds Redemption Date, if any, established for such Series 1999 Bonds, and (iii) for the payment of the interest on the Series 1999 Bonds as the same becomes due. Contemporaneously with the deposit of proceeds of the Series 2009 A Bonds into the Series 1999 Escrow Fund, and as prescribed by the Series 1999 Escrow Agreement, the amounts on deposit in the sinking fund created and maintained on behalf of the Series 1999 Bonds shall be deposited into the Series 1999 Escrow Fund and simultaneously invested as provided in the Series 1999 Escrow Agreement. The proceeds of the Bonds hereby authorized shall be applied as provided in Article IV hereof

ARTICLE III

AUTHORIZATION, TERMS, EXECUTION, REGISTRATION AND ISSUANCE OF BONDS

Section 3.01. Authorization of Bonds. Subject and pursuant to the provisions hereof, the Bonds of the Issuer to be known as "City of Charleston, Civic Center Improvement Refunding Bonds, Series 2009 A" in the principal amount not to exceed $3,500,000, is hereby authorized to be issued for the purpose of financing the cost of refunding the Refunded Bonds.

Section 3.02. Description of Bonds. The Bonds shall be issued in registered form, from No. R-l upward, and shall be dated on the date of delivery. The Bonds shall bear interest from the date, payable semi-annually at the rates per annum and shall be sold for the par value thereof as set forth herein or in a Supplemental Resolution. The Bonds shall be payable as to principal at the office of the Paying Agent in any coin or currency which on the respective date of payment of principal and interest, is legal tender for the payment of public or private debts under the laws of the United States of America. Interest on the Bonds shall be paid by check or draft of the

Paying Agent mailed to the Registered Owner thereof at the address that appears on the books of the Registrar or, in the event of a default in the payment on the Series 2009 A Bonds, that special record date to be fixed by the Registrar by notice given to the Registered Owners not less than ten (10) days prior to said special record date (the "Special Record Date") or, if requested in the case of such an owner of $1,000,000 or more in principal amount of Series 2009 A Bonds, by wire transfer to a domestic bank account specified in writing at least five (5) days prior to the Record Date by such owner.

The Series 2009 A Bonds shall, at the option of the City, be redeemable in whole or in part, at the times, in the manner, and upon payment of the redemption prices, as provided in the Supplemental Resolution.

Section 3.03. Execution of Bonds. The Bonds shall be executed in the name of the Issuer by the Mayor or and its corporate seal shall be affixed thereto and attested by the City Clerk, and the Mayor and the City Clerk are hereby authorized to execute the Bonds and such other documents as are necessary to finalize this transaction. In case any one or more of the officers who shall have signed or sealed the Bonds shall cease to be such officer of the Issuer before the Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Bonds may be signed and sealed on behalf of the Issuer by such person as at the actual time of the execution of such Bonds shall hold the proper office in the Issuer, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

Section 3.04. Authentication and Registration. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Ordinance unless and until the Certificate of Authentication and Registration on such Bond, substantially in the form set forth in a resolution supplemental hereto, shall have been duly manually executed by the Registrar. Any such executed Certificate of Authentication and Registration upon any such Bond shall be-conclusive evidence that such Bond has been authenticated, registered, and delivered under this Ordinance. The Certificate of Authentication and Registration on any Bond shall be deemed to have been executed by the Registrar if manually signed by any authorized officer of the Registrar, but it shall not be necessary that the same officer sign the Certificate of Authentication and Registration on all of the Bonds issued hereunder.

Section 3.05. Book Entry System for Bonds. A. Each series of the Series 2009 A Bonds shall initially be issued in the form of one fully-registered bond for the aggregate principal amount of the Series 2009 A Bonds of each maturity, registered in the name of CEDE & CO., as nominee of DTC. Except as provided in paragraph E below, all of the Series 2009 A Bonds shall be registered in the registration books kept by the Registrar in the name of CEDE & CO., as nominee of DTC; provided that if DTC shall request that the Series 2009 A Bonds be registered in the name of a different nominee, the Registrar shall exchange all or any portion of the Series 2009 A Bonds registered in the name of such nominee or nominees. No person other than DTC or its nominee shall be entitled to receive from the City or the Registrar either a Series 2009 A Bond or any other evidence of ownership of the Series 2009 A Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all

or any portion of the Series 2009 A Bonds on the registration books maintained by the Registrar, in connection with discontinuing the book entry system as provided in paragraph E below.

B. At or prior to settlement for the Series 2009 A Bonds, the City and the Registrar shall execute or signify their approval of a representation letter addressed to DTC in a form satisfactory to DTC (the "Representation Letter"). Any successor Registrar shall, in its written acceptance of its duties under this Ordinance, agree to take any actions necessary from time to time to comply with the requirements of the Representation Letter.

C. So long as the Series 2009 A Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or Redemption Price of or interest on such Series 2009 A Bonds shall be made to DTC or its nominee at the addresses set forth in the Representation Letter in New York Clearing House or equivalent next day funds on the dates provided for such payments to be made to any Registered Owner under this Ordinance. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of the City and the Registrar with respect to the principal or Redemption Price of or interest on the Series 2009 A Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the Series 2009 A Bonds Outstanding of any maturity, the Registrar shall not require surrender by DTC of the Series 2009 A Bonds so redeemed, but DTC may return such Series 2009 A Bonds and make an appropriate notation on the Series 2009 A Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Registrar, upon request, a written confirmation of such partial redemption. The records maintained by the Registrar shall be conclusive as to the amount of the Series 2009 A Bonds of such maturity which have been redeemed.

D. The City, the Paying Agent and the Registrar may treat DTC as the sole and exclusive owner of the Series 2009 A Bonds registered in its name or the name of its nominee for the purposes of payment of the principal or Redemption Price of or interest on the Series 2009 A Bonds, selecting the Series 2009 A Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Registered Owners under this Ordinance, registering the transfer of Series 2009 A Bonds, obtaining any consent or other action to be taken by the Registered Owners and for all other purposes whatsoever; and neither the City nor the Registrar shall be affected by any notice to the contrary. Neither the City nor the Registrar shall have any responsibility or obligation to any direct or indirect participant in DTC, any person claiming a beneficial ownership interest in the Series 2009 A Bonds under or through DTC or any such participant, or any other person which is not shown on the registration books of the Registrar as being a Registered Owner with respect to (i) the Series 2009 A Bonds, (ii) the accuracy of any records maintained by DTC or any such participant, (iii) the payment by DTC or any such participant of any amount in respect of the principal or Redemption Price of or interest on the Series 2009 A Bonds, (iv) any notice which is permitted or required to be given to the Registered Owners under this Ordinance, (v) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the Series 2009 A Bonds or (vi) any consent given or other action taken by DTC as Registered Owner.

E. The book entry system for registration of the ownership of the Series 2009 A Bonds may be discontinued at any time if either: (i) DTC determines to resign as securities

depository for the Series 2009 A Bonds; or (ii) the City determines that continuation of the system of book entry transfers through DTC (or through a successor securities depository) is not in the best interest of the beneficial owners of the Series 2009 A Bonds. In either of such events (unless in the case described in clause (ii) above, the City appoints a successor securities depository), the Series 2009 A Bonds shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated by DTC, but without any liability on the part of the City or the Registrar for the accuracy of such designation. Whenever DTC requests the City and the Registrar to do so, the City and the Registrar shall cooperate with DTC in taking appropriate action after reasonable notice to arrange for another securities depository to maintain custody of certificates evidencing the Series 2009 A Bonds.

Section 3.06 Negotiability, Registration, Transfer and Exchange of Bonds. The Bonds shall be and have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, but the Bonds may only be transferred by transfer of the registration thereof upon the books required to be kept pursuant to Section 3.05 hereof, by the party in whose name it is registered, in person or by attorney duly authorized in writing, upon surrender of the Bonds for cancellation, accompanied by delivery of a written instrument of transfer, duly executed in a form acceptable to the Registrar. No interest in the Bonds shall be transferable except by means of transfer of registration of the Bonds representing such interest and delivery of a new Bond or Bonds in exchange therefor in accordance with this Bond Ordinance.

Whenever the Bonds shall be surrendered for registration of transfer, the Issuer shall execute and deliver a new Bond or Bonds in authorized denominations, for a like aggregate principal amount. The Registrar shall require the payment by the new owner requesting such transfer of any tax or other governmental charge required to be paid with respect to such transfer, but the Issuer shall pay any other expenses incurred by the Registrar with respect to such transfer,

No registration of transfer of a Bond shall be permitted to be made after the 15th day next preceding any installment payment date on that Bond.

Section 3.07. Registrar. The Registrar will keep or cause to be kept by its agent at its office, sufficient books for the registration and transfer of the Bonds, and upon presentation for such purpose, the Registrar shall, under such reasonable regulations as it may prescribe, register the Bonds initially issued pursuant hereto and register the transfer, or cause to be registered by its agent, on such books, the transfer of the Bonds as hereinbefore provided.

The Registrar shall accept the Bonds for registration or transfer only if ownership thereof is to be registered in the name of an individual (including joint ownership), a corporation, a partnership or a trust, and only upon receipt of the social security number of each individual, the federal employer identification number of each corporation or partnership or social security numbers of the settlor and beneficiaries of each trust and the name of the trustee of each trust and/or such other identifying number and information as may be required by law.

Section 3.08. Bond Mutilated, Destroyed. Stolen or Lost, In case any of the Bonds shall become mutilated or be destroyed, stolen or lost, the Issuer may in its discretion issue and deliver a new Bond of like tenor as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the holder's furnishing the Issuer proof of his, her or its ownership thereof and complying with such other reasonable regulations and conditions as the Issuer may require. The Bond so surrendered shall be canceled and held for the account of the Issuer, If the Bond shall have matured or be about to mature, instead of issuing a substitute Bond the Issuer may pay the same, and if such Bond be destroyed, stolen or lost, without surrender thereof.

Section 3.09. Term Bonds. In the event Term Bonds are issued pursuant to this Ordinance, the following provisions shall apply:

A. The amounts to be deposited, apportioned and set apart by the City from the Revenue Fund and into the Redemption Accounts for the Series 2009 A Bonds in accordance with Subsection 4.04(B) shall include (after credit as provided below) on the first of each month, beginning on the first day of that month which is 12 months prior to the first mandatory Redemption Date of said Term Bonds, a sum equal to $1/12^{th}$ of the amount required to redeem the principal amount of such Term Bonds which are to be redeemed as of the next ensuing mandatory Redemption Date, which amounts and dates, if any, with respect to a series of Bonds shall be set forth in the Supplemental Resolution relating thereto.

B. At its option, to be exercised on or before the 60th day next preceding any such mandatory Redemption Date, the City may (a) deliver to the Registrar for cancellation such Term Bonds in any aggregate principal amount desired or (b) receive a credit in respect of its mandatory redemption obligation for any such Term Bonds which prior to said date have been redeemed (otherwise than pursuant to this section) and canceled by the Registrar and not theretofore applied as a credit against any such mandatory redemption obligation. Each Term Bond so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on such mandatory Redemption Date, and Term Bonds delivered in excess of such mandatory redemption obligation shall be credited against future mandatory redemption obligations in the order directed by the City, and the principal amount of such Term Bonds to be redeemed pursuant to mandatory sinking fund redemption shall be accordingly reduced.

C. The City shall on or before the 60th day next preceding each mandatory Redemption Date furnish the Registrar and the Commission with its certificate indicating whether and to what extent the provisions of (a) and (b) of the preceding paragraph are to be utilized with respect to such mandatory redemption payment and stating, in the case of the credit provided for in (b) of the preceding paragraph, that such credit has not theretofore been applied against any mandatory redemption obligation.

D. After said 60th day but prior to the date on which the Registrar selects the Term Bonds to be redeemed, the Commission may use the moneys in the Redemption Accounts for the Series 2009 A Bonds to purchase Term Bonds at a price less than the par value thereof and accrued interest thereon. The Commission shall advise the City and the Registrar of any

Term Bonds so purchased, and they shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on such mandatory Redemption Date, and any excess shall be credited against future mandatory redemption obligations in the order directed by the City, and the principal amount of such Term Bonds to be redeemed pursuant to mandatory sinking fund redemption shall be accordingly reduced.

E. The Registrar shall call for redemption, in the manner provided herein, an aggregate principal amount of such Term Bonds, at the principal amount thereof plus interest accrued to the Redemption Date (interest to be paid from the Sinking Funds of the Series 2009 A Bonds), as will exhaust as nearly as practicable the Redemption Account payment designated to be made in accordance with paragraph (A) of this section. Such redemption shall be by random selection made on the 45th day preceding the mandatory Redemption Date, in such manner as may be determined by the Registrar. For purposes of this section, "Term Bonds" shall include any portion of a fully registered Term Bond, in integrals of $5,000.

Section 3.10. Bonds Secured by Pledge of Revenues. The payment of the debt service of the Bonds shall be secured forthwith by a lien on the Tax Revenues derived from and a statutory mortgage lien on the hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14 (b) of the Code of West Virginia of 1931, as amended) and coal severance taxes pledged therefor, Such lien shall be on a parity with the liens securing $3,635,000 City of Charleston (West Virginia), Civic Center Improvement Bonds, Series 1998 (the 'Series 1998 Bonds") and any other additional bonds, issued pursuant to Section 5.02 of this Ordinance.

Section 3.11. Notice of Redemption. (a) The Registrar shall cause notice of any redemption of Bonds to be mailed by first class mail to the Owners of all Bonds to be redeemed at the addresses thereof appearing in the Bond Register. Each such notice shall (i) be mailed not more than 60 days nor less than 30 days prior to the redemption date, (ii) identify the Bonds to be redeemed (specifying the CUSIP numbers, if any, assigned to the Bonds), (iii) specify the redemption date and the Redemption Price, and (iv) state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent, that from that date the Bonds called for redemption will be deemed to be paid, and interest will cease to accrue, and that no representation is made as to the accuracy or correctness of the CUSIP numbers printed therein or notice of redemption or mailing thereof (including any failure to mail such notice), shall affect the validity of the redemption proceedings for any other Bonds for which notice was properly given.

(b) If at the time of mailing of any notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is subject to the deposit of such moneys with the Paying Agent not later than the opening of business on the redemption date and shall be of no effect unless such moneys are so deposited. If such moneys are not deposited by such date and time, the Registrar promptly shall notify the Owners of all Bonds called for redemption of such fact.

(c) So long as DTC (as CEDE & CO.) is the Registered Owner of the Series 2009 A Bonds, the Registrar shall send all notices of redemption to DTC and shall verify that DTC has received notice. Copies of all redemption notices relating to optional redemption of the Series 2009 A Bonds shall also be sent to registered securities depositories.

All official notices of redemption shall be dated and shall state:

(1) The Redemption Date,

(2) The Redemption Price,

(3) If less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(4) That on the Redemption Date, the Redemption Price and interest accrued will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date,

(5) The place where such Bonds are to be surrendered for payment of the Redemption Price, which place of payment shall be the principal office of the Paying Agent, and

(6) Such other information, if any, as shall be required for DTC-eligible Bonds.

Section 3.12. Form of Bond. Subject to the provisions hereof the text of the Bond and the other details thereof shall be of substantially the following tenor, with such omissions, insertions and variations as may be authorized or permitted hereby or any supplemental resolution adopted after the date of adoption hereof and prior to the issuance thereof

(FORM OF BOND)

No.R-__ $_____

CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

INTEREST RATE	BOND DATE	MATURITY DATE	CUSIP
_____%	_____ 1, 2009	December 1, 20__	_____

REGISTERED OWNER: THE DEPOSITORY TRUST COMPANY

PRINCIPAL AMOUNT: $ _____

FOR VALUE RECEIVED, the CITY OF CHARLESTON, a municipal corporation and political subdivision of the State of West Virginia, in Kanawha County of said State (herein called "Issuer") hereby promises to pay to the order of The Depository Trust Company, or its registered assigns, at New York New York or at such other place as may hereafter be designated in writing the principal sum of _____ and 00/100 Dollars ($), plus interest on the unpaid principal balance at the rate of_____ (_%) per annum. The said principal and interest shall be paid in the following installments on the following dates: Semiannual installments of principal and interest on June 1 and December 1 of each year, beginning _____ 1, 2010, except that the final installment shall be paid on the Maturity Date, and except that prepayments may be made as provided hereinbelow. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

Every payment made on any indebtedness evidenced by this Bonds shall be applied first to interest computed to the effective date of the payment and then to the principal. Payments shall be made at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia, and shall be mailed to the registered owner hereof at the address as it appears on the books of the Registrar.

At the option of the City, this Bond is subject to redemption prior to maturity on or after _____ 1, 20__, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus interest, if any, accrued to the date for redemption.

If the Registered Owner at any time assigns this Bond and insures the payment thereof; Issuer shall continue to make payments to the Registered Owner as collection agent for the holder.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998,

ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS").

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the Issuer or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Series 2009 A Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues.

Registration of this Bond is transferable by the registered owner hereof in person or by his, her or its attorney duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the herein defined Bond Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds, of authorized denomination or denominations, for the like principal amount, will be issued to the transferee in exchange herefor.

This Bond, under the provisions of the Act, is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code of the State of West Virginia, but may only be transferred by transfer of registration hereof with the Bond Registrar.

This Bond has been issued under and in full compliance with the Constitution and statutes of the State of West Virginia, including, among others, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code (herein called the "Act").

IN WITNESS WHEREOF, the CITY OF CHARLESTON has caused this Bond to be executed by its Mayor and its corporate seal to be hereunto affixed or imprinted hereon and attested by its City Clerk, all as of the date hereinabove written.

CITY OF CHARLESTON

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is to certify that this Bond is one of the Bonds described in and issued under the provisions of the within-mentioned Bond Ordinance and has been duly registered in the name of the registered owner set forth above.

Dated: _____, 2009

_____,
as Registrar

By: _____
Authorized Officer

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

DATED:_____

In the presence of:

ARTICLE IV

REVENUES AND APPLICATION THEREOF; DISPOSITION OF BOND PROCEEDS; FUNDS AND ACCOUNTS

Section 4.01. Establishment of Funds and Accounts with Depository Bank. The following special funds or accounts are created and established with and shall be held by the Depository Bank, separate, distinct and apart from all other funds or accounts of the Depository Bank and from each other:

(1) Revenue Fund (established by the Prior Ordinance);

(2) Costs of Issuance Fund; and

(3) Series 2009 A Bonds Rebate Fund.

Section 4,02. Establishment of Funds and Accounts with Commission. The following special fund is hereby created and established with the Commission:

(1) Series 2009 A Bonds Sinking Fund (including a Redemption Account, if necessary).

Section 4.03. Disposition of Proceeds of Series 2009 A Bonds. Upon the issuance and delivery of the Series 2009 A Bonds, the City shall forthwith deposit the proceeds thereof as follows:

A. An amount of the proceeds of the Series 2009 A Bonds which, together with other moneys or securities deposited therein and the earnings thereon, shall be sufficient to accomplish the refunding and defeasance of the Series 1999 Bonds (which amount shall be set forth in the Escrow Agreement) shall be deposited in the Escrow Fund.

B. The balance of the proceeds of the Series 2009 A Bonds shall be deposited with the Depository Bank in the Costs of Issuance Fund and shall be drawn out, used and applied by the City solely to pay costs of issuance of the Series 2009 A Bonds and miscellaneous costs of refunding the Prior Bonds at the written direction of the City. All such costs of issuance shall be paid within 60 days of the Closing Date. Moneys not to be applied immediately to pay such costs of issuance and refunding may be invested in accordance with this Ordinance, subject however, to applicable yield restrictions as may be in effect under the Code. If for any reason such proceeds, or any part thereof, are not necessary for, or are not applied to such purpose within 6 months after the Closing Date, such unapplied proceeds shall be transferred by the City to the Redemption Accounts for the Series 2009 A Bonds. All such proceeds shall constitute a trust fund for such purposes, and there hereby is created a lien upon such moneys until so applied in favor of the Registered Owners of the Series 2009 A Bonds.

Section 4.04. Covenants of the Issuer as to Revenues and Funds, So long as any of the Series 2009 A Bonds shall be outstanding and unpaid, or until there shall have been set apart in the Series 2009 A Bonds Sinking Fund a sum sufficient to pay, when due or at the earliest practical prepayment date, the entire principal of the Bonds remaining unpaid, together with interest accrued and to accrue thereon, the Issuer further covenants with the holder of the Series 2009 A Bonds as follows:

(A) Revenue Fund. The Tax Revenues shall be deposited as collected by the Issuer in a special fund in a bank or trust company in the State of West Virginia which is a member of FDIC, which Fund, known as the "Revenue Fund" established with the Depository Bank. The Revenue Fund shall constitute a trust fund for the purposes provided herein and shall be kept separate and distinct from all other funds of the Issuer and used only for the purposes and in the manner provided herein. Provided, however, the amount of Tax Revenues on deposit in the Revenue Fund shall be sufficient to make the next deposit of interest and/or principal into the Series 2009 Bonds Sinking Fund, with any excess Tax Revenues available to the Issuer.

(B) Disposition of Revenues. The Tax Revenues at any time of interest and/or principal on deposit in the Revenue Fund shall be disposed of as follows:

The Issuer shall on or before the due date of payment of each installment of interest and/or principal on the Bonds, transfer from the Revenue Fund and simultaneously deposit into (i) the Series 1998 Bonds Sinking Fund, the amount required to pay the interest on the Series 1998 Bonds, and to amortize the principal of the Series 1998 Bonds over the life of the Series 1998 Bonds, and (ii) the Series 2009 A Bonds Sinking Fund (or such other place as may be provided pursuant to the Bonds), the amount required to pay the interest on the Series 2009 A Bonds, and to amortize the principal of the Series 2009 A Bonds over the life of the Series 2009 A Bonds.

The Commission is hereby designated as the Fiscal Agent for the administration of the Series 2009 A Bonds Sinking Fund, and the Depository Bank is hereby designated as the Fiscal Agent for the administration of the other accounts herein provided, and all amounts required the other accounts will be deposited therein by the Issuer upon transfers of funds from the Revenue Fund at the times provided herein, together with written advice stating the amount remitted for deposit into each such fund.

All the funds provided for in this Section shall constitute trust funds and shall be used only for the purposes and in the order provided herein, and until so used, the Bondholder shall have a lien thereon for further securing payment of the Bonds and the interest thereon, but the Commission and the Depository Bank shall not be a trustee as to such funds.

The Commission and the Depository Bank at the direction of the Issuer, shall keep all funds invested and reinvested to the fullest extent possible in accordance with applicable law, and to the extent practicable, in Qualified Investments having maturities consonant with the required use thereof Investments in any fund or account under this Bond Ordinance shall, unless otherwise provided herein or required by law, be valued at the lower of cost or the then current market value, or at the redemption price thereof if then redeemable at the option of the holder,

including value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held by the "consolidated fund" managed by the West Virginia Board of Treasury Investments. Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account.

(C) Change of Depository Agent and Fiscal Agent. The Issuer may designate another bank or trust company insured by FDIC as Fiscal Agent and Depository Bank if the aforesaid Bank should cease for any reason to serve or if the Governing Body determines by ordinance that said Bank or its successor should no longer serve as Fiscal Agent or Depository Bank. Upon any such change, the Governing Body will cause notice of the change to be sent by registered or certified mail to the Purchasers,

(D) Charges and Fees. The Issuer shall remit from the Revenue Fund to the Commission and to the Depository Bank such additional sums as shall be necessary to pay the charges and fees of the Commission and the Depository Bank then due.

(E) Investment of Excess Balances. The moneys in excess of the sum insured by the maximum amounts insured by FDIC in any of such funds or accounts shall at all times be secured, to the full extent thereof in excess of such insured sum, in a lawful manner for securing deposits of state and municipal funds under the laws of the State.

(F) Remittances. Any remittances made by the Issuer to the Commission and to the Depository Bank shall clearly identify the fund or account into which each amount is to be deposited,

ARTICLE V

GENERAL COVENANTS

Section 5.01. General Statement. So long as the Bonds shall be outstanding and unpaid, the covenants and agreements contained herein shall be and constitute valid and legally binding covenants between the Issuer and the Purchasers.

Section 5.02. Issuance of Additional Parity Bonds or Obligations. Additional bonds or obligations payable out of the Tax Revenues pledged toward repayment of the Series 2009 A Bonds may be issued at any time upon the Issuer's completion, execution and tender of its certificate demonstrating a debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Series 2009 A Bonds, the Series 1998 Bonds and any additional parity bonds issued during the most recent fiscal year and a projected debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Series 2009 A Bonds, the Series 1998 Bonds, any additional bonds issued and the additional parity bonds to be issued over the next 3 years. In the event that the collection of Tax Revenues falls below one hundred ten percent (110%) the City will use its best efforts to request and secure legislative approval to increase the rates and /or percentages from the different components of Tax Revenues which are paid to the City.

Section 5.03. Insurance and Bonds. The Issuer hereby covenants and agrees that it will, as an expense of construction, operation and maintenance of the Facility, procure, carry and maintain, so long as the Bonds remains outstanding, insurance with a reputable insurance carrier or carriers covering the following risks and in the following amounts:

(a) Real Property Insurance, to be procured upon any portion of the Facility now in use, in an amount equal to the full insurable value thereof. In the event of any damage to or destruction of any portion of the Facility, the Issuer will promptly arrange for the application of the insurance proceeds for the repair or reconstruction of such damaged or destroyed portion.

(b) Public Liability Insurance, with limits of not less than $500,000 for one or more persons injured or killed in one accident to protect the Issuer from claims for bodily injury and/or death, and not less than $200,000 to protect the Issuer from claims for damage to property of others which may arise from the operation of the Facility, such insurance to be procured not later than the date of delivery of the Bonds.

(c) Vehicular Public Liability Insurance, in the event the Issuer owns or operates any vehicle in the operation of the Facility, or in the event that any vehicle not owned by the Issuer is operated at any time or times for the benefit of the Issuer, with limits of not less than $500,000 for one or more persons injured or killed in one accident to protect the Issuer from claims for bodily injury and/or death, and not less than $200,000 to protect the Issuer from claims for damage to property of others which may arise from such operation of vehicles, such insurance to be procured prior to acquisition or commencement of operation of any such vehicle for the Issuer,

(d) Workers' Compensation Coverage for all Employees of the City Eligible Therefor and Performance and Payment Bonds. Workers' compensation insurance will be maintained as required by the laws of the State of West Virginia

(e) Fidelity Bonds will be provided as to every member of the Governing Body and every officer and employee of the City having custody of the Revenue Fund or of any revenues or other funds of the Facility in an amount at least equal to the total annual debt service requirements for all outstanding loans.

(f) Flood Insurance to be procured, to the extent available at reasonable cost to the Issuer.

(g) Provided, however, and in lieu of and notwithstanding the foregoing provisions of this Section and so long as the Bonds are outstanding, the Issuer will carry insurance and Bonds or cause insurance and Bonds to be carried for the protection of the Issuer of such types and in such amounts as the Purchasers may specify, with insurance carriers or Bonding companies acceptable to the Purchasers.

Section 5.04. Statutory Mortgage. For the further protection of the holders of the Bonds, a statutory mortgage lien upon the Tax Revenues is granted and created by the Act, which statutory mortgage lien is hereby recognized and declared to be valid and binding and shall take

effect immediately upon delivery of the Bonds. Such statutory mortgage lien shall be on a parity with the statutory mortgage lien granted on behalf of the holders of the Series 1998 Bonds.

Section 5.05. Events of Default. Each of the following events is hereby declared an "Event of Default":

(A) Failure to make payment of any monthly amortization installment at the date specified for payment thereof on the Series 2009 A Bonds, the Series 1998 Bonds or any additional parity bonds issued and/or;

(B) Failure duly and punctually to observe or perform any of the covenants, conditions and agreements on the part of the Issuer contained in the Bonds or herein, or violation of or failure to observe any provision of any pertinent law or of this Bond Ordinance.

Section 5.06. Enforcement. Upon the happening of any Event of Default specified above, then, and in every such case, the Registered Owner may proceed to protect and enforce its rights by an appropriate action in any court of competent jurisdiction, either for the specific performance of any covenant or agreement, or execution of any power, or for the enforcement of any proper legal or equitable remedy as shall be deemed most effectual to protect and enforce such rights and shall have all rights prescribed by the Act, W.Va. Code and other applicable law.

Section 5.07. Reserved.

Section 5.08. Tax Covenants as to Tax Exempt Status of Bonds.

1. The Issuer covenants that (a) it shall not permit or cause to be done any act or thing which would result in the loss of exemption from tax of interest on the Bonds under Section 103(a) of the Internal Revenue Code and the regulations thereunder, or under any successor or similar provision of the Internal Revenue Code hereinafter enacted and applicable to the Bonds and regulations thereunder (b) it shall not invest or otherwise use or permit or cause to be invested or used, any of the proceeds of the Bonds, or moneys deemed to be proceeds of the Bonds under the Internal Revenue Code, directly or indirectly, in any manner which would result in such Bonds being classified as an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Service Code or regulations thereunder, and each shall comply with the requirements of such Section and (c) no part of the proceeds of the Bonds or any funds held under the Ordinance shall at any time be used directly or indirectly for any purpose for which would cause the Bonds to be subject to treatment as a "private activity bond" under the Internal Revenue Code or regulations thereunder and to that end the Issuer will comply with the applicable law as long as the Bonds are outstanding.

2. The Issuer hereby further covenants and agrees as follows:

A. PRIVATE BUSINESS USE LIMITATION. The Issuer shall assure that (i) not in excess of ten percent (10%) of the Net Proceeds of the Bonds are used for private business use if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Bonds during the term thereof is, under the terms of the Bonds or any

underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a private business use or in payments in respect of property used or to be used for a private business use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for a private business use, and that (ii) in the event that both (A) in excess of five percent (5%) of the Net Proceeds of the Bonds are used for a private business use, and (B) an amount in excess of five percent *(5%)* of the principal or five percent (5%) of the interest due on the Bonds during the term thereof is, under the terms of the Bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said private business use or in payments in respect of property used or to be used for the Issuer in respect of property or borrowed money used or to be used for said private business use, then said excess over said five percent (5%) of Net Proceeds of the Bonds used for a private business use shall be used for a Private Business Use related to the governmental use of the Project, or if the Bonds are for the purpose of financing more than one project, a portion of the Project, and shall not exceed the proceeds used for the governmental use of that portion of the Project to which such private business use is related.

B. PRIVATE LOAN LIMITATION. The Issuer shall assure that not in excess of five percent (5%) of the Net Proceeds of the Bonds are used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Investments) to persons other than state or local governmental units.

C. FEDERAL GUARANTEE PROHIBITION. The Issuer shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Bonds to be "federally guaranteed" within the meaning of Section 149 (b) of the Code and Regulations promulgated thereunder.

D. INFORMATION RETURN. The Issuer will file all statements, instruments and returns necessary to assure the tax-exempt status of the Bonds and the interest thereof including without limitation, the information return required under Section 149(e) of the Code.

E. FURTHER ACTIONS. The Issuer will take any and all actions that may be required of it (including those deemed necessary by the Holder) so that the interest on the Bonds will be and remain excludable from gross income for federal income tax purposes, and will not take any actions, or fail to take any actions (including those determined by the Holder) which would adversely affect such exclusion.

Section 5.09. Designation of Series 2009 A Bonds as "Qualified Tax-Exempt Obligations". The City hereby designates the Series 2009 A Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3)(B) of the Code and covenants that the Series 2009 A Bonds do not constitute private activity bonds as defined in Section 141 of the Code, and that not more that $30,000,000 in aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income tax purposes (excluding, however, obligations issued to currently refund any obligation of the City to the extent the amount of the refunding obligation does not exceed the amount of the refunded obligation and private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code), including the Series 2009 A Bonds, have

been or shall be issued by the City, including all subordinate entities of the City, during the calendar year 2009.

ARTICLE VI

INVESTMENTS; NON-ARBITRAGE

Section 6.01. Investments. Any moneys held as a part of the funds and accounts created by this Ordinance, other than the Revenue Fund, shall be invested and reinvested by the Commission, the Depository Bank, or such other bank or national banking association holding such fund or account, as the case may be, at the written direction of the City in any Qualified Investments to the fullest extent possible under applicable laws, this Ordinance, the need for such moneys for the purposes set forth herein and the specific restrictions and provisions set forth in this Section 6.01.

Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and the interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account. The investments held for any fund or account shall be valued at the lower of cost or then current market value, or at the redemption price thereof if then redeemable at the option of the holder, including the value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held in the "Consolidated Fund." The Commission shall sell and reduce to cash a sufficient amount of such investments whenever the cash balance in any fund or account is insufficient to make the payments required from such fund or account, regardless of the loss on such liquidation. The Depository Bank may make any and all investments permitted by this section through its own bond department and shall not be responsible for any losses from such investments, other than for its own negligence or willful misconduct.

The Depository Bank shall keep complete and accurate records of all funds, accounts and investments, and shall distribute to the City, at least once each year, or more often as reasonably requested by the City, a summary of such funds, accounts and investment earnings. The City shall retain all such records and any additional records with respect to such funds, accounts and investment earnings so long as any of the Series 2009 A Bonds are Outstanding and as long thereafter as necessary to comply with the Code and to assure the exclusion of interest on the Series 2009 A Bonds from gross income for federal income tax purposes.

Section 6.02. Arbitrage. The City covenants that (i) it will restrict the use of the proceeds of the Series 2009 A Bonds in such manner and to such extent as may be necessary, so that the Series 2009 A Bonds will not constitute "arbitrage bonds" under Section 148 of the Code and the Regulations prescribed thereunder, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a federal information return with respect to the Series 2009 A Bonds) so that the interest on the Series 2009 A Bonds will be and remain excluded from gross income for federal income tax purposes, and will not take any actions which would adversely affect such exclusion.

Section 6.03. Tax Certificate and Rebate. The City shall deliver a certificate of arbitrage, a tax certificate or other similar certificate to be prepared by nationally recognized bond counsel or tax counsel relating to payment of arbitrage rebate and other tax matters as a condition to issuance of the Series 2009 A Bonds. In addition, the City covenants to comply with all Regulations from time to time in effect and applicable to the Series 2009 A Bonds as may be necessary in order to fully comply with Section 148(f) of the Code, and covenants to take such actions, and refrain from taking such actions, as may be necessary to fully comply with such Section 148(f) of the Code and such Regulations, regardless of whether such actions may be contrary to any of the provisions of this Ordinance.

The City shall calculate, annually, the rebatable arbitrage, determined in accordance with Section 148(f) of the Code. Upon completion of each such annual calculation, the City shall deposit, or cause to be deposited, in the respective Rebate Fund such sums as are necessary to cause the aggregate amount on deposit in such Rebate Funds to equal the sum determined to be subject to rebate to the United States, which, notwithstanding anything herein to the contrary, shall be paid from investment earnings on the underlying fund or account established hereunder and on which such rebatable arbitrage was earned or from other lawfully available sources. Notwithstanding anything herein to the contrary, such Rebate Funds shall be held free and clear of any lien or pledge hereunder and used only for payment of rebatable arbitrage to the United States. The City shall pay, or cause to be paid, to the United States, from such Rebate Funds, the rebatable arbitrage in accordance with Section 148(f) of the Code and such Regulations. In the event that there are any amounts remaining in such Rebate Funds following all such payments required by the preceding sentence, the Depository Bank shall pay said amounts to the City to be used for any lawful purpose. The City shall remit payments to the United States in the time and at the address prescribed by the Regulations as the same may be from time to time in effect with such reports and statements as may be prescribed by such Regulations. In the event that, for any reason, amounts in such Rebate Funds are insufficient to make the payments to the United States which are required, the City shall assure that such payments are made by the City to the United States, on a timely basis, from any funds lawfully available therefor. The City at its expense, may provide for the employment of independent attorneys, accountants or consultants compensated on such reasonable basis as the City may deem appropriate in order to assure compliance with this Section 6.03. The City shall keep and retain, or cause to be kept and retained, records of the determinations made pursuant to this Section 6.03 in accordance with the requirements of Section 148(f) of the Code and such Regulations. In the event the City fails to make such rebates as required, the City shall pay the required rebate amounts and any and all penalties and interest from lawfully available sources, and obtain a waiver from the Internal Revenue Service, if necessary, in order to maintain the exclusion of interest on the Series 2009 A Bonds from gross income for federal income tax purposes.

ARTICLE VII

MISCELLANEOUS

Section 7.01. Defeasance of Bonds. If the Issuer shall pay or there shall otherwise be paid, to the Holder of the Bonds, the principal of and interest due or to become due thereon, at the times and in the manner stipulated therein and in this Bond Ordinance, then with respect to the Bonds, the pledge of Tax Revenues and other moneys and securities pledged under this Bonds Ordinance and all covenants, agreements and other obligations of the Issuer to the Registered Owner of the Bonds, shall thereupon cease, terminate and become void and be discharged and satisfied.

Section 7.02. Reserved.

Section 7.03. Delivery of Bonds. The Mayor and City Clerk of the Governing Body are hereby authorized and directed to cause the Series 2009 A Bonds to be delivered to the Registered Holder as soon as the Purchasers will accept such delivery.

Section 7.04. Severability of Invalid Provision. If any one or more of the covenants, agreements or provisions hereof should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions hereof and shall in no way affect the validity of all the other provisions hereof or the Bonds,

Section 7.05. Conflicting Provisions Repealed. All ordinances and orders, or parts thereof, in conflict with the provisions hereof are, to the extent of such conflicts, hereby repealed.

Section 7.06. Table of Contents and Headings. The Table of Contents and headings of the articles, sections and subsections hereof are for convenience only and shall neither control nor affect in any way the meaning or construction of any of the provisions hereof.

Section 7.07. Modification or Amendment. The Bond Ordinance may not be modified or amended in any material manner after final passage without the prior written consent of the Purchasers and/or holder of the Bonds,

Section 7.08. Covenant of Due Procedure. Etc. The Issuer 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 applicable thereto; and that the Mayor, City Clerk and members of the Governing Body were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 7.09. Supplemental Resolutions. The Issuer may pass such supplemental resolutions, if necessary, to effectuate the purposes and intent of this Ordinance.

Section 7.10. Effective Time. This Ordinance shall take effect immediately upon its adoption.

Section 7.11 Statutory Notice and Public Hearing. A notice of public hearing and abstract of this Bond Ordinance in the form set forth in Exhibit A attached hereto and incorporated by reference, shall be published once a week for two (2) successive weeks within a period of fourteen (14) consecutive days, with at least six (6) full days intervening between each publication, in the Charleston Gazette, a qualified newspaper published and of general circulation in the City of Charleston, together with a notice stating that this Bond Ordinance will be adopted and that the Issuer contemplates the issuance of the Bonds, and that any person interested may appear before the City Council upon a date certain, not less than ten (10) days subsequent to the date of the first publication of such notice and abstract of this Bond Ordinance, and present protests, and that a certified copy of the Ordinance is on file with the Governing Body for review by interested persons during office hours of the Governing Body. At such hearing, all objection and suggestions will be heard, and the Governing Body shall take such action as it shall deem proper in the premises.

Passed on First Reading – October 19, 2009.

Passed on Second Reading – November 2, 2009.

Passed Following Public Hearing – November 16, 2009.

CITY OF CHARLESTON

[SEAL]

By: _____
Mayor

Attest:

By:_____
City Clerk

CERTIFICATION

I, James W. Reishman, City Clerk of the City of Charleston, hereby certify that the foregoing is a true and correct copy of an Ordinance enacted at a meeting of the City Council of the City of Charleston held on November 2, 2009, and effective following a public hearing thereon held on November 16, 2009. I further hereby certify that the action of said City Council set forth therein remains in full force and effect and has not been amended or repealed.

WITNESS my signature on this ____ day of _____, 2009.

_____
Clerk

{C1612611.1}

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2009, by Danny Jones, the Mayor of the City of Charleston, a municipal corporation and a political subdivision of the State of West Virginia, on behalf of said municipality.

My commission expires _____.

_____
NOTARY PUBLIC

Prepared by:
S. Ryan White, Esquire
JACKSON KELLY PLLC
P.O. Box 553
1600 Laidley Towner
Charleston, WV 25322

EXHIBIT A

THE CITY OF CHARLESTON, WEST VIRGINIA

NOTICE OF PUBLIC HEARING AND ABSTRACT OF BOND ORDINANCE

Notice is hereby given to any person interested that on November 2, 2009, the Council of The City of Charleston, West Virginia (the "City") adopted an ordinance which, among other things:

1. Authorizing the refunding of the Civic Center Improvement Bonds, Series 1999 of The City of Charleston; authorizing the issuance of not more than $3,500,000 in Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such purposes, to finance the cost of such refunding and to pay other costs of issuance; providing for the rights and remedies of and security for the holders of such bonds, providing a statutory mortgage lien on specified tax revenues dedicated for such purposes and providing general terms and providing when the ordinance shall take effect.

2. Directed that the Series 2009 A Bonds be issued in such principal amounts, bear interest at such rate or rates, not exceeding the then legal maximum rate, mature on such dates and in such amounts and redeemable, in whole or in part, as prescribed in a supplemental resolution.

3. Directed the continuation of the Revenue Fund and the disposition of the Tax Revenues; provided for the payment of operating expenses; provided for the monthly payment of principal and interest when due; provided for the creation of a Sinking Fund for the Series 2009 A Bonds.

4. Provided that the Series 2009 A Bonds shall not be or constitute a corporate indebtedness of the City within the meaning of any constitutional or statutory provision or limitation, but shall be payable solely from the pledged Tax Revenues; pledged the Tax Revenues to payment of the Series 2009 A Bonds and established the rights of the registered owners of the Bonds to such Tax Revenues.

5. Provided certain conditions for the issuance of additional bonds.

6. Established the events of default and the remedies of the registered owners.

The City contemplates the issuance of the Series 2009 A Bonds described in, and under the conditions set forth in the Ordinance abstracted above. Any person interested may appear before the Council of the City of Charleston at a regular meeting on November 16, 2009,

at 7:00 p.m., in the Council Chambers, City Hall, Charleston, West Virginia, and present protests and be heard as to whether the above-described Ordinance shall be put into effect.

A certified copy of the Ordinance as adopted by the Council of City on November 2, 2009, is on file with the City Clerk for review by interested persons at the City Hall during regular office hours, to-wit: 8:00 a.m. to 4:00 p.m., Monday through Friday.

James M. Reishman
City Clerk -- The City of Charleston, West Virginia

THE CITY OF CHARLESTON
WEST VIRGINIA

NEW ISSUE - FULL BOOK ENTRY

In the opinion of Bond Counsel, under existing laws, regulations, published rulings and judicial decisions of the United States of America, as presently written and applied, and subject to compliance by the City with certain conditions, representations and certifications, interest on the City of Charleston Civic Center Improvement Refunding Bonds, Series 2009 A (the "Bonds") is excludable from gross income of the owners thereof for federal income tax purposes, and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations. Further, in the opinion of Bond Counsel, under existing laws of the State of West Virginia, the Bonds and the interest thereon are exempt from taxation by the State of West Virginia, except inheritance, estate and transfer taxes. (see "Tax Matters" herein).

$3,275,000
CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

Dated: Date of Delivery **Due: December 1, as shown**

The Bonds shall be issued only as fully registered Bonds, and when initially issued, will be registered to Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"). Individual purchases will be made in book-entry form only and beneficial owners of the Bonds will not receive physical delivery of bond certificates. So long as DTC or its nominee is the registered owner of the Bonds, payments of the principal of and interest on such Bonds will be made directly to DTC. Disbursements of such payments to DTC participants is the responsibility of DTC, and disbursement of such payments to the beneficial owners is the responsibility of DTC participants (see "THE BONDS--Book-Entry Only System" herein).

The City of Charleston (the "City") has designated the Bonds as "qualified tax-exempt obligations" for purposes of Section 265 of the Internal Revenue Code of 1986, as amended, which relates to the ability of certain financial institutions to deduct the interest expense allocable to holding and carrying tax-exempt obligations for federal income tax purposes.

The Bonds are being issued to provide funds, together with other moneys available therefor, to refund the entire outstanding principal balance and all accrued interest on the City's outstanding Civic Center Improvement Bonds, Series 1999, dated December 1, 1999, issued in the original aggregate principal amount of $4,060,000; and to pay certain costs of issuance and related costs.

THE BONDS ARE ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998, ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS"). THE BONDS, THE SERIES 1998 BONDS AND ANY OTHER ADDITIONAL BONDS RANKING ON A PARITY HEREWITH WHICH MAY BE ISSUED AND OUTSTANDING FOR THE PURPOSE OF PROVIDING FUNDS FOR FINANCING COSTS OF CONSTRUCTION OF IMPROVEMENTS TO THE FACILITY (THE "FACILITY") OF THE CITY OR REFUNDING OTHER PARITY BONDS, IS PAYABLE SOLELY FROM (I) THE CITY'S RECEIPT OR COLLECTION OF HOTEL-MOTEL OCCUPANCY TAXES (AS LIMITED BY THE AMOUNT PAYABLE BY THE ISSUER UNDER THE PROVISIONS OF CHAPTER 7, ARTICLE 18, SECTION 14(B) OF THE CODE OF WEST VIRGINIA OF 1931, AS AMENDED) AND COAL SEVERANCE TAXES, AND (II) ANY OTHER REVENUES DEDICATED FOR SUCH PURPOSES BY THE CITY TO PAY DEBT SERVICE ON THE BONDS, SERIES 1998 BONDS AND ON ANY ADDITIONAL BONDS ISSUED UNDER THE ORDINANCE (THE "TAX REVENUES"). THE BONDS DO NOT IN ANY MANNER CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR LIMITATION NOR SHALL THE CITY BE OBLIGATED TO PAY THE SAME OR THE INTEREST HEREON EXCEPT FROM SAID SPECIAL FUND PROVIDED FROM THE COLLECTION OF THE TAX REVENUES.

MATURITIES, AMOUNTS, INTEREST RATES AND PRICES OR YIELDS

$475,000 3.000% Term Bonds, Due December 1, 2012, Price 100.000% CUSIP 160519BW3
$580,000 3.500% Term Bonds, Due December 1, 2015, Price 100.000% CUSIP 160519BX1
$655,000 4.000% Term Bonds, Due December 1, 2018, Price 100.000% CUSIP 160519BY9
$730,000 4.200% Term Bonds, Due December 1, 2021, Price 100.000% CUSIP 160519BZ6
$835,000 4.400% Term Bonds, Due December 1, 2024, Price 100.000% CUSIP 160519CA0

The Bonds are subject to redemption prior to maturity as more fully stated herein.

The Bank of New York Mellon, West Paterson, New Jersey, is the Registrar and the West Virginia Municipal Bond Commission is the Paying Agent. Interest on the Bonds is payable semiannually on each June 1 and December 1, commencing June 1, 2010.

The Bonds are offered when, as and if issued and received by the Underwriter, subject to prior sale, to withdrawal or modification of the offering without notice and to the unqualified approval of legality by Jackson Kelly PLLC, Charleston, West Virginia, Bond Counsel. Certain legal matters will be passed upon for the City by Paul Ellis, Esq., Charleston, West Virginia, counsel to the City. Certain legal matters will be passed upon for the Underwriter by Steptoe & Johnson PLLC, Charleston, West Virginia, as counsel to the Underwriter.

It is expected that the Bonds will be available for delivery through DTC, New York, New York, on or about December 17, 2009.

Crews&Associates
Member First Security Bancorp

December 9, 2009

CITY OF CHARLESTON, WEST VIRGINIA

MAYOR

Danny Jones

CITY COUNCIL

Patrick Jones
William Kirk
Joe Deneault
Rev. James Ealy
Teresa Reed
Edward Talkington
Adam Henry Knauff
Bob White
Cubert Smith
Robert Sheets
Marc R. Weintraub
Jim Harris, Jr.
Suzie Kortz Salisbury
Jack E. Harrison
David Kent Higgins
Lewis Payne
Bobby Reishman
John H. Miller, Jr.
Greg Burton
Cheryle M. Hall
Mike Clowser
Mary Jean Davis
Tom Lane
Will Hanna
Harry Deitzler
Jerry L. Ware
Kasey Russell

CITY ADMINISTRATION

Vic Grigoraci, Treasurer
Paul Ellis, City Attorney
David Molgaard, City Manager
James M. Reishman, City Clerk
Joe Estep, Finance Director

BOND COUNSEL

Jackson Kelly PLLC
Charleston, West Virginia

UNDERWRITER

Crews & Associates, Inc.
Charleston, West Virginia

UNDERWRITER'S COUNSEL

Steptoe & Johnson PLLC
Charleston, West Virginia

This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds in any jurisdiction in which it is unlawful to make such offer, solicitation or sale. No dealer, broker, salesman or other person has been authorized by the City or the Underwriter to give any information or to make any representations, other than as contained in this Official Statement. If given or made, such other information or representations must not be relied upon as having been authorized by any of the foregoing. The information set forth herein has been obtained by the Underwriter from sources, which are believed to be reliable but is not guaranteed as to accuracy or completeness and is not to be construed as a representation by the Underwriter. The information and any expression of opinion herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall under any circumstances create any implication that there has been no change in the affairs of the City since the date hereof. This Official Statement is submitted in connection with the sale of securities referred to herein and may not be reproduced or used, in whole or in part, for any other purposes.

The information contained in this Official Statement has been obtained by the Underwriter from sources believed to be reliable, but the accuracy or completeness of such information is not guaranteed by, and should not be construed as a promise by any of the foregoing. The presentation of such information is intended to show recent historic information and is not intended to indicate future or continuing trends. No representation is made that the past experience, as shown by such financial and other information, will necessarily continue or be repeated in the future. This Official Statement contains, in part, estimates and matters of opinion, whether or not expressly stated to be such, which are not intended as statements or representations of fact or certainty, and no representation is made as to the correctness of such estimates and opinions, or that they will be realized. The information and expressions of opinion herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City.

THE BONDS ARE ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE SERIES 1998 BONDS. THE BONDS, THE SERIES 1998 BONDS AND ANY OTHER ADDITIONAL BONDS RANKING ON A PARITY HEREWITH WHICH MAY BE ISSUED AND OUTSTANDING FOR THE PURPOSE OF PROVIDING FUNDS FOR FINANCING COSTS OF CONSTRUCTION OF IMPROVEMENTS TO THE FACILITY (THE "FACILITY") OF THE CITY OR REFUNDING OTHER PARITY BONDS, IS PAYABLE SOLELY FROM (I) THE CITY'S RECEIPT OR COLLECTION OF HOTEL-MOTEL OCCUPANCY TAXES (AS LIMITED BY THE AMOUNT PAYABLE BY THE ISSUER UNDER THE PROVISIONS OF CHAPTER 7, ARTICLE 18, SECTION 14(B) OF THE CODE OF WEST VIRGINIA OF 1931, AS AMENDED) AND COAL SEVERANCE TAXES, AND (II) ANY OTHER REVENUES DEDICATED FOR SUCH PURPOSES BY THE CITY TO PAY DEBT SERVICE ON THE BONDS, SERIES 1998 BONDS AND ON ANY ADDITIONAL BONDS ISSUED UNDER THE ORDINANCE (THE "TAX REVENUES"). THE BONDS DO NOT IN ANY MANNER CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISION OR LIMITATION NOR SHALL THE CITY BE OBLIGATED TO PAY THE SAME OR THE INTEREST HEREON EXCEPT FROM SAID SPECIAL FUND PROVIDED FROM THE COLLECTION OF THE TAX REVENUES.

Forward-Looking Statements

This Official Statement, and particularly the information contained in the caption "FINANCING PLAN," contains statements relating to future results that are "forward-looking statements" as defined in the Private Securities Litigation Reform Act of 1995. When used in this Official Statement, the words "estimated," "forecasted," "intended," "expected," "anticipated," "projected" and similar expressions identify forward-looking statements. Such statements are subject to risks and uncertainties that could cause actual results to differ materially from those contemplated in such forward-looking statements. Any forecast is subject to such uncertainties. Inevitably, some assumptions used to develop the forecasts will not be realized and unanticipated events and circumstances may occur. Therefore, there are likely to be differences between forecasts and actual results, and those differences may be material. For a discussion of certain of such risks and possible variations in results, see the information under "RISK FACTORS."

The following sentence has been provided by the Underwriter for inclusion in this Official Statement: The Underwriter has reviewed the information in this Official Statement in accordance with, and as a part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information.

The Bonds will not be registered under the Securities Act of 1933, as amended, or any state securities law, and will not be listed on any stock or other securities exchange. Neither the Securities and Exchange Commission nor any other federal, state or other governmental entity or agency has determined or confirmed the accuracy of this Official Statement.

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITER MAY OVERALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF THE BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

** CUSIP data on the cover page is provided by Standard & Poor's CUSIP Service Bureau, a division of the McGraw-Hill Companies, Inc. The CUSIP numbers on the cover page hereof are being provided solely for the convenience of the Owners of the Bonds only at the time of issuance of the Bonds and neither the Underwriter nor the City make any representation with respect to such numbers or undertake any responsibility for their accuracy now or at any time in the future. The CUSIP number for a specific maturity is subject to being changed after the issuance of the Bonds.

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OFFICIAL STATEMENT

relating to

$3,275,000
CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

INTRODUCTION

This Official Statement, including the cover page and appendices, is provided for the purpose of setting forth certain information concerning the City of Charleston (the "City"), the Facility hereinafter described and defined and the City's $3,275,000 in aggregate principal amount of Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds" or the "Bonds"). The Bonds are being issued pursuant to the Constitution and laws of the State of West Virginia (the "State"), specifically Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended (the "Act'') and other applicable provisions of law, and a bond ordinance enacted by the Council of the City on November 16, 2009, and a supplemental resolution adopted by the Council of the City on December 7, 2009 (collectively, the "Ordinance").

The proceeds of the Bonds, together with other funds available therefor, will be used as follows: (i) to refund the entire outstanding principal balance and all accrued interest on the City's outstanding Civic Center Improvement Bonds, Series 1999, dated December 1, 1999, issued in the original aggregate principal amount of $4,060,000 (the "Refunded Bonds"); and (ii) to pay certain costs of issuance of the Bonds and related costs.

There are outstanding the City's Civic Center Improvement Bonds, Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount of $3,635,000 with which the Bonds will rank on a parity as to lien on and source of and security for payment.

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the City or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the City under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the City within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues. The payment of the principal or redemption price of and interest on the Refunded Bonds will be made as described hereinafter under the heading "FINANCING PLAN."

The City may issue additional bonds on a parity with the Bonds for all of such purposes, subject, in each case, to certain tests and conditions provided for by the Ordinance. See "SECURITY FOR THE BONDS - Additional Parity Bonds."

Brief descriptions of the Bonds, the Ordinance, the refunding of the Refunded Bonds, the City, ongoing disclosure and certain provisions of the Act, are set forth in this Official Statement, as well as other information contained in the appendices hereto. Such descriptions and information do not purport to be comprehensive or definitive. All references herein to the Ordinance, provisions of the Act and other applicable laws of the State are qualified in their entirety by reference to each such document or law. References herein to the Bonds are qualified in their entirety by reference to the form thereof included in the Ordinance and the information with respect thereto included in the aforesaid documents. Capitalized terms used and not otherwise defined in this Official Statement shall have the respective meanings given them in the Ordinance. Copies of the Ordinance and other applicable documents may be obtained from the City or, during the period of offering the Bonds, from the Underwriter.

FINANCING PLAN

The Bonds are being issued for the purpose of refunding the Refunded Bonds. The Refunded Bonds will be redeemed subsequent to the issuance of the Bonds on January 19, 2010, at a redemption price of 102% of the principal amount outstanding, plus interest accrued to the date fixed for redemption.

The refunding is being undertaken to effect a savings in aggregate debt service for the City. The moneys required to refund the Refunded Bonds will be deposited with the West Virginia Municipal Bond Commission, serving as paying agent (the "Paying Agent"). The funds are to be held by the Paying Agent in trust for the payment of the Refunded Bonds and for the benefit of the holders thereof.

The designated registrar of the Refunded Bonds will cause to be given notice of the call for redemption prior to maturity of the Refunded Bonds designated for redemption.

The lien of the Refunded Bonds outstanding as of the date of issuance of the Bond imposed by the Prior Ordinance on the Tax Revenues is hereby ordered terminated, discharged and released upon the payment onto the Refunded Bonds Escrow Fund from the proceeds of the Series 2009 A Bonds, together with other moneys available therefor, including those moneys transferred as provided below, of the following: (a) an amount equal to the fiscal and paying agent charges, and (b) an amount which will be simultaneously invested in United States Treasury Obligations bearing interest and having maturities sufficient to provide (i) for the payment of the principal of the Refunded Bonds as the same mature on each principal payment date established with respect thereto prior to the Refunded Bonds Redemption Date, if any, established for such Refunded Bonds, (ii) for the payment of the redemption price of the Refunded Bonds outstanding on the Refunded Bonds Redemption Date, if any, established for such Refunded Bonds, and (iii) for the payment of the interest on the Refunded Bonds as the same becomes due. Contemporaneously with the deposit of proceeds of the Series 2009 A Bonds into the Refunded Bonds Escrow Fund, and as prescribed by the Refunded Bonds Escrow Agreement, the amounts on deposit in the sinking fund created and maintained on behalf of the Refunded Bonds shall be deposited into the Refunded Bonds Escrow Fund and simultaneously invested as provided in the Refunded Bonds Escrow Agreement.

Sources and Uses of Funds

Sources of Funds

Principal Amount of Bonds		$ 3,275,000.00
Transfers from Existing Funds		62,869.69
	TOTAL	$ 3,337,869.69

Uses of Funds

Deposit into Refunded Bonds Escrow Fund		$ 3,204,439.33
Underwriter's Discount		81,875.00
Costs of Issuance		51,555.36
	TOTAL	$ 3,337,869.69

THE BONDS

General

The aggregate principal amount of the Bonds is $3,275,000. The Bonds are dated the date set forth on the cover hereof, and the Bonds bear interest at the rates and mature in the amounts and on the dates listed on the cover page of this Official Statement. Interest is payable on June 1 and December 1 of each year, commencing June 1, 2010. The Bonds shall be payable as to principal at the office of the Paying Agent in any coin or currency which on the respective date of payment of principal and interest, is legal tender for the payment of public or private debts under the laws of the United States of America. Interest on the Bonds shall be paid by check or draft of the Paying Agent mailed to the Registered Owner thereof at the address that appears on the books of the Registrar or,

in the event of a default in the payment on the Series 2009 A Bonds, that special record date to be fixed by the Registrar by notice given to the Registered Owners not less than ten (10) days prior to said special record date (the "Special Record Date") or, if requested in the case of such an owner of $1,000,000 or more in principal amount of Series 2009 A Bonds, by wire transfer to a domestic bank account specified in writing at least five (5) days prior to the Record Date by such owner.

Optional Redemption

At the option of the City, the Series 2009 A Bonds are subject to redemption prior to maturity on or after December 1, 2015, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus, interest, if any, accrued to the date of redemption.

Mandatory Sinking Fund Redemption

The Series 2009 A Bonds maturing on December 1, 2012, December 1, 2015, December 1, 2018, December 1, 2021, and December 1, 2024 ("Term Bonds") are subject to mandatory redemption prior to maturity by lot, from the Redemption Account at a Redemption Price equal to the principal amount thereof, together with accrued interest to the date fixed for redemption and in the amounts set forth below:

2012 Terms Bonds

Year	Amount	Year	Amount
2010	$115,000	2012*	$180,000
2011	180,000		

2015 Terms Bonds

Year	Amount	Year	Amount
2013	$185,000	2015*	$200,000
2014	195,000		

2018 Terms Bonds

Year	Amount	Year	Amount
2016	$205,000	2018*	$230,000
2017	220,000		

* Stated maturity.

2021 Terms Bonds

Year	Amount	Year	Amount
2019	$235,000	2021*	$250,000
2020	245,000		

2024 Terms Bonds

Year	Amount	Year	Amount
2022	$265,000	2024*	$290,000
2023	280,000		

* Stated maturity.

If less than all the Bonds are to be redeemed, the Bonds to be redeemed shall be identified by reference to the Series designation, date of issue, CUSIP numbers and Maturity Dates.

Notice of Redemption

The Registrar shall cause notice of any redemption of Bonds to be mailed by first class mail to the Owners of all Bonds to be redeemed at the addresses thereof appearing in the Bond Register. Each such notice shall (i) be mailed not more than 60 days nor less than 30 days prior to the redemption date, (ii) identify the Bonds to be redeemed (specifying the CUSIP numbers, if any, assigned to the Bonds), (iii) specify the redemption date and the Redemption Price, and (iv) state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent, that from that date the Bonds called for redemption will be deemed to be paid, and interest will cease to accrue, and that no representation is made as to the accuracy or correctness of the CUSIP numbers printed therein or notice of redemption or mailing thereof (including any failure to mail such notice), shall affect the validity of the redemption proceedings for any other Bonds for which notice was properly given.

If at the time of mailing of any notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is subject to the deposit of such moneys with the Paying Agent not later than the opening of business on the redemption date and shall be of no effect unless such moneys are so deposited. If such moneys are not deposited by such date and time, the Registrar promptly shall notify the Owners of all Bonds called for redemption of such fact.

So long as DTC (as CEDE & CO.) is the Registered Owner of the Series 2009 A Bonds, the Registrar shall send all notices of redemption to DTC and shall verify that DTC has received notice. Copies of all redemption notices relating to optional redemption of the Series 2009 A Bonds shall also be sent to registered securities depositories.

All official notices of redemption shall be dated and shall state:

(1) The Redemption Date,

(2) The Redemption Price,

(3) If less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(4) That on the Redemption Date, the Redemption Price and interest accrued will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date,

(5) The place where such Bonds are to be surrendered for payment of the Redemption Price, which place of payment shall be the principal office of the Paying Agent, and

(6) Such other information, if any, as shall be required for DTC eligible Bonds.

BOOK-ENTRY ONLY SYSTEM

The information in this section has been obtained from sources that the City and the Underwriter believe to be reliable, but neither the City nor the Underwriter takes any responsibility for the accuracy thereof.

The Depository Trust Company

1. The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for the Securities, in the aggregate principal amount of such issue, and will be deposited with DTC.

2. DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 2.2 million issues of U.S. and non-U.S. equity, corporate and municipal debt issues, and money market instrument from over 100 countries that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC").

DTCC, in turn, is owned by a number of Direct Participants of DTC and Members of the National Securities Clearing Corporation, Fixed Income Clearing Corporation, and Emerging Markets Clearing Corporation (NSCC, FICC, and EMCC, also subsidiaries of DTCC), as well as by the New York Stock Exchange, Inc., the American Stock Exchange LLC, and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has Standard & Poor's highest rating: AAA. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com and www.dtc.org.

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Securities may wish to take certain steps to augment transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the security documents.

6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

7. Neither DTC nor Cede & Co. (nor such other DTC nominee) will consent or vote with respect to the Securities unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts, upon DTC's receipt of funds and corresponding detail information from City or Paying Agent on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, nor its nominee, Paying Agent, or City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of City or Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

9. DTC may discontinue providing its services as securities depository with respect to the Securities at any time by giving reasonable notice to City or Paying Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Security certificates are required to be printed and delivered.

10. The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.

11. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that City believes to be reliable, but City takes no responsibility for the accuracy thereof.

THE INFORMATION PROVIDED IMMEDIATELY ABOVE UNDER THIS HEADING HAS BEEN PROVIDED BY DTC. NO REPRESENTATION IS MADE BY THE CITY OR THE UNDERWRITER AS TO THE ACCURACY OR ADEQUACY OF SUCH INFORMATION PROVIDED BY DTC OR AS TO THE ABSENCE OF MATERIAL ADVERSE CHANGES IN SUCH INFORMATION SUBSEQUENT TO THE DATE HEREOF.

For so long as the Bonds are registered in the name of DTC or its nominee, Cede & Co., the City, the Registrar and the Paying Agent will recognize only DTC or its nominee, Cede & Co., as the registered owner of the Bonds for all purposes, including payments, notices and voting.

Each series of the Bonds shall initially be issued in the form of one fully-registered bond for the aggregate principal amount of the Bonds of each maturity, registered in the name of CEDE & CO., as nominee of DTC. Except as provided below, all of the Bonds shall be registered in the registration books kept by the Registrar in the name of CEDE & CO., as nominee of DTC; provided that if DTC shall request that the Bonds be registered in the name of a different nominee, the Registrar shall exchange all or any portion of the Bonds registered in the name of such nominee or nominees. No person other than DTC or its nominee shall be entitled to receive from the City or the Registrar either a Bond or any other evidence of ownership of the Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all or any portion of the Bonds on the registration books maintained by the Registrar, in connection with discontinuing the book entry system as provided below.

At or prior to settlement for the Bonds, the City and the Registrar shall execute or signify their approval of a representation letter addressed to DTC in a form satisfactory to DTC (the "Representation Letter"). Any successor Registrar shall, in its written acceptance of its duties under this Ordinance, agree to take any actions necessary from time to time to comply with the requirements of the Representation Letter.

So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or Redemption Price of or interest on such Series 2009 A Bonds shall be made to DTC or its nominee at the addresses set forth in the Representation Letter in New York Clearing House or equivalent next day funds on the dates provided for such payments to be made to any Registered Owner under the Ordinance. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of the City and the Registrar with respect to the principal or Redemption Price of or interest on the Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the Bonds Outstanding of any maturity, the Registrar shall not require surrender by DTC of the Bonds so redeemed, but DTC may return such Bonds and make an appropriate notation on the Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Registrar, upon request, a written confirmation of such partial redemption. The records maintained by the Registrar shall be conclusive as to the amount of the Bonds of such maturity which have been redeemed.

The City, the Paying Agent and the Registrar may treat DTC as the sole and exclusive owner of the Bonds registered in its name or the name of its nominee for the purposes of payment of the principal or Redemption Price of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Registered Owners under this Ordinance, registering the transfer of the Bonds, obtaining any consent or other action to be taken by the Registered Owners and for all other purposes whatsoever; and neither the City nor the Registrar shall be affected by any notice to the contrary. Neither the City nor the Registrar shall have any responsibility or obligation to any direct or indirect participant in DTC, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any such participant, or any other person which is not shown on the registration books of the Registrar as being a Registered Owner with respect to (i) the Bonds, (ii) the accuracy of any records maintained by DTC or any such participant, (iii) the payment by DTC or any such participant of any amount in respect of the principal or Redemption Price of or interest on the Bonds, (iv) any notice which is permitted or required to be given to the Registered Owners under this Ordinance, (v) the selection by DTC or any

such participant of any person to receive payment in the event of a partial redemption of the Bonds or (vi) any consent given or other action taken by DTC as Registered Owner.

SECURITY FOR THE BONDS

The Bonds are special obligations of the City and are payable as to principal, premium, if any, and interest solely from the sources described below. The City is under no obligation to pay the Bonds except from said sources.

Sources of Payment

The payment of the debt service of the Bonds shall be secured forthwith by a lien on the Tax Revenues derived from and a statutory mortgage lien on the hotel-motel occupancy taxes (as limited by the amount payable by the City under the provisions of Chapter 7, Article 18, Section 14 (b) of the Code of West Virginia of 1931, as amended) and coal severance taxes pledged therefor. Such lien shall be on a parity with the liens securing the Series 1998 Bonds and any other additional bonds, issued pursuant to Section 5.02 of the Ordinance.

Application of Revenues

So long as any of the Bonds shall be outstanding and unpaid, or until there shall have been set apart in the Bonds Sinking Fund a sum sufficient to pay, when due or at the earliest practical prepayment date, the entire principal of the Bonds remaining unpaid, together with interest accrued and to accrue thereon, the City covenants with the holder of the Bonds as follows:

The Tax Revenues shall be deposited as collected by the City in a special fund in a bank or trust company in the State of West Virginia which is a member of FDIC, which Fund, known as the "Revenue Fund" established with the Depository Bank. The Revenue Fund shall constitute a trust fund for the purposes provided herein and shall be kept separate and distinct from all other funds of the City and used only for the purposes and in the manner provided herein. Provided, however, the amount of Tax Revenues on deposit in the Revenue Fund shall be sufficient to make the next deposit of interest and/or principal into the Bonds Sinking Fund, with any excess Tax Revenues available to the City.

The Tax Revenues at any time of interest and/or principal on deposit in the Revenue Fund shall be disposed of as follows: The City shall on or before the due date of payment of each installment of interest and/or principal on the Bonds, transfer from the Revenue Fund and simultaneously deposit into (i) the Series 1998 Bonds Sinking Fund, the amount required to pay the interest on the Series 1998 Bonds, and to amortize the principal of the Series 1998 Bonds over the life of the Series 1998 Bonds, and (ii) the Bonds Sinking Fund (or such other place as may be provided pursuant to the Bonds), the amount required to pay the interest on the Series 2009 A Bonds, and to amortize the principal of the Bonds over the life of the Bonds.

The Commission is designated as the Fiscal Agent for the administration of the Bonds Sinking Fund, and the Depository Bank is designated as the Fiscal Agent for the administration of

the other accounts provided in the Ordinance, and all amounts required the other accounts will be deposited therein by the City upon transfers of funds from the Revenue Fund at the times provided herein, together with written advice stating the amount remitted for deposit into each such fund.

All the funds provided for in the Ordinance shall constitute trust funds and shall be used only for the purposes and in the order provided herein, and until so used, the Bondholder shall have a lien thereon for further securing payment of the Bonds and the interest thereon, but the Commission and the Depository Bank shall not be a trustee as to such funds.

The Commission and the Depository Bank at the direction of the City, shall keep all funds invested and reinvested to the fullest extent possible in accordance with applicable law, and to the extent practicable, in Qualified Investments having maturities consonant with the required use thereof Investments in any fund or account under the Ordinance shall, unless otherwise provided herein or required by law, be valued at the lower of cost or the then current market value, or at the redemption price thereof if then redeemable at the option of the holder, including value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held by the "consolidated fund" managed by the West Virginia Board of Treasury Investments. Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account.

Additional Debt Service Requirements

The source of funds to repay the debt service on the Bonds shall be from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the City under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance, which shall be used to pay the debt service on the Bonds on a parity with the Series 1998 Bonds. Set forth below is a table indicating the total expected amount available for the debt service for the Series 1998 Bonds as well as the Bonds.

	Debt Service 1998 Bonds		Debt Service 2009 A Bonds	Total Annual Debt Service	Total Available For Debt Service*
09/01/10	$258,380.00	12/01/10	$237,454.44	$495,834.44	$2,600,000
09/01/11	257,400.00	12/01/11	304,700.00	562,100.00	2,600,000
09/01/12	255,515.00	12/01/12	299,300.00	554,815.00	2,600,000
09/01/13	258,375.00	12/01/13	298,900.00	557,275.00	2,600,000
09/01/14	255,725.00	12/01/14	302,425.00	558,150.00	2,600,000
09/01/15	257,820.00	12/01/15	300,600.00	558,420.00	2,600,000
09/01/16	259,405.00	12/01/16	298,600.00	558,005.00	2,600,000
09/01/17	255,480.00	12/01/17	305,400.00	560,880.00	2,600,000
09/01/18	256,300.00	12/01/18	306,600.00	562,900.00	2,600,000
09/01/19	256,610.00	12/01/19	302,400.00	559,010.00	2,600,000
09/01/20	256,410.00	12/01/20	302,530.00	558,940.00	2,600,000
09/01/21	255,700.00	12/01/21	297,240.00	552,940.00	2,600,000
09/01/22	259,480.00	12/01/22	301,740.00	561,220.00	2,600,000
09/01/23	257,495.00	12/01/23	305,080.00	562,575.00	2,600,000
09/01/24	-	12/01/24	302,760.00	302,760.00	2,600,000
Totals	$3,600,095.00		$4,465,729.44	$8,065,824.44	$41,600,000

*Estimated, based on historical Tax Revenues

Additional Parity Bonds

Additional bonds or obligations payable out of the Tax Revenues pledged toward repayment of the Bonds may be issued at any time upon the City's completion, execution and tender of its certificate demonstrating a debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Bonds, the Series 1998 Bonds and any additional parity bonds issued during the most recent fiscal year and a projected debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Bonds, the Series 1998 Bonds, any additional bonds issued and the additional parity bonds to be issued over the next 3 years. In the event that the collection of Tax Revenues falls below one hundred ten percent (110%) the City will use its best efforts to request and secure legislative approval to increase the rates and/or percentages from the different components of Tax Revenues which are paid to the City.

RISK FACTORS

Although the City's receipt and collection of the Tax Revenues has generally trended upward for the past several years, there can be no guarantee that such trend will continue. The City's ability to receive and collect the Tax Revenues has been granted by the West Virginia Legislature. There can be no guarantee that the West Virginia Legislature will not modify or abolish, adjust the rates thereof or restrict the City's authority to use the Tax Revenues as provided in the Ordinance.

There can be no assurance that a secondary market for the Bonds will develop or, if developed, that such a market could be sustained. The Underwriter assumes no obligation to establish or maintain such a market and is not obligated to repurchase any of the Bonds at the request of the owner thereof. No rating has been assigned to the Bonds, and the absence of a rating could adversely affect the ability of an owner to sell the Bonds or the price received upon such sale.

THE FACILITY

The Facility is one of the region's largest multipurpose meeting convention and entertainment facilities. The complex includes a coliseum (seating 13,500), theater (seating 750), eighteen meeting rooms, and exhibition and banquet facilities. The Facility hosts more than 800,000 persons annually at a varied schedule of events including basketball games, ice shows, circuses, touring concerts, Broadway shows and theatrical productions, exhibitions, banquets, meetings and conventions.

The Civic Center/Auditorium Board of Charleston was created in 1958 to supervise, operate and maintain the Charleston Civic Center and Municipal Auditorium. The Board, which is appointed by the Mayor with approval by City Council, meets monthly to develop policies and procedures appropriate for the management of the Facility, employ personnel required for the operation of the Facility, and determine fees for use of the Facility. The Board develops an annual operating budget which is submitted to City Council for approval. John D. Robertson, CFE, has served as General Manager of the Facility since 1983. He oversees twenty-five full time and several hundred part time employees and the daily operations of the Facility.

FINANCIAL OPERATIONS

The accounts of the Facility are maintained as a part of the general accounts of the City and are maintained in accordance with generally accepted accounting principals. The State of West Virginia, Office of State Auditor has audited the financial statements of the City for the year ended June 30, 2008. See APPENDIX B – Financial Statements of the City. The financial statements contained in Appendix B are included merely to show the City's receipt and collection of the Tax Revenues. There are no other accounts, revenues or funds of the City available for the payment of such debt service, and the Bonds should not be construed to be a general obligation of the City.

ABSENCE OF MATERIAL LITIGATION

There are no actions, suits, proceedings, inquiries or investigations at law or in equity before or by any court, public board or body, now pending or, to the best knowledge of the City, threatened or affecting the City (or, to the City's knowledge, any basis thereof) wherein an unfavorable decision, ruling or finding would adversely affect the validity of the Bonds, the Ordinance or any agreements to which the City is a party and which are a result of the issuance of the Bonds.

APPROVAL OF LEGALITY

The authorization and issuance of the Bonds are subject to the approval of legality by Jackson Kelly PLLC, Charleston, West Virginia, Bond Counsel. Bond Counsel will render an opinion in substantially the form set forth in Appendix C to this Official Statement. Certain legal matters will be passed upon for the City by its counsel, Paul Ellis, Esq., Charleston, West Virginia, and for the Underwriter by its counsel, Steptoe & Johnson PLLC, Charleston, West Virginia.

TAX MATTERS

In the opinion of Jackson Kelly PLLC, Bond Counsel, under existing laws, regulations, published rulings and judicial decisions of the United States of America, as presently written and applied, the interest on the Bonds (a) is excludable from gross income for federal income tax purposes, (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, and (c) under existing West Virginia law, the Bonds are exempt from all taxation by the State of West Virginia, except inheritance, estate and transfer taxes, and the interest on the Bonds is exempt from personal and corporate income taxes imposed directly thereon by the State West Virginia. It should be noted, however, that interest on the Bonds is included in the adjusted current earnings of certain corporations for purposes of computing the alternative minimum tax that may be imposed with respect to corporations.

The City has designated the Bonds as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code, which relates to the ability of certain financial institutions to deduct the interest expense allocable to holding and carrying tax-exempt obligations for federal income tax purposes.

The opinions described above are subject to the condition that the City complies on a continuing basis, with all requirements of the Code that must be satisfied subsequent to issuance of the Bonds for interest thereon to be or continue to be excluded from gross income for federal income tax purposes. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements could cause the interest on the Bonds to be included in the gross income of the recipients thereof for purposes of federal income taxation retroactively to the date of issuance of the Bonds.

The accrual or receipt of the interest on the Bonds may otherwise affect the federal income tax liability of certain recipients. The extent of these and other consequences will depend upon the recipient's particular tax status or other consequences will depend upon the recipient's particular tax status or other items of income or deduction. Bond Counsel expresses no opinion regarding any such consequences, and investors should consult their tax advisors regarding the tax consequences of purchasing or holding the Bonds.

Assumed Compliance with Certain Covenants and Federal Tax Requirements

As referenced above, the Code imposes various restrictions, conditions and requirements relating to the exclusion from gross income for federal income tax purposes of interest on obligations such as the Bonds. The City has covenanted to comply with certain restrictions designed to ensure that interest on the Bonds will not be included in federal gross income. Failure to comply with these covenants may result in interest on the Bonds being included in gross income for federal income tax purposes, possibly from the date of original issuance of the Bonds. The opinion of Bond Counsel assumes compliance with these covenants. Bond Counsel has not undertaken to determine (or to inform any person) whether any actions taken (or not taken) or events occurring (or not occurring) after the date of issuance of the Bonds may adversely affect the value of, or the tax status of interest on, the Bonds. Further, no assurance can be given that pending or future legislation or amendments to the Code, if enacted into law, or any proposed legislation or amendments to the Code, will not adversely affect the value of, or the tax status of interest on, the Bonds. Prospective purchasers of Bonds are urged to consult their own tax advisors with respect to proposals to restructure the federal income tax.

Certain requirements and procedures contained or referred to in the Bond Indenture, the Lease, the Tax Certificate and other relevant documents may be changed and certain actions (including, without limitation, defeasance of the Bonds) may be taken or omitted under the circumstances and subject to the terms and conditions set forth in such documents. Bond Counsel expresses no opinion as to any Bond or the interest thereon if any such change occurs or action is taken or omitted upon the advice or approval of bond counsel other than Jackson Kelly PLLC.

Individual Circumstances

Although Bond Counsel is of the opinion that interest on the Bonds is excludable from gross income for federal income tax purposes, the ownership or disposition of, or the accrual or receipt of interest on, the Bonds may otherwise affect an owner's federal tax liability. The nature and extent of these other tax consequences will depend upon the particular tax status of the owner or the owner's other items of income or deduction. Bond Counsel expresses no opinion regarding any such other tax consequences.

Future Tax Changes

Future legislative proposals, if enacted into law, clarification of the Code or court decisions may cause interest on the Bonds to be subject, directly or indirectly, to federal income taxation or to be subject to or not exempted from state income taxation, or otherwise prevent beneficial owners from realizing the full current benefit of the tax status of such interest. The introduction or enactment of any such future legislative proposals, clarification of the Code or court decisions may also affect the market price for, or marketability of, the Bonds. Prospective purchasers of the Bonds should consult their own tax advisors regarding any pending or proposed federal or state tax legislation, regulations or litigation, as to which Bond Counsel expresses no opinion.

The opinion of Bond Counsel is based on current legal authority, covers certain matters not directly addressed by such authorities, and represents Bond Counsel's judgment as to the proper treatment of the Bonds for federal income tax purposes. It is not binding on the IRS or the courts. Furthermore, Bond Counsel cannot give and has not given any opinion or assurance about the future activities of the City, or about the effect of future changes in the Code, the application regulations, the interpretation thereof or the enforcement thereof by the IRS. The City has covenanted, however, to comply with the requirements of the Code.

Bond Counsel Obligations

Bond Counsel's engagement with respect to the Bonds ends with the issuance and delivery of the Bonds to the Underwriter, and unless separately engaged, Bond Counsel is not obligated to defend the City or the beneficial owners regarding the tax-exempt status of the Bonds in the event of an audit examination by the IRS. Under current procedures, parties other than the City and its appointed counsel, including the beneficial owners, would have little, if any, right to participate in the audit examination process. Moreover, because achieving judicial review in connection with an audit examination of tax-exempt bonds is difficult, obtaining an independent review of IRS positions with which the City legitimately disagrees may not be practicable. Any action of the IRS, including but not limited to selection of the Bonds for audit, or the course or result of such audit, or an audit of bonds presenting similar tax issues may affect the market price for, or the marketability of, the Bonds, and may cause the City or the beneficial owners to incur significant expense.

UNDERWRITING

Crews & Associates, Inc., as Underwriter, has agreed, subject to certain conditions, to purchase the Bonds from the City at a price of $3,193,125 (which represents the aggregate principal amount of the Series 2009 A Bonds, less an $81,875 underwriting discount). The Underwriter will be obligated to purchase all of the Bonds if any are purchased. The Bonds may be offered and sold to certain dealers (including investment trusts, certain of which may be sponsored or managed by the Underwriter) at prices lower than the public offering price stated on the cover page of this Official Statement, and such public offering price also may be changed without prior notice, from time to time, by the Underwriter.

FINANCIAL STATEMENTS OF THE CITY

Included herein as Appendix B are the audited financial statements of the City as of and for the twelve-month period ended June 30, 2008, and the report with respect to the audited financial statements as of and for the twelve-month period ended June 30, 2008, dated December 22, 2008, of State of West Virginia, Office of State Auditor.

THERE ARE NO OTHER ACCOUNTS, REVENUES OR FUNDS OF THE CITY AVAILABLE FOR THE PAYMENT OF SUCH DEBT SERVICE, AND THE BONDS SHOULD NOT BE CONSTRUED TO BE A GENERAL OBLIGATION OF THE CITY.

CONTINUING DISCLOSURE

The City has agreed in the Ordinance for the benefit of the Registered Owners of the Bonds to provide certain financial and operating information (the "Annual Information") not later than three hundred sixty (360) days following the end of its fiscal year, commencing with its fiscal year ended June 30, 2009, and to provide the Annual Information to the Municipal Securities Rulemaking Board ("MSRB") through the Electronic Municipal Markets Access ("EMMA") System and any State Information Depository ("State Depository") and to provide notice of the occurrence of the enumerated events to MSRB through the EMMA System and to any State Depository.

This continuing disclosure obligation is being undertaken by the City to assist the Underwriter in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission. The City has agreed to give notice in a timely manner to MSRB through the EMMA System, and to each State Depository of any failure to supply the requested information. However, any such failure will not constitute a default under the terms of the Bonds. Registered Owners may contact the Treasurer of the City at 501 Virginia Street, East, Room 203, Charleston, West Virginia 25301, (304) 348-8029 for more information. Under the Continuing Disclosure Certificate, the sole remedy for such failure is to seek an order for specific performance. See "APPENDIX D – FORM OF CONTINUING DISCLOSURE CERTIFICATE."

MISCELLANEOUS

So far as any statements made in this Official Statement involve matters of opinion or estimates, whether or not expressly stated, they are set forth as such and not as representations of fact, and no representation is made that any of such statements will be realized. Neither this Official Statement nor any statement which may have been made orally or in writing is to be construed as a contract with the owners of the Bonds.

Copies of the Ordinance and other applicable documents may be obtained from the City at the following address:

City of Charleston
501 Virginia Street, East
Charleston, West Virginia 25301
(304) 348-8029
Attention: Treasurer

or, during the offering period for the Bonds, from the Underwriter.

The execution and distribution of this Official Statement has been duly authorized by the City.

CITY OF CHARLESTON (WEST VIRGINIA)

By: /s/ Danny Jones
Mayor

Appendix A

Economic and Demographic Information Regarding Charleston, West Virginia

ECONOMIC AND DEMOGRAPHIC INFORMATION
REGARDING CHARLESTON, WEST VIRGINIA

Introduction

Charleston, the county seat of Kanawha County, was originally chartered in 1794 as Charles Town and changed to the present name in 1819. The city was named by George Clendenin, one of the earliest settlers, for his father, Charles Clendenin. As the capital and largest city of West Virginia, it is located in the west central part of the state, at the confluence of the Elk River and the Kanawha River. Charleston is a commercial manufacturing and distribution center for the surrounding coal, petroleum, natural gas, and metal products industries.

West Virginia is centrally located in the South Atlantic Region of the United States, bound to the North by Pennsylvania and Maryland, to the East and South by Virginia, and to the West by Kentucky and Ohio.

Charleston History

Charleston was officially established on December 19, 1794. There were 35 people living in town at that time. The area began to grow around 1800 when salt brine deposits were found along the Kanawha River. West Virginia was officially declared a state by President Abraham Lincoln on June 20, 1863. By the end of the Civil War, the fledgling government was being formed and struggling to come together effectively. The state capital was not set, moving between Charleston and Wheeling until 1885.

Population Overview
2008 Census Estimate

	Charleston	WV	US
Total population	50,302	1,814,468	304,059,724
Square miles (land)	31.60	24,078	3,537,438
Population per sq. mile	1,591.8	75.36	85.95
Gender			
Male	46.6*	49.0%	49.3%
Female	53.4*	51.0%	50.7%
Age			
18 or younger	20.7*	21.3%	27.4%
18-24	8.5*	8.7%	6.7%
25-44	27.9*	25.9%	27.4%
45-64	25.3*	28.4%	25.7%

Population Overview
2008 Census Estimate

	Charleston	WV	US
65+	17.6%*	15.7%	12.8%
Average age (years)	40.59*	42.0	36.8

Race & Ethnicity	Charleston	Charleston	WV	US
White	43,072*	80.6%*	93.5%	65.6%
Black or African American	8,048*	15.1%*	3.5%	12.2%
American Indian & Alaska native	127*	0.2%*	0.2%	0.8%
Asian	979*	1.8%*	0.7%	4.4%
Native Hawaiian & other Pacific Islander		0.0%*	0.0%	0.1%
Some other race	158*	0.3%*	0.9%	1.5%
Hispanic or Latino	432*	0.8%*	1.1%	15.4%

Sources: US Census Bureau, 2008 Census Estimate,
*US Census 2000, being most recent data available

Healthcare

Charleston is home to the 78th largest community health care system, including the nation's second largest cardiac care program, a Level I trauma center and a women and children's hospital. Regional patient capacity exceeds 1,600 beds encompassing four general acute care hospitals, two specialty hospitals and numerous clinics. The Charleston area enjoys a reputation as a leader in start-of-the-art health care facilities and specialties.

The area has become a major center of specialized care and advanced medical training, providing complete health services in modern well-equipped institutions. Charleston is home to the State's largest hospital complex, the Charleston Area Medical Center, with approximately 962 beds. It is the home of the Charleston Division of the West Virginia University School of Medicine. In addition, there are other hospitals operating in the area with approximately 530 licensed beds at Thomas Memorial Hospital and St. Francis Hospital.

Charleston Area Medical Center - Memorial Division, Specializes in Cardiac and Cancer diagnosis and treatment.

Charleston Area Medical Center - General Division, Level 1 Trauma Center, Neuroscience, Medical Rehabilitation Center, Behavioral Medicine, Psychiatry, Physical and Occupational Therapy, Transitional Care, Orthopedics. This hospital is one of only 2 kidney transplant centers in West Virginia and has the State's only accredited sleep center.

Women's & Children's Hospital, Specializes in Pediatrics, Obstetric & Gynecology.

Thomas Memorial Hospital, A full service facility offering inpatient, outpatient and emergency care. Also includes: Heart Center, the Cancer Center of Southern West Virginia with a patient support system; Diabetes Center, clinics and medical-surgical inpatient services.

St. Francis Hospital, a full service facility offering inpatient, outpatient and emergency care. This facility also offers a comprehensive program for treating lung disease and a sports medicine program.

Utilities and Services

One of the nation's largest investor-owned utility holding companies, American Electric Power, provides low-cost electricity to the Charleston area. Rates are lower than the national average because of AEP's highly efficient power plants, high voltage transmission systems, and easy access to West Virginia's coal supply.

A mix of corporate entities and public utilities provide water, natural gas, and electricity. Allegheny Power provides natural gas service in various parts of the State. West Virginia-American Water Company provides water service to most residents of Kanawha County. WVAWC is the State's largest water supplier with 50-MGD of production capacity.

Employment

The world's leading companies find Charleston the perfect fit for teamwork, innovation and productivity. Strategic proximity to markets, coupled with an extensive transportation network, provide the access vitally important to domestic and global commerce. Public and private sectors cooperate seamlessly to help companies achieve success. A reliable and well-trained workforce gives businesses the competitive edge needed in today's global economy.

Source: Charleston Area Alliance

Labor Force Statistics - Kanawha County

	2004	*2005*	*2006*	*2007*	*2008*	*2009*
Civilian Labor Force	91,480	91,470	92,020	92,310	91,870	89,880
Total Employment	87,160	87,190	88,250	88,810	88,690	83,510
Total Unemployment	4,310	4,290	3,770	2,960	3,180	6,370
Unemployment Rate	4.7%	4.7%	4.1%	3.8%	3.5%	7.1%

Source: Workforce WV

Leading Employers

Major industries in the Charleston region include healthcare, services, government, chemicals, education and components manufacturing. There are more than 6,000 businesses in Kanawha County — representing more employment opportunities than any other county in West Virginia. New and expanding businesses benefit from assistance programs at both the State and local levels.

The region's largest employers in 2008:

State Government	10,550
Local Government	8,400
Charleston Area Medical Center	6,000
Kanawha County Schools	5,000
Federal Government	2,600
Wells Fargo	1,500
Toyota Motor Manufacturing	1,350
Thomas Memorial Hospital	1,300
Verizon	1,200
The Dow Chemical Company	1,000
Walker Machinery Company	750
Bayer CropScience	600
Capital Area Services Company	600
Tri-State Racing & Gametrack	600
Columbia Gas Transmission	450

Source: Charleston Area Alliance

Transportation

Residents of Charleston have immediate access to a full range of transportation services - highway, air, rail and water. It is a feature that gives the Charleston area an edge for attracting new businesses to the region.

The convergence of three interstate highways, 1-64, 1-77, and 1-79 interconnecting Charleston as well as Appalachian Corridor "G" (US Rt. 119) brings the area within overnight road-travel distance of 60% of the nation's principal industrial and commercial markets. Charleston is one of 13 cities in the nation where three interstate highways converge. East-West 1-64 extends from Norfolk, Virginia to St. Louis, Missouri; North-South 1-77 from Cleveland Ohio to Columbia, South Carolina; northeast-southwest 1-79 from Erie, Pennsylvania to Charleston, extending to Pikeville, Kentucky via US Rt. 119. In addition to the superhighways, three national and several state highways presently serve the MSA.

Over 40 motor freight companies operate in the Kanawha Valley, of which over 20 maintain terminals, making the area one of the major trucking centers in the Eastern United States. The nation's eight largest motor freight companies are among those with terminals in Charleston. Charleston is the most direct route from the Upper Midwest to the Southeast and serves as a logical transfer point for shipments.

The Greyhound Bus Lines offers interstate and intrastate services, with both freight and passenger capacity.

Local bus service is furnished by the Kanawha Regional Transportation Authority. It operates a 60+ fleet bus system throughout the Kanawha Valley. The system, commonly know as the KRT, serves approximately 20 routes covering nearly 200 miles. Service is provided 7 days a week from 4:00 a.m. to 1 a.m.

Yeager Airport, West Virginia's largest and busiest airport, offers 32 daily departures and arrivals and is located 5 minutes from downtown Charleston. Yeager is a U.S. Port of Entry for the federal Customs service.

Two of the nation's primary rail lines, CSX Transportation and Norfolk Southern Railways, provide economical freight services for the area's industrial shippers. Amtrak operates a passenger terminal in Charleston.

Government

Charleston City Council represents the interests of their constituents by responding to inquiries, suggestions and complaints regarding City programs and services. They govern through legislative, administrative, and financial powers and have the ability to levy taxes, enact ordinances and resolutions, and exercise budgetary and policy control over city departments.

The 27 Council Members are elected by ward for four-year terms with 21 members representing various wards as determined by ward boundaries and 6 At-Large members serving the entire City. Council has both Majority and Minority Leaders, who are selected by their respective parties during party caucuses. The President Pro-Tempore is elected by the entire City Council.

Kanawha County is governed by, and generally acts through, the City of Kanawha County. The present Commissioners, elected on a countywide basis, are W. Kent Carper, President, Henry C. Shores and David J. Hardy. The City exists and operates pursuant to the authority given to it under Article 1 of Chapter 7 of the Code of West Virginia of 1931, as amended. The City is located in Charleston.

Source: City of Charleston

Communications

Charleston has two main newspapers, *The Charleston Gazette* and *Charleston Daily Mail*. TV Stations include WCHS/WVAH, WOWK, WSAZ and WPBY that broadcast throughout the county. Sixteen radio stations serve the Charleston area on both AM/FM frequencies.

Housing

While home styles vary from comfortable country farmhouse to a stylish hillside contemporary, value is consistent. The median sale price in Charleston, according to the Coldwell Bank Home Price Comparison Index, 2008, (Based on 2,200 sq. ft., 4 bedrooms, 2.5 baths, family room, 2-car garage) is $179,050. Competitive home prices, combined with property taxes that are among the lowest in the nation, mean "more house for less money."

Cost of Living

Charleston is an affordable city with countless amenities that make it one of the most desirable places in the East to work and play.

The ACCRA Cost of Living Survey consistently ranks the Charleston MSA below 93.0 versus the nationwide benchmark of 100.0 for affordable living. The 2008 Annual Average Data ranks the Charleston MSA at 92.3.

Source: Charleston Area Alliance

Cultural/Arts

Performing arts include West Virginia Symphony Orchestra, Charleston Light Opera Guild, Kanawha Players, Children's Theater of Charleston and the Charleston Ballet. Mountain Stage is broadcast nationwide from Charleston each Sunday.

The Clay Center for the Arts and Sciences houses a science museum, art museum, planetarium and a concert hall.

Economic Statistics

Employment and Wages

Employment, Annual Average 2008	108,224
Total Wages, Annual 2008	$4,293,170,950
Annual Wage, Annual Average 2008	$39,669
Weekly Wage, Annual Average 2000	$762.87

Source: Workforce WV

Nearby Metropolitan Cities Distance (miles)

Huntington, WV	53
Parkersburg, WV	79
Columbus, OH	212
Pittsburgh, PA	227

Climate

Temperature Mean Annual Average:		55 degrees
January Averages:	*High* 41	*Low* 23
July Averages:	*High* 86	*Low* 64

Long Term Precipitation (inches)

Annual:	42.5
January	2.9
July:	5.0

Mean Annual Snowfall Range (inches): 25-40

Source: Workforce WV

Recreation

Charleston is at the center of recreational activity for the eastern United States. From boating on the beautiful Kanawha River to riding the wildest whitewater...from golfing the most challenging, picturesque courses to enjoying music of the world...all can be found right here.

When it is time to leave the workplace, Charlestonians travel ten minutes to Kanawha State Forest for hiking, walking, biking, camping, swimming and horseback riding. It is just one of thirteen public parks and campgrounds located within the region.

Whether you want to go boating, take a stroll, or rollerblade, head to Magic Island or Haddad Riverfront Park for riverside fun. Local marinas and boat clubs provide river access and amenities to local boaters and water lovers.

Snowshoe Resort, Winterplace and Canaan Valley Resort offer the finest downhill skiing in the Southeast. All are a convenient day trip from Charleston.

Source: Charleston Area Alliance

Colleges & Universities

Local colleges and universities are progressive partners with industry, providing customized training, research support and advanced degree programs. The Charleston region is focused on attracting world-class talent to support an expanding base of highly technical domestic and international companies.

Five fully accredited colleges and universities serve the Charleston region offering quality undergraduate and graduate degree programs. These institutions maintain a total enrollment in excess of 20,000 students annually.

Marshall University
Southern WV Community and Technical College
University of Charleston
WV State University
WVU Institute of Technology

Additionally, superior vocational schools and an adult career centers offer nearly forty programs of study.

Source: Charleston Area Alliance

THE CITY OF CHARLESTON

WEST VIRGINIA

Appendix B

Financial Statements of the City

THE CITY OF CHARLESTON
WEST VIRGINIA

Glen B. Gainer III
State Auditor and
Chief Inspector

Stuart T. Stickel, CPA
Deputy Chief Inspector

State of West Virginia

Office of the State Auditor
Chief Inspector Division
Building 1, Room W-420
Charleston, West Virginia 25305

Toll Free: 877-982-9148
Telephone: (304) 558-2540
FAX: (304) 558-5327
Internet: http://www.wvsao.gov

INDEPENDENT AUDITOR'S REPORT

Honorable Mayor and Council
City of Charleston
Charleston, West Virginia 25301

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Charleston, West Virginia, as of and for the year ended June 30, 2008, which collectively comprise the City's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the entity's management. Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of Charleston Sanitary Board and the Charleston Urban Renewal Authority, discretely presented component units. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for the Charleston Sanitary Board and the Charleston Urban Renewal Authority, is based on the report of the other auditors.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit and the report of other auditors provides a reasonable basis for our opinions.

In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Charleston, West Virginia, as of June 30, 2008, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparisons for the General Fund and Coal Severance Tax Special Revenue Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated December 22, 2008, on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The Management's Discussion and Analysis on pages 15 through 26 and the Schedule of Funding Progress on page 78 are not required parts of the basic financial statements, but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The introductory section, combining and individual nonmajor fund financial statements and the statistical section are presented for purposes of additional analysis and are not a required part of the basic financial statements. The combining and individual nonmajor fund financial statements have been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, are fairly stated in all material respects in relation to the basic financial statements taken as a whole. The introductory section and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on it.

Respectfully submitted,

Glen B. Gainer III
West Virginia State Auditor

December 22, 2008

This section of the City of Charleston's Comprehensive Annual Financial Report presents management's discussion and analysis of the City's financial performance during the fiscal year ended June 30, 2008. Please read it in conjunction with the transmittal letter in the Introductory Section of this report and the City's financial statements, which follow this section.

Financial Highlights

The assets of the City of Charleston exceeded its liabilities at the close of the fiscal year by $57,610,650 (*net assets*). Net assets primarily consists of the governments investment in capital assets (1.39 percent).

The City of Charleston's total net assets decreased over the course of this year's operations by $7,325,877. This decrease is primarily attributable to an increase in long-term obligations for pensions ($11,215,553) and compensated absences ($90,788). These increases were offset to a certain extent with a decrease in general liability insurance and workers' comp claims ($482,955) and the reduction of outstanding debt that exceeded additional capital leases issued ($1,258,475).

At the close of the fiscal year the governmental funds, including General Fund, Special Revenue Funds, Capital Projects Funds, Debt Service Funds and Permanent Funds, had combined ending fund balances of $34,019,105, an increase of $3,200,023 in comparison with prior year. This increase is attributed to an overall increase in revenues of ten percent which exceeded the total nine percent increase in expenditures; however, a seven percent reduction of total expenditures for capital outlays occurred during the fiscal year.

General Fund unreserved fund balance at the end of the fiscal year was $15,036,189 which equates to 21 percent of total general fund expenditures and 77 percent of total fund balance.

The City of Charleston's total debt decreased $2,257,808 (6 percent). There has not been any new bond issuance since 2005 and payments of principal on all debt exceeded capital lease additions in the amount of $1,258,475.

Overview of the Financial Statements

This annual report consists of four parts-*management's discussion and analysis* (this section), the *basic financial statements, required supplementary information,* and *combining statements* for nonmajor governmental funds. The basic financial statements include two kinds of statements that present different views of the City.

The first two statements are government-wide financial statements that provide both long-term and short-term information about the City's overall financial status.

The remaining statements are fund financial statements that focus on individual parts of the City government reporting the City's operations in more detail than the government-wide statements.

The governmental fund statements tell how general government services like public safety were financed in the short-term as well as what remains for spending.

Proprietary fund statements offer short-term and long-term financial information about the activities the government operates like businesses, such as the Civic Center and Parking System.

Fiduciary fund statements provide information about the financial relationships, like the public safety employees retirement plan, in which the City acts solely as a trustee or agent for the benefit of others to whom the resources in question belong.

The financial statements also include notes that explain select information in the financial statements and provide more detailed data. The statements are followed by a section of required supplementary information that presents pension plans schedule of funding progress.

Government-wide financial statements. The government-wide financial statements report information about the City as a whole using accounting methods similar to those used by private-sector companies. The statement of net assets includes all of the government's assets and liabilities. All of the current year's revenues and expenses are accounted for in the statement of activities regardless of when cash is received or paid.

The two government-wide statements report the City's net assets and how they have changed. Net assets, the difference between the City's assets and liabilities, is one way to measure the City's financial health, or position. Over time, increases or decreases in the City's net assets are an indicator of whether its financial health is improving or deteriorating, respectively. To assess the overall health of the City, additional nonfinancial factors such as changes in the City's tax base and the condition of the City's roads must be considered.

The government-wide financial statements of the City are divided into three categories:

Governmental activities - Most of the City's basic services are included here, such as public safety, street maintenance, culture and recreation, and general administration. Business and occupation taxes, property taxes, and other taxes, charges for services, such as licenses, permits, inspection and refuse fees, and grants finance most of these activities.

Business-type activities - These are self-contained enterprise activities that are segregated from the general governmental activities. Revenues from fees derived from these services are not used to support other governmental activities, but remain entirely within the enterprise. The City's Civic Center and Parking System are included here.

Component units - The City includes four other entities in its report: The City of Charleston Sanitary Board, Charleston Urban Renewal Authority, Charleston Convention and Visitor's Bureau, and Charleston Building Commission. Although legally separate, these "component units" are important because the City is financially accountable for them.

The government-wide financial statements can be found on pages 28 through 31 of this report.

Fund financial statements. The fund financial statements provide more detailed information about the City's most significant funds, not the City as a whole. Funds are accounting devices that the City uses to keep track of specific sources of funding and spending for particular purposes. Some funds are required by State law and by bond covenants. The City Council establishes other funds to control and manage money for a particular purpose (like the City Service Fee Project Fund) or to show it is properly using certain grants (like aid from the U.S. Department of Housing and Urban Development).

The City has three types of funds:

Governmental funds -most of the City's basic services are included in governmental funds, which focus on (1) how cash and other financial assets can readily be converted to cash flow in and out, and (2) the balances left at year-end that are available for spending. Consequently, the governmental funds statements provide a detailed short-term view as to whether there are more or fewer financial resources that can be spent in the near future to finance the City's programs. Because this information does not encompass the additional long-term focus of the government-wide statements, we provide additional information at the bottom of the governmental fund statements, or on the subsequent page, that explains the relationship (or differences) between them.

The basic governmental fund financial statements can be found on pages 33 through 42 of this report.

Proprietary funds -Enterprise funds may be used to report any activity for which a fee is charged to external users for goods or services. The government's policy is to establish fees designed to recover the cost of providing the services. In addition, the Parking System is financed with debt that is secured solely by a pledge of the net revenues from fees and charges of the activity. Consequently, GAAP requires the Civic Center and Parking System be reported as an Enterprise Fund. Proprietary funds, like government-wide statements, provide both long-term and short-term financial information.

The basic Proprietary Fund financial statements can be found on pages 44 through 48 of this report.

Fiduciary funds -The City is the trustee, or fiduciary, for its employees' pension plans. The City is responsible for ensuring that the assets reported in these funds are used for their intended purposes. All of the City's fiduciary activities are reported in a separate statement of fiduciary net assets and a statement of changes in fiduciary net assets. We exclude these activities from the City's government-wide financial statements because the City cannot use these assets to finance its operations.

The basic Fiduciary Fund financial statements can be found on pages 50 and 51 of this report.

Financial Analysis of the City as a Whole

Net Assets. The City's combined net assets reflect an eleven percent decrease between fiscal years 2008 and 2007. This is primarily attributable to increases in long-term obligations for pensions. Revenues remained stable and actually increased three percent during the fiscal year due in part to more aggressive collection procedures for the City's largest own-source revenue, business and occupation taxes, and other charges for services. Other taxes increased or decreased minimally. Revenues are predicted to remain stable basically linked to the economy and inflation each year, however, expenses are expected to rise accordingly.

Although the net assets of our business-type activities increased to $13,304,586 (one percent), these resources cannot be used to reduce the net asset deficit in governmental activities.

CITY OF CHARLESTON'S NET ASSETS

	Governmental Activities		Business-type Activities		Total	
	2008	2007	2008	2007	2008	2007
Current and other assets	$ 42,675,577	$ 39,101,634	$ 3,271,848	$ 2,739,789	$ 45,947,425	$ 41,841,423
Capital assets	87,702,182	88,740,995	25,426,098	26,862,036	113,128,280	115,603,031
Total assets	130,377,759	127,842,629	28,697,946	29,601,825	159,075,705	157,444,454
Long-term liabilities outstanding	68,026,411	57,993,105	13,667,361	14,802,070	81,693,772	72,795,175
Other liabilities	18,045,284	18,055,844	1,725,999	1,656,908	19,771,283	19,712,752
Total liabilities	86,071,695	76,048,949	15,393,360	16,458,978	101,465,055	92,507,927
Net Assets:						
Invested in capital assets, net of related debt	69,648,983	71,869,697	10,508,737	10,854,966	80,157,720	82,724,663
Restricted	14,713,465	12,211,193	2,055,937	1,989,077	16,769,402	14,200,270
Unrestricted	(40,056,384)	(32,287,210)	739,912	298,804	(39,316,472)	(31,988,406)
Total net assets	$ 44,306,064	$ 51,793,680	$ 13,304,586	$ 13,142,847	$ 57,610,650	$ 64,936,527

Governmental activities. Governmental activities decreased the City of Charleston's net assets by $7,487,616 thereby accounting for the total decrease in the net assets. This is primarily attributable to increases in long-term obligations for pensions ($11,215,553) and compensated absences ($90,788). The City funds the pension in accordance with an alternative funding allowed by West Virginia State Statute which will keep the fund solvent and improve the funding ratio; however, the unfunded liability continues to increase rapidly. The West Virginia State Legislature introduced a bill during the year to address these increasing unfunded pension liabilities for West Virginia cities; however, the legislation failed. It is expected this will be revisited by the Legislature in the near future due to the significance of this issue.

Revenues increased $7,276,581 (10 percent) over prior year. Primarily attributable to an increase in the City's largest own source revenue, business and occupation tax, in the amount of $1,098,769 (3 percent) and charges for services in the amount of $1,578,217 (9 percent). These increases were due in part to more aggressive collection techniques and an increase in the City Service Fee January 1, 2008, to $2 from $1 a week per person working within the City; which resulted in an increase in the amount of $1,254,282 (45 percent). In addition the ambulance levy distributed by Kanawha County increased in the amount of $560,874 (30 percent). Hotel occupancy tax, as it did in the prior year, increased $133,168 (5 percent) due to continued increases in the number of groups holding city-wide events. Federal grants increased in the amount of $613,367 (13 percent) attributable to two equipment grants received by the Fire Department from the Department of Homeland Security. Property taxes received from Kanawha County remained in line with prior year. Other revenue sources remained stable with minimal increases or decreases over prior year.

Government-wide statement expenses increased $8,874,261 (11 percent) over prior year. General government expense decreased two percent over prior year even with a five percent increase in healthcare and salary costs, respectively. However, costs for workers' compensation decreased three percent since the City implemented risk management policies a few years ago. Public Safety expense increased 22 percent attributed for the most part to the increase in the pension liability. Streets and Transportation increased four percent attributable to continued street improvements and rising fuel costs. Both of these functions are partially funded by the City Service Fee revenues dedicated to these functions. Economic development decreased 11 percent due to a reduction of approximately five percent in HUD allocations and some projects did not begin as scheduled and were not completed. The City did reduce capital outlay during the 2008 fiscal year by seven percent based upon review of assets held and the necessity of new purchases. The City continues to have its fleet management schedule in place on a ten year cycle. In summary, increases in expenses closely paralleled inflation and demand for services.

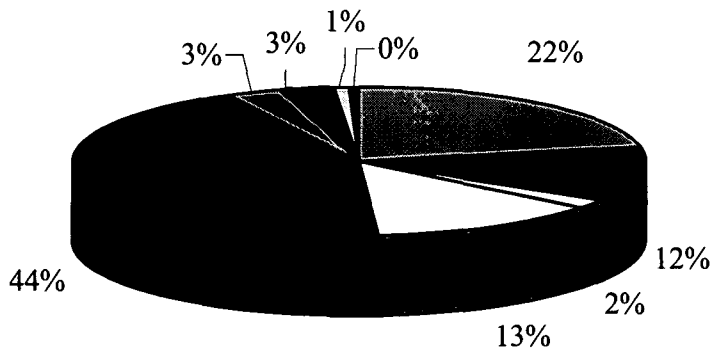
City of Charleston's Changes in Net Assets

	Governmental Activities		Business-type Activities		Total	
	2008	2007	2008	2007	2008	2007
Revenues:						
Program Revenues:						
Charges for Services	$ 18,250,489	$ 16,672,272	$ 6,618,044	$ 6,386,686	$ 24,868,533	$ 23,058,958
Operating Grants and Contributions	9,541,628	4,730,700	-	-	9,541,628	4,730,700
Capital Grants and Contributions	1,471,975	2,107,864	224,125	73,344	1,696,100	2,181,208
General Revenues:						
Property Taxes	10,355,037	10,389,006	-	-	10,355,037	10,389,006
Business & Occupation Taxes	36,666,641	35,567,872	-	-	36,666,641	35,567,872
Other Taxes	5,923,045	5,323,269	-	-	5,923,045	5,323,269
Other	466,369	607,620	157,601	181,869	623,970	789,489
Total Revenues	82,675,184	75,398,603	6,999,770	6,641,899	89,674,954	82,040,502
General Government	15,897,074	16,226,688	-	-	15,897,074	16,226,688
Public Safety	48,241,928	39,543,593	-	-	48,241,928	39,543,593
Highways & Streets	8,346,954	7,993,195	-	-	8,346,954	7,993,195
Health & Sanitation	5,207,158	5,354,317	-	-	5,207,158	5,354,317
Economic Development	2,995,622	3,358,208	-	-	2,995,622	3,358,208
Culture & Recreation	6,675,344	6,378,521	-	-	6,675,344	6,378,521
Social Services	822,953	360,025	-	-	822,953	360,025
Interest on Long-Term Debt	783,299	881,524	-	-	783,299	881,524
Civic Center	-	-	4,889,784	4,735,314	4,889,784	4,735,314
Parking System	-	-	3,140,715	3,233,036	3,140,715	3,233,036
Total Expenses	88,970,332	80,096,071	8,030,499	7,968,350	97,000,831	88,064,421

Increase in Net Assets						
Before Transfers	$ (6,295,148)	$ (4,697,468)	$ (1,030,729)	$ (1,326,451)	$ (7,325,877)	$ (6,023,919)
Transfers	(1,192,468)	(1,453,917)	1,192,468	1,453,917	-	-
Increase in Net Assets	(7,487,616)	(6,151,385)	161,739	127,466	(7,325,877)	(6,023,919)
Net Assets- beginning	51,793,680	57,945,065	13,142,847	13,015,381	64,936,527	70,960,446
Net Assets- ending	$ 44,306,064	$ 51,793,680	$ 13,304,586	$ 13,142,847	$ 57,610,650	$ 64,936,527

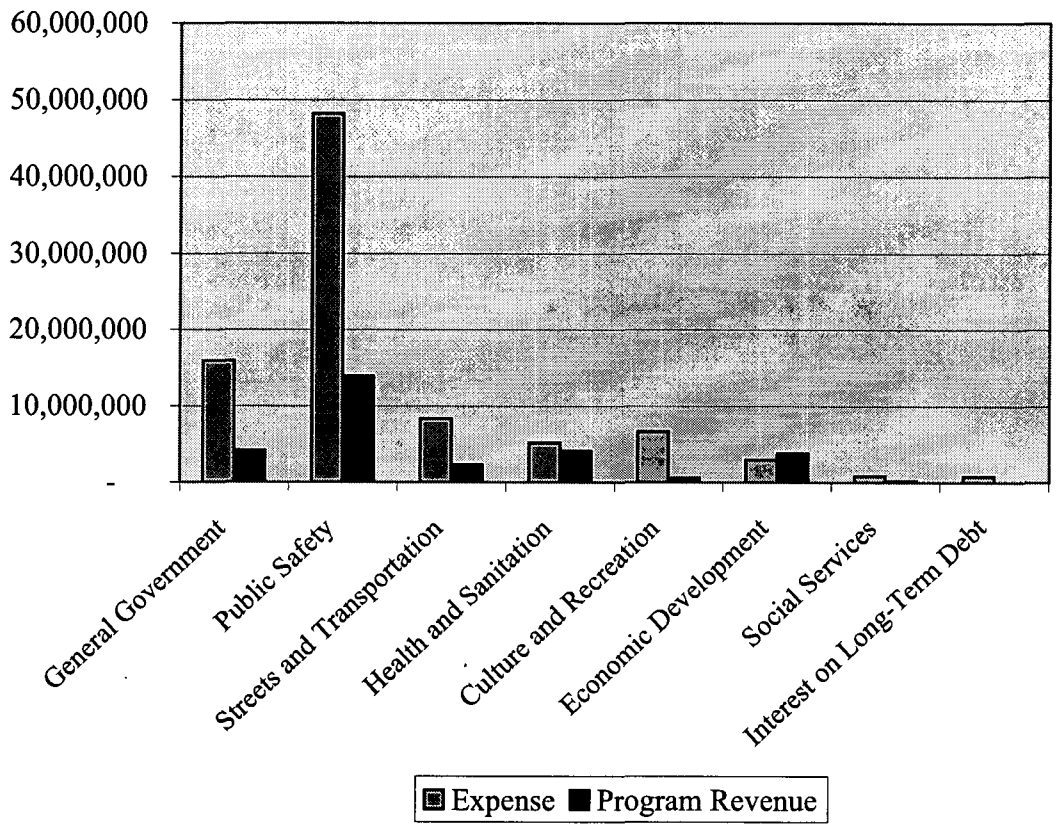
Business-type activities. Total net assets of the City's business-type activities ($13,304,586) increased one percent over prior year. Operating revenues reflected a significant four percent ($231,358) increase over prior year. The primary contributing factor for this increase for the Civic Center was room rental for conferences and exhibits including associated charges that increase with these types of events. The Parking System increase is primarily attributed to more aggressive collection of parking fees and fines. The operating expenses for the Civic Center increased four percent. Two primary factors are increases in utilities and salaries. The Parking System operating expenses decreased two percent from prior year even though utility cost increased four percent. Centralized contract arrangements for garage maintenance with the General Fund and the corresponding employee reduction of two resulted in a seven percent decrease in personnel costs offsetting the approximate three percent increase in contracted service costs. The Civic Center total Net Assets decreased $638,137 partially attributable to a total decrease in net capital assets of $714,967 even with $354,716 additions during the 2008 fiscal year. Most of the facilities assets are older and fully depreciated. Another contributing factor is an increase in current liabilities primarily for health care costs. The Parking System net assets increased $799,876 attributable to increased operating revenues, decreased operating expense, and reduction of debt interest costs for the past three years due to the 2005 refunding of its debt.

Revenue by Source-Governmental Activities

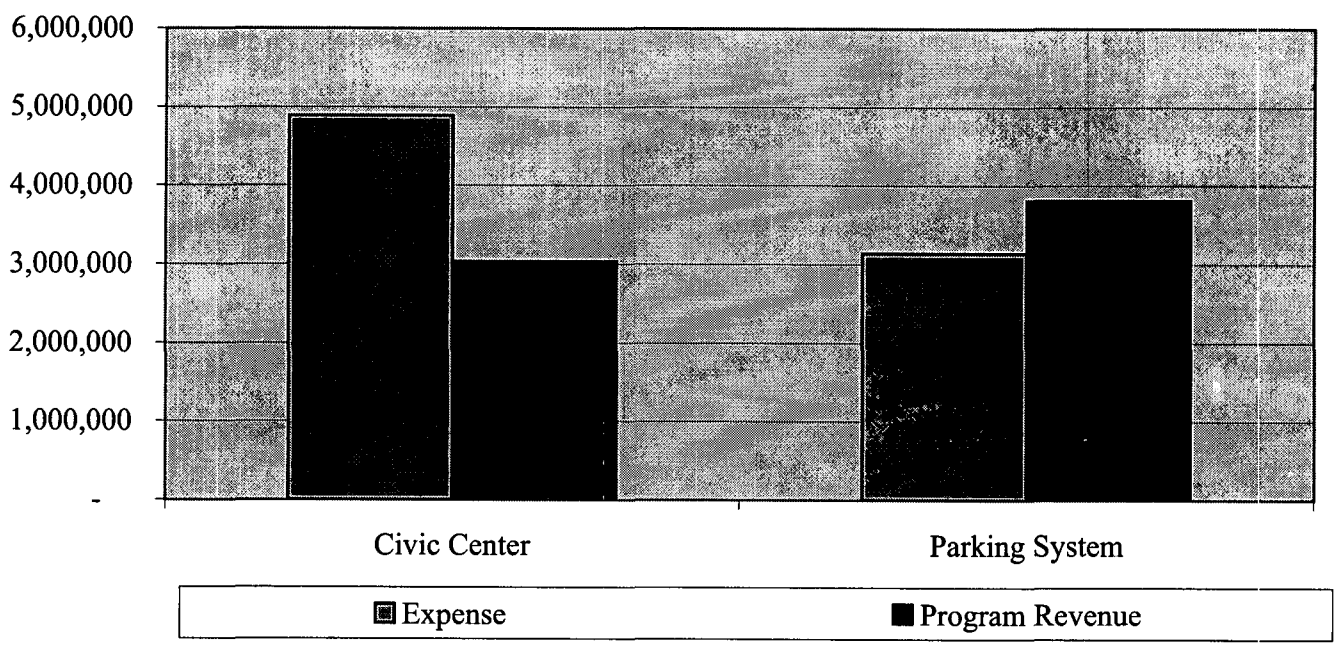


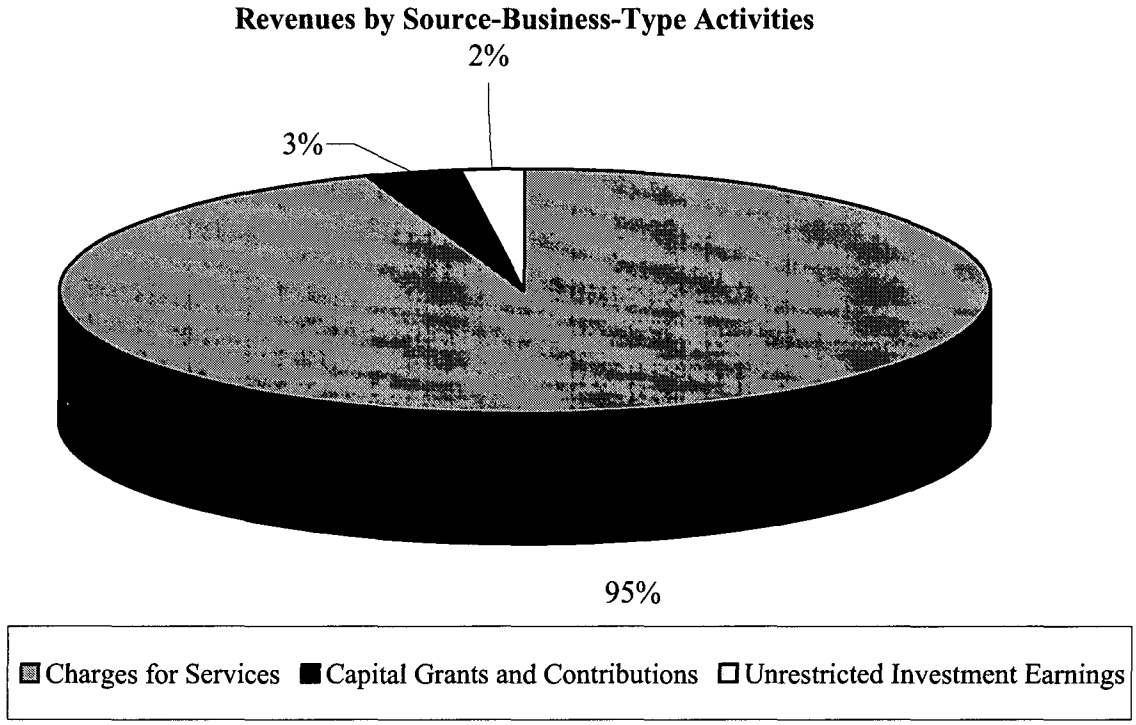
Charges for Services
Operating Grants and Contributions
Capital Grants and Contributions
Property Taxes
Business and Occupation Taxes
Utility Taxes
Hotel Motel Taxes
Other Taxes
Other

Expenses and Program Revenues-Governmental Activities



Expenses and Program Revenues-Business-Type Activities





Financial Analysis of the Government's Funds

The City of Charleston uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the City of Charleston's *governmental funds* is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the government's financing requirements. In particular, unreserved fund balance may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the City of Charleston's Governmental Funds reported combined ending fund balances of $34,019,105, an increase of $3,200,023 in comparison with the prior year. Approximately 50 percent of this amount ($16,872,399) constitutes unreserved fund balance, which is available for spending at the government's discretion. The remainder of fund balance is reserved to indicate that it is not available for new spending because it has already been committed 1) to liquidate contracts and purchase orders of the prior year ($2,433,241), 2) to pay debt service ($3,912,531), 3) to generate income to pay for the perpetual care of the municipal cemetery ($1,564,488), or 4) for community development, capital projects or public safety measures ($9,236,446).

The General Fund is the chief operating fund of the City of Charleston. At the end of the current fiscal year, unreserved fund balance of the General Fund was $15,036,189, while total fund balance reached $19,574,933. As a measure of the General Fund's liquidity, it may be useful to compare both unreserved fund balance and total fund balance to total fund expenditures. Unreserved fund balance represents 21 percent of total General Fund expenditures, while total fund balance represents 27 percent of that same amount.

The fund balance of the City of Charleston's General Fund increased significantly by $1,404,344 during the current fiscal year. This is attributable for the most part to significant revenue increases collected by the General Fund which were discussed in detail in the section, Financial Analysis of the City as a Whole-Governmental Activities.

Expenditures increased $7,884,653, however, $3,886,331 was due to the inclusion of contributions from the State of West Virginia on behalf of the police and fire pensions as public safety expenditures and the corresponding intergovernmental revenue in accordance with GAAP. These on-behalf contributions for fiscal year 2007 in the amount of $3,830,447 were not included in the General Fund financial statements but only in the pension fund statements for the 2007 fiscal year. Consequently, restating the 2007 General Fund expenditures would result in a total increase from 2007 to 2008 of $4,054,206. The most significant increase was for general government expenditures which for the most part was due to rising operational, salary and healthcare costs. Public safety costs and highways and streets increased due to enhanced police safety measures, maintenance of streets, and fuel costs.

The Coal Severance Tax Fund receives coal severance tax distributed from the State of West Virginia collections. These revenues are dedicated to the Civic Center 1998 bond debt service. Coal severance has continued to increase (five percent) over the prior year as it has for three prior fiscal years due to rising coal prices. The Community Development and HOME Funds are funded totally by HUD federal grants for community development. The grant revenues received were less due to an allocation reduction of approximately five percent.

Proprietary funds. The City of Charleston's Proprietary Funds provide the same type of information found in the government-wide financial statements, but in more detail. Factors concerning the finances of these two funds have already been addressed in the discussion of the City of Charleston's business-type Activities.

General Fund Budgetary Highlights

The City periodically revises the budget throughout the year to recognize projects carried over from the previous year, grants, and contributions received for various projects, and to adjust budgets to reflect actual circumstances. Appropriations between the original budget and the final amended budget reflected an increase of twelve percent ($8,279,094). The most significant can be briefly summarized as follows:

Legal expenses were increased $1,610,232 for the Court Costs and Damages Reserve Fund for general liability claims. The City has adopted the policy of carry forward of any remaining budgeted funds at year end to have the additional reserve in place to provide for any unforeseen circumstances.

Salary and benefit costs were increased approximately $150,000 for Council approved salary increases for the Mayor and Municipal Court Judge and promotions in positions for in-house attorney salaries.

The Mayor's contributions to various entities were increased approximately $102,229.

Grant revenues were increased to recognize a grant from the Department of Military Affairs and the corresponding expenditures for fire equipment in the amount of $407,843 and for a recycling grant and the corresponding purchase of a refuse truck in the amount of $55,000. In addition, police grant reimbursements and contributions for capital items were increased in the amount of $120,000 and the corresponding expenditure.

Capital projects costs were increased approximately $1,310,418 to carry over remaining funds for unfinished projects and equipment purchases from prior year.

City Manager professional services remaining budgeted funds in the amount of $536,123 were carried forward for various contracted services that were not completed by the 2007 fiscal year-end.

City service fee revenue was increased in the amount of $708,000 and the corresponding police equipment purchases and transfers to the City Service Fee Project Fund due to the January 1, 2008 approved increase from $1 to $2 per week per person working within the City. This revenue is dedicated to public safety and street and infrastructure maintenance.

These amendments were budgeted from available fund balance and increases in various charges for services, grants, and contributions. These and other miscellaneous items had the net increase of $8,278,464. During the year, however, revenues exceeded budgetary estimates and expenditures were less than budgetary estimates.

The City's general fund balance of $19,574,933 differs from the general fund's budgetary fund balance of $9,862,751 reported in the budgetary financial statement principally because budgetary fund balance excludes accrual of Business and Occupation Taxes. The total Business and Occupation Tax accrual in the amount of $9,712,182 has not been reappropriated for budgetary purposes, only actual cash collections are budgeted each fiscal year.

Capital Asset and Debt Administration

Capital Assets. The City of Charleston's investment in Capital Assets for its governmental and business-type activities as of June 30, 2008, amounted to $113,128,280 (net of accumulated depreciation). This investment in Capital Assets includes land, building and system, machinery and equipment, park and other recreational facilities, roads, bridges and other infrastructure. The total decrease in the City of Charleston's investment in capital assets for the current fiscal year was two percent. This decrease is primarily attributed to less capital outlay and disposal of obsolete equipment and vehicles.

Major capital asset events during the current fiscal year included the following:

Several projects were completed during the fiscal year, including City Hall internal renovations in the approximate amount of $284,610, Appalachian Power Park facilities in the amount of $77,988, City Health Clinic in the amount of $62,326, public safety buildings in the amount of $71,757, and community improvements in the amount of $247,198.

A variety of projects for renovations, landslides, retaining walls, and various small projects were remaining in construction in progress as of the end of the current fiscal year in the amount of $1,301,039.

City of Charleston's Capital Assets
(Net of Depreciation)

	Governmental Activities		Business-type Activities		Total	
	2008	2007	2008	2007	2008	2007
Land	$ 7,450,037	$ 7,420,037	$ 4,366,447	$ 4,366,447	$ 11,816,484	$ 11,786,484
Construction in Progress	1,301,039	456,164	147,845	129,069	1,448,884	585,233
Buildings & Improvements	30,537,797	31,043,338	19,869,645	21,403,147	50,407,442	52,446,485
Other Improvements	7,190,264	7,714,782	480,002	507,890	7,670,266	8,222,672
Machinery & Equipment	8,010,595	7,197,415	562,159	455,483	8,572,754	7,652,898
Infrastructure	33,212,450	34,909,259	-	-	33,212,450	34,909,259
Total	$ 87,702,182	$ 88,740,995	$ 25,426,098	$ 26,862,036	$ 113,128,280	$ 115,603,031

Additional information on the City of Charleston's capital assets can be found in Note IV.C. on pages 65 through 67 of this report.

Long-term debt. At the end of the current fiscal year, the City of Charleston had total general obligation bonded debt outstanding of $2,645,000. The full amount is backed by the full faith and credit of the government. The remainder of the City of Charleston's bonded debt represents bonds secured solely by specified revenue sources (i.e. revenue bonds).

City of Charleston's Outstanding Debt
General Obligation and Revenue Bonds

	Governmental Activities		Business-type Activities		Total	
	2008	2007	2008	2007	2008	2007
General Obligation Bonds	$ 2,645,000	$ 3,830,000	$ -	$ -	$ 2,645,000	$ 3,830,000
Revenue Bonds	4,147,126	4,403,417	14,917,361	16,007,070	19,064,487	20,410,487
Total	$ 6,792,126	$ 8,233,417	$ 14,917,361	$ 16,007,070	$ 21,709,487	$ 24,240,487

The City of Charleston General Obligation Bonds maintain an A-1 rating from Moody's .

State statutes limit the amount of general obligation debt a governmental entity may issue to five percent of its total assessed valuation. The current debt limitation for the City of Charleston is $133,569,425, which is significantly in excess of the City of Charleston's outstanding general obligation bonds.

Additional information on the City of Charleston's long-term debt can be found in Note IV.F. on pages 69 and 70 of this report.

Economic Factors and Next Year's Budget

Many factors are considered each year by the City Council in its efforts to establish an operating budget, to evaluate its personnel needs, and to develop fees that are fair, reasonable, and adequately recover costs. Some of the major factors considered in this process are the local economy, labor force, unemployment rate, and inflation rates.

The unemployment rate was at a ten year low during June at 4.7 percent. The average for the past twelve months was 4.2 percent and is currently at 3.4 percent. In addition, the last twelve months reflected increases in the labor market for construction and mining, professional and business services, and education and health services. Other sectors remained stable except for manufacturing and information which realized the most decline.

The occupancy rate of the government's central business district has remained at 85 to 90 percent for the past three years.

Inflationary trends in the region compare favorably to national indices.

In March 2008, the City of Charleston approved a balanced budget for the fiscal year 2009, with General Fund appropriations of $75,806,860, down by $2,290,748 from the final 2008 budget. The increase to the final budget for 2008 was mostly attributable to reappropriated amounts for unfinished projects from fiscal year 2007.

Requests for Information

This financial report is designed to provide a general overview of the City of Charleston's finances for all those with an interest in government's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the Office of the Controller (City Auditor), 501 Virginia Street, East, P.O. Box 2749, Charleston, WV 25330.

CITY OF CHARLESTON, WEST VIRGINIA
THE GOVERNMENT-WIDE STATEMENTS

The government-wide financial statements are presented on pages 28 through 31. A brief description of the City's discretely presented component units follows since these component units are presented only on these government-wide statements.

City of Charleston Sanitary Board is composed of a board and is a discretely presented component unit of the City. The Sanitary Board is responsible for governing the activity associated with providing sanitary sewerage services.

Charleston Urban Renewal Authority is composed of a separate board and is a discretely presented component unit of the City. The Authority is responsible for developing commercial property within the City.

City of Charleston Convention and Visitor's Bureau, Inc. was established in 1979 as a nonprofit corporation, is composed of a board and is a discretely presented component unit of the City. The primary purpose of the bureau is to operate a convention and visitors bureau for the Charleston, West Virginia area and to advance, stimulate, and promote exhibits, conferences, and conventions.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS
June 30, 2008

	Primary Government			Component Units		
	Governmental Activities	Business-type Activities	Total	Sanitary Board	Urban Renewal Authority	Convention & Visitor's Bureau
ASSETS						
Current assets:						
Cash & cash equivalents	$ 16,792,489	$ 1,255,348	$ 18,047,837	$ 3,263,524	$ 5,733,401	$ 954,852
Investments	1,385,315	--	1,385,315	--	--	--
Receivables:						
Accounts	4,001,931	176,481	4,178,412	1,178,799	2,328,233	227,731
Accrued interest	47,847	244	48,091	--	1,929	--
Taxes	11,213,047	--	11,213,047	--	--	--
Rents	--	--	--	--	1,302	--
Other	--	--	--	24,465	--	--
Loans	5,200,956	--	5,200,956	--	1,052,264	--
Grants	403,898	71,212	475,110	--	196,956	--
Internal balances	559,306	(559,306)	--	--	--	--
Due from:						
Component units	58,575	--	58,575	--	--	--
Inventories	--	--	--	48,231	--	81
Prepaid insurance and lease	859,405	209,003	1,068,408	273,227	585	2,629
Restricted assets:						
Regular account	--	296,202	296,202	1,843,514	--	--
Reserve account	--	--	--	5,188,213	--	--
Renewal and replacement	--	--	--	4,211,823	--	--
Reserve for bond retirement	--	607,866	607,866	--	--	--
Restricted cash	2,139,597	--	2,139,597	--	--	--
Reserve for construction	--	--	--	1,099,305	--	--
Reserve for health care	--	--	--	1,467,465	--	--
Customer deposits	--	62,929	62,929	--	--	--
Total current assets	42,662,366	2,119,979	44,782,345	18,598,566	9,314,670	1,185,293
Noncurrent assets						
Restricted:						
Revenue bond covenant accounts	--	1,151,869	1,151,869	--	--	--
Deferred charges	13,211	--	13,211	94,806	--	--
Capital assets not being depreciated:						
Land	7,450,037	4,366,447	11,816,484	1,432,257	7,740,763	--
Construction in progress	1,301,039	147,845	1,448,884	860,685	--	--
Capital assets being depreciated:						
Buildings and improvements	58,792,015	64,016,867	122,808,882	29,543,707	--	146,545
Vehicles	15,437,844	--	15,437,844	--	--	--
Infrastructure	77,041,582	--	77,041,582	--	--	--
Transmission and distribution	--	--	--	103,020,610	--	--

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS
June 30, 2008

	Primary Government			Component Units		
	Governmental Activities	Business-type Activities	Total	Sanitary Board	Urban Renewal Authority	Convention & Visitor's Bureau
Machinery & equipment	$ 14,073,063	$ 1,795,691	$ 15,868,754	$ 5,802,611	$ 20,754	$ 227,880
Less: accumulated depreciation	(86,393,398)	(44,900,752)	(131,294,150)	(43,559,143)	(15,895)	(193,218)
Total capital assets	87,702,182	25,426,098	113,128,280	97,100,727	7,745,622	181,207
Total noncurrent assets	87,715,393	26,577,967	114,293,360	97,195,533	7,745,622	181,207
Total assets	$ 130,377,759	$ 28,697,946	$ 159,075,705	$ 115,794,099	$ 17,060,292	$ 1,366,500
LIABILITIES						
Current liabilities:						
Current liabilities payable from current assets:						
Accounts payable	1,364,182	132,929	1,497,111	582,487	56,178	- -
Payroll payable	741,763	37,659	779,422	66,122	3,050	6,944
Other accrued expenses	36,946	4,504	41,450	- -	7,741	- -
Solicitation bonds payable	25,685	- -	25,685	- -	- -	- -
Benefits payable	60,709	8,949	69,658	156,492	- -	- -
Reserve for future insurance claims	655,000	35,000	690,000	- -	- -	- -
Due to:						
Primary government	- -	- -	- -	58,575	- -	- -
Current liabilities payable from restricted assets:						
Accrued bond interest payable	366,209	99,885	466,094	650,763	- -	- -
Accrued capital lease interest payable	510,918	- -	510,918	- -	- -	- -
Customer deposits	- -	80,770	80,770	- -	- -	- -
Deferred revenues:						
Unearned revenue	5,274,028	- -	5,274,028	- -	7,700	- -
Due within one year	9,009,844	1,326,303	10,336,147	2,049,023	26,700	
Total current liabilities	18,045,284	1,725,999	19,771,283	3,563,462	101,369	6,944
Noncurrent liabilities:						
Due in more than one year	68,026,411	13,667,361	81,693,772	67,192,031	- -	- -
Total noncurrent liabilities	68,026,411	13,667,361	81,693,772	67,192,031	- -	- -
Total liabilities	86,071,695	15,393,360	101,465,055	70,755,493	101,369	6,944

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS
June 30, 2008

	Primary Government			Component Units		
	Governmental Activities	Business-type Activities	Total	Sanitary Board	Urban Renewal Authority	Convention & Visitor's Bureau
NET ASSETS						
Invested in capital assets (net of related debt)	$ 69,648,983	$ 10,508,737	$ 80,157,720	$ 28,652,200	$ 7,745,622	$ 181,207
Restricted for:						
Debt service	3,912,531	2,055,937	5,968,468	11,888,646	- -	- -
Capital projects	5,900,528	- -	5,900,528	- -	- -	- -
Community development projects	2,476,291	- -	2,476,291	- -	- -	- -
Public safety and streets	859,627	- -	859,627	- -	- -	- -
Perpetual care:						
Expendable	553,215	- -	553,215	- -	- -	- -
Nonexpendable	1,011,273	- -	1,011,273	- -	- -	- -
Unrestricted	(40,056,384)	739,912	(39,316,472)	4,497,760	9,213,301	1,178,349
Total net assets	$ 44,306,064	$ 13,304,586	$ 57,610,650	$ 45,038,606	$ 16,958,923	$ 1,359,556

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF ACTIVITIES
For the Fiscal Year Ended June 30, 2008

		Program Revenues			Net (Expense) Revenues and Changes in Net Assets					
					Primary Government			Component Units		
Functions / Programs	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Total	Sanitary Board	Urban Renewal Authority	Convention & Visitor's Bureau
Primary government:										
Governmental activities:										
General government	$ 15,897,074	$ 3,535,513	$ 559,015	$ 102,682	$ (11,699,864)	$ --	$ (11,699,864)	$ --	$ --	$ --
Public safety	48,241,928	8,163,860	5,373,221	385,805	(34,319,042)	--	(34,319,042)	--	--	--
Streets and transportation	8,346,954	2,071,313	--	247,519	(6,028,122)	--	(6,028,122)	--	--	--
Health and sanitation	5,207,158	4,193,130	--	--	(1,014,028)	--	(1,014,028)	--	--	--
Culture and recreation	6,675,344	95,038	252,655	247,793	(6,079,858)	--	(6,079,858)	--	--	--
Interest on long-term debt	783,299	--	--	--	(783,299)	--	(783,299)	--	--	--
Social services	822,953	191,635	16,299	--	(615,019)	--	(615,019)	--	--	--
Economic development	2,995,622	--	3,340,438	488,176	832,992	--	832,992	--	--	--
Total governmental activities	88,970,332	18,250,489	9,541,628	1,471,975	(59,706,240)	--	(59,706,240)	--	--	--
Business-type activities:										
Civic Center	4,889,784	2,809,183	--	224,125	--	(1,856,476)	(1,856,476)	--	--	--
Parking System	3,140,715	3,808,861	--	--	--	668,146	668,146	--	--	--
Total business-type activities	8,030,499	6,618,044	--	224,125	--	(1,188,330)	(1,188,330)	--	--	--
Total primary government	$ 97,000,831	$ 24,868,533	$ 9,541,628	$ 1,696,100	(59,706,240)	(1,188,330)	(60,894,570)	--	--	--
Component units:										
Sanitary Board	14,203,918	14,413,883	--	9,911	--	--	--	219,876	--	--
Urban Renewal Authority	1,608,746	3,080,460	1,412,798	--	--	--	--	--	2,884,512	--
Convention & Visitor's Bureau	1,367,094	65,417	1,516,131	--	--	--	--	--	--	214,454
Total component units	$ 17,179,758	$ 17,559,760	$ 2,928,929	$ 9,911	--	--	--	219,876	2,884,512	214,454
General revenues:										
Ad valorem property taxes					10,355,037	--	10,355,037	--	--	--
Business & occupation tax					36,666,641	--	36,666,641	--	--	--
Alcoholic beverages tax					800,647	--	800,647	--	--	--
Utility services tax					2,307,808	--	2,307,808	--	--	--
Hotel occupancy tax					2,567,145	--	2,567,145	--	--	--
Amusement tax					187,168	--	187,168	--	--	--
Other taxes					60,277	--	60,277	--	--	--
Unrestricted investment earnings					336,531	157,601	494,132	627,413	270,810	--
Gain on sale of capital assets					129,838	--	129,838	--	--	--
Miscellaneous					--	--	--	163,892	--	--
Transfers					(1,192,468)	1,192,468	--	--	--	--
Total general revenues and transfers					52,218,624	1,350,069	53,568,693	791,305	270,810	--
Change in net assets					(7,487,616)	161,739	(7,325,877)	1,011,181	3,155,322	214,454
Net assets - beginning					51,793,680	13,142,847	64,936,527	44,027,425	13,803,601	1,145,102
Net assets - ending					$ 44,306,064	$ 13,304,586	$ 57,610,650	$ 45,038,606	$ 16,958,923	$ 1,359,556

The notes to the financial statements are an integral part of this statement.

THE CITY OF CHARLESTON

WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
GOVERNMENTAL FUND FINANCIAL STATEMENTS

Major Funds

General Fund This fund is used as the City's operating fund. It accounts for the financial resources and transactions that are not accounted for in other funds. The revenues are from taxes and other general revenues.

Coal Severance Tax Fund This special revenue fund accounts for revenues and expenditures from a severance tax placed on coal that is distributed to West Virginia counties. The State of West Virginia requires this fund to be presented separately for budgetary compliance requirements.

Community Development Fund This fund accounts for federal grants received from the U.S. Housing and Urban Development for the purpose of developing "viable urban communities", which are achieved by providing decent housing, a suitable living environment, and expanded economic opportunities principally for low-and moderate-income people.

HOME Fund This fund accounts for federal grants received from the U.S. Housing and Urban Development to provide forgivable, deferred mortgage loans to first-time homebuyers that meet income and credit guidelines.

Nonmajor governmental funds are presented in aggregate and then by fund type beginning on page 80.

CITY OF CHARLESTON, WEST VIRGINIA
BALANCE SHEET - GOVERNMENTAL FUNDS
June 30, 2008

	General	Coal Severance Tax	Community Development	HOME	Other Nonmajor Governmental Funds	Total Governmental Funds
ASSETS						
Cash and cash equivalents	$ 5,588,585	$ 61,725	$ 3,090	$ 427	$ 11,138,662	$ 16,792,489
Investments	- -	- -	- -	- -	1,385,315	1,385,315
Receivables:						
Taxes	11,098,675	- -	- -	- -	114,372	11,213,047
Accounts	3,531,478	- -		- -	470,453	4,001,931
Grants	- -	- -	140,612	9,351	253,935	403,898
Loans	- -	- -	1,465,114	3,458,234	277,608	5,200,956
Accrued interest	32,284	- -	1,745	- -	13,818	47,847
Due from:						
Other funds	1,040,661	- -	- -	- -	21,519	1,062,180
Component units	25,739	- -	- -	- -	32,836	58,575
Prepaid insurance	859,405	- -	- -	- -	- -	859,405
Restricted cash	190,551	- -	- -	- -	1,949,046	2,139,597
Total assets	$ 22,367,378	$ 61,725	$ 1,610,561	$ 3,468,012	$ 15,657,564	$ 43,165,240
LIABILITIES AND FUND BALANCES						
Liabilities:						
Accounts payable	733,629	- -	96,939	440	533,174	1,364,182
Payroll payable	741,763	- -	- -	- -	- -	741,763
Other accrued expenditures	36,946	- -	- -	- -	- -	36,946
Solicitation bonds payable	25,685	- -	- -	- -	- -	25,685
Benefits payable	60,709	- -	- -	- -	- -	60,709
Reserve for future insurance claims	655,000	- -	- -	- -	- -	655,000
Due to:						
Other funds	29,806	- -	43,606	8,911	420,550	502,873
Deferred revenues:						
Unearned revenue	102,423	- -	1,332,207	3,458,661	380,737	5,274,028
Taxes	406,484	- -	- -	- -	78,465	484,949
Total liabilities	2,792,445	- -	1,472,752	3,468,012	1,412,926	9,146,135

CITY OF CHARLESTON, WEST VIRGINIA
BALANCE SHEET - GOVERNMENTAL FUNDS
June 30, 2008

	General	Coal Severance Tax	Community Development	HOME	Other Nonmajor Governmental Funds	Total Governmental Funds
Fund balances:						
Reserved for:						
Encumbrances	$ 2,433,241	$ --	$ --	$ --	$ --	$ 2,433,241
Perpetual care	--	--	--	--	1,564,488	1,564,488
Debt service	190,551	61,725	--	--	3,660,255	3,912,531
Community development	--	--	137,809	--	2,338,482	2,476,291
Capital projects	1,243,786	--	--	--	4,656,742	5,900,528
Public safety and streets	671,166	--	--	--	188,461	859,627
Unreserved, reported in:						
General fund	15,036,189	--	--	--	--	15,036,189
Special revenue funds	--	--	--	--	1,836,210	1,836,210
Total fund balances	19,574,933	61,725	137,809	--	14,244,638	34,019,105
Total liabilities and fund balances	$ 22,367,378	$ 61,725	$ 1,610,561	$ 3,468,012	$ 15,657,564	$ 43,165,240

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET ASSETS
June 30, 2008

Total fund balances on the governmental fund's balance sheet	$	34,019,105
Amounts reported for governmental activities in the statement of net assets are different because:		
Capital assets used in governmental activities are not financial resources and, therefore, not reported in the funds.		87,702,182
Deferral of bond issuance cost which is amortized over the life of the bonds is not reported in the funds.		13,211
Certain revenues are not available to fund current year expenditures and, therefore, are deferred in the funds.		484,949
Long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds (Note II.A).		(77,913,383)
Net assets of governmental activities	$	44,306,064

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
GOVERNMENTAL FUNDS
For the Fiscal Year Ended June 30, 2008

	General	Coal Severance Tax	Community Development	HOME	Other Nonmajor Governmental Funds	Total Governmental Funds
REVENUES						
Taxes:						
Ad valorem property taxes	$ 8,884,761	$ --	$ --	$ --	$ 1,554,191	$ 10,438,952
Business & occupation tax	36,666,641	--	--	--	--	36,666,641
Alcoholic beverages tax	800,647	--	--	--	--	800,647
Utility services tax	2,307,808	--	--	--	--	2,307,808
Hotel occupancy tax	2,567,145	--	--	--	--	2,567,145
Animal tax	7,093	--	--	--	--	7,093
Gas and oil severance tax	53,184	--	--	--	--	53,184
Amusement tax	187,168	--	--	--	--	187,168
Licenses and permits	1,455,775	--	--	--	--	1,455,775
Intergovernmental:						
Federal	478,258	--	2,151,455	840,297	1,880,165	5,350,175
State	3,886,331	202,094	--	--	--	4,088,425
Charges for services	11,241,480	--	--	--	4,077,375	15,318,855
Fines and forfeits	--	--	--	--	1,206,087	1,206,087
Interest and investment earnings	338,357	903	20,918	--	418,807	778,985
Reimbursements	1,298,671	--	2,760	--	194,556	1,495,987
Payments in lieu of taxes	56,260	--	--	--	--	56,260
Contributions and donations	323,472	--	--	--	78,470	401,942
Miscellaneous	411,301	--	--	--	4,994	416,295
Total revenues	70,964,352	202,997	2,175,133	840,297	9,414,645	83,597,424
EXPENDITURES						
Current:						
General government	14,852,161	--	--	--	395,704	15,247,865
Public safety	36,972,969	--	--	--	1,142,218	38,115,187
Streets and transportation	7,794,833	--	--	--	720	7,795,553
Health and sanitation	4,143,185	--	--	--	1,105,669	5,248,854
Culture and recreation	5,816,312	--	--	--	--	5,816,312
Social services	768,542	--	--	--	60,328	828,870
Economic development	--	--	2,152,978	840,297	1,011,212	4,004,487
Debt service:						
Principal	446,291	--	--	--	1,315,000	1,761,291
Interest	431,020	--	--	--	442,654	873,674
Capital outlay:						
Highways and streets	--	--	--	--	1,980,606	1,980,606
Total expenditures	71,225,313	--	2,152,978	840,297	7,454,111	81,672,699

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
GOVERNMENTAL FUNDS
For the Fiscal Year Ended June 30, 2008

	General	Coal Severance Tax	Community Development	HOME	Other Nonmajor Governmental Funds	Total Governmental Funds
Excess (deficiency) of revenues over (under) expenditures	$ (260,961)	$ 202,997	$ 22,155	$ - -	$ 1,960,534	$ 1,924,725
OTHER FINANCING SOURCES (USES)						
Transfers in	3,587,533	- -	- -	- -	3,571,932	7,159,465
Transfers (out)	(4,385,727)	(192,776)	- -	- -	(3,769,163)	(8,347,666)
Sale of capital assets	136,957	- -	- -	- -	- -	136,957
Capital leases	2,326,542	- -	- -	- -	- -	2,326,542
Total other financing sources (uses)	1,665,305	(192,776)	- -	- -	(197,231)	1,275,298
Net change in fund balances	1,404,344	10,221	22,155	- -	1,763,303	3,200,023
Fund balances - beginning	18,170,589	51,504	115,654	- -	12,481,335	30,819,082
Fund balances - ending	$ 19,574,933	$ 61,725	$ 137,809	$ - -	$ 14,244,638	$ 34,019,105

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES
For the Fiscal Year Ended June 30, 2008

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balances - total governmental funds	$	3,200,023
Governmental funds report capital outlays as expenditures. However, in the statement of activities the costs of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlays in the current period (Note II.B).		(1,031,695)
In the statement of activities, only the gain on the sale of capital assets is reported. However, in the governmental funds, the proceeds from the sale increase financial resources. Thus, the change in net assets differs from the change in fund balance by the cost of the capital assets sold.		(7,119)
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds (Change in Deferred Taxes).		(83,915)
The issuance of long term debt (e.g, bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs, premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This amount is the net effect of these differences in the treatment of long-term debt and related items (Note II.B).		1,258,475
Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds (Note II.B).		(10,823,385)
Change in net assets of governmental activities	$	(7,487,616)

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (BUDGETARY BASIS) - GENERAL FUND
For the Fiscal Year Ended June 30, 2008

	Budgeted Amounts		Actual Modified Accrual Basis	Adjustments Budget Basis	Actual Amounts	Variance With Final Budget Positive (Negative)
	Original	Final				
REVENUES						
Taxes:						
Property	$ 8,650,000	$ 8,650,000	$ 8,884,761	$ --	$ 8,884,761	$ 234,761
Business & occupation	34,250,000	34,073,736	36,666,641	(673,951)	35,992,690	1,918,954
Utility	2,250,000	2,250,000	2,307,808	--	2,307,808	57,808
Hotel motel	2,600,000	2,600,000	2,567,145	--	2,567,145	(32,855)
Alcoholic beverages	600,000	600,000	800,647	--	800,647	200,647
Amusement	175,000	175,000	187,168	--	187,168	12,168
Animal	6,000	6,000	7,093	--	7,093	1,093
Gas & oil severance	60,000	60,000	53,184	--	53,184	(6,816)
Licenses and permits	1,487,000	1,451,000	1,455,775	--	1,455,775	4,775
Charges for services	8,917,297	9,625,297	11,241,480	--	11,241,480	1,616,183
Intergovernmental:						
Federal	80,000	491,108	478,258	--	478,258	(12,850)
State	--	55,000	3,886,331	(3,886,331)	--	(55,000)
Interest and investment earnings	400,000	400,000	338,357	--	338,357	(61,643)
Reimbursements	1,319,117	1,414,117	1,298,671	--	1,298,671	(115,446)
Payments in lieu of taxes	7,000	7,000	56,260	--	56,260	49,260
Contributions and donations	288,000	386,263	323,472	--	323,472	(62,791)
Miscellaneous	444,600	450,277	411,301	--	411,301	(38,976)
Total revenues	61,534,014	62,694,798	70,964,352	(4,560,282)	66,404,070	3,709,272
EXPENDITURES						
General government:						
Medical & Life insurance	--	700,000	--	--	--	700,000
Mayor's office	314,477	482,978	375,093	--	375,093	107,885
City council	134,720	134,720	119,637	--	119,637	15,083
City manager	3,520,161	4,056,284	3,422,706	--	3,422,706	633,578
City treasurer	145,853	145,853	136,124	--	136,124	9,729
City collector	928,689	928,689	858,723	--	858,723	69,966
City clerk	152,844	152,844	148,730	--	148,730	4,114
Municipal court	396,965	408,780	401,946	--	401,946	6,834
Legal	931,617	2,541,851	921,594	--	921,594	1,620,257
Accounting	470,550	470,550	442,656	--	442,656	27,894
Engineering	836,371	836,371	573,411	--	573,411	262,960
MOECD	566,595	538,394	515,680	--	515,680	22,714
Human resources	492,425	492,425	455,504	--	455,504	36,921
Contributions to Main Street Program	25,000	25,000	25,000	--	25,000	--
Mail room	241,225	241,226	206,417	--	206,417	34,809
Building commission	628,795	650,795	602,558	--	602,558	48,237
Planning	514,343	514,343	500,567	--	500,567	13,776

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (BUDGETARY BASIS) - GENERAL FUND
For the Fiscal Year Ended June 30, 2008

	Budgeted Amounts		Actual	Adjustments		Variance With
	Original	Final	Modified Accrual Basis	Budget Basis	Actual Amounts	Final Budget Positive (Negative)
Information systems	$ 634,155	$ 634,155	$ 558,107	$ --	$ 558,107	$ 76,048
Building maintenance	1,505,729	1,505,729	2,018,632	--	2,018,632	(512,903)
Internal audit	83,020	83,020	82,663	--	82,663	357
Morris Square	--	--	115,513	--	115,513	(115,513)
Employee health clinic	--	--	196,145	--	196,145	(196,145)
Public works	283,295	283,296	263,205	--	263,205	20,091
Public grounds	1,326,852	1,326,852	1,273,130	--	1,273,130	53,722
Contingency	147,642	153,843	--	--	--	153,843
Total general government	14,281,323	17,307,998	14,213,741	--	14,213,741	2,394,257
Public safety:						
Police	14,830,094	15,001,872	16,714,780	(1,849,497)	14,865,283	136,589
Fire	15,132,149	15,249,869	17,054,897	(2,036,834)	15,018,063	231,806
Traffic engineering	1,049,442	1,049,442	1,002,204	--	1,002,204	47,238
C-K emergency services	145,743	145,742	119,489	--	119,489	26,253
Total public safety	31,157,428	31,446,925	34,891,370	(3,886,331)	31,005,039	441,886
Streets and transportation:						
Streets and transportation	3,858,053	3,956,357	3,743,978	--	3,743,978	212,379
Equipment maintenance	2,665,680	2,696,618	2,721,708	--	2,721,708	(25,090)
Total streets and transportation	6,523,733	6,652,975	6,465,686	--	6,465,686	187,289
Health and sanitation:						
Refuse collection & recycling	3,410,099	3,410,841	3,217,268	--	3,217,268	193,573
Kanawha-Charleston health	200,000	200,000	200,000	--	200,000	--
CARES	42,000	42,000	42,000	--	42,000	--
Total health and sanitation	3,652,099	3,652,841	3,459,268	--	3,459,268	193,573
Culture and recreation:						
Parks and recreation	2,982,689	2,978,139	2,457,355	--	2,457,355	520,784
Convention and visitor's bureau	1,300,000	1,323,670	1,333,730	--	1,333,730	(10,060)
Cultural/fairs/festivals	276,000	276,000	267,567	--	267,567	8,433
Contribution to Charleston YWCA	25,000	25,000	25,000	--	25,000	--
Festival Fund for the Arts	70,000	70,000	70,000	--	70,000	--
Municipal auditorium	242,512	242,512	217,419	--	217,419	25,093
Charleston Area Alliance	175,000	175,000	175,000	--	175,000	--
Library	875,000	850,000	850,000	--	850,000	--
Stadium Maintenance Reimb.	100,000	100,000	100,000	--	100,000	--
Appalachian Power Park	--	--	149,805	--	149,805	(149,805)
Total culture and recreation	6,046,201	6,040,321	5,645,876	--	5,645,876	544,250

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL (BUDGETARY BASIS) - GENERAL FUND
For the Fiscal Year Ended June 30, 2008

	Budgeted Amounts		Actual	Adjustments		Variance With
	Original	Final	Modified Accrual Basis	Budget Basis	Actual Amounts	Final Budget Positive (Negative)
Social services:						
Spring hill cemetery	$ 569,689	$ 569,689	$ 533,684	$ --	$ 533,684	$ 36,005
Human rights	194,208	194,208	180,263	--	180,263	13,945
Contribution Tiskelwah Center	--	6,000	6,000	--	--	6,000
Total social services	763,897	769,897	719,947	--	719,947	49,950
Capital projects:						
General government	411,825	1,949,393	638,419	--	638,419	1,310,974
Public safety	1,614,177	2,697,284	2,081,599	--	2,081,599	615,685
Streets and transportation	783,261	1,109,277	1,329,147	--	1,329,147	(219,870)
Health and sanitation	582,990	749,079	683,917	--	683,917	65,162
Culture and recreation	51,556	235,044	170,437	--	170,437	64,607
Social services	34,445	48,595	48,595	--	48,595	--
Total capital projects	3,478,254	6,788,672	4,952,114	--	4,952,114	1,836,558
Debt service:						
Principal	446,823	446,823	446,291	--	446,291	532
Interest	429,288	429,288	429,820	--	429,820	(532)
Bond Service Charges	--	--	1,200	--	1,200	(1,200)
Total debt service	876,111	876,111	877,311	--	877,311	(1,200)
Total expenditures	66,779,046	73,535,740	71,225,313	(3,886,331)	67,338,982	5,646,563
Excess of revenues over (under) expenditures	(5,245,032)	(10,840,942)	(260,961)	(673,951)	(934,912)	9,906,030
OTHER FINANCING SOURCES (USES)						
Transfers in	3,700,000	3,792,450	3,587,533	--	3,587,533	(204,917)
Transfers out	(3,039,468)	(4,561,868)	(4,385,727)	--	(4,385,727)	176,141
Capital lease proceeds	1,434,500	2,328,000	2,326,542	--	2,326,542	(1,458)
Sale of capital assets	150,000	150,000	136,957	--	136,957	(13,043)
Total other financing sources (uses)	2,245,032	1,708,582	1,665,305	--	1,665,305	(43,277)
Net change in fund balance	(3,000,000)	(9,132,360)	1,404,344	(673,951)	730,393	9,862,753
Fund balance-beginning	3,000,000	9,132,360	18,170,589	(9,038,231)	9,132,358	(2)
Fund balance-ending	$ --	$ --	$ 19,574,933	$ (9,712,182)	$ 9,862,751	$ 9,862,751

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL - COAL SEVERANCE TAX FUND
For the Fiscal Year Ended June 30, 2008

	Budgeted Amounts			
	Original	Final	Actual Amounts	Variance with Final Budget Positive (Negative)
REVENUES				
Intergovernmental:				
State	$ 180,000	$ 180,000	$ 202,094	$ 22,094
Interest and investment earnings	125	125	903	778
Total revenues	180,125	180,125	202,997	22,872
Excess (deficiency) of revenues over (under) expenditures	180,125	180,125	202,997	22,872
OTHER FINANCING SOURCES (USES)				
Transfers (out)	(180,325)	(231,629)	(192,776)	38,853
Total other financing sources (uses)	(180,325)	(231,629)	(192,776)	38,853
Net change in fund balance	(200)	(51,504)	10,221	61,725
Fund balances - beginning	200	51,504	51,504	- -
Fund balances - ending	$ - -	$ - -	$ 61,725	$ 61,725

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
PROPRIETARY FUND FINANCIAL STATEMENTS

Major Funds

Civic Center Fund This Enterprise Fund accounts for the operations of the Civic Center multi-purpose meeting, convention, and entertainment facility.

Parking System Fund This Enterprise Fund accounts for the operations of the City parking buildings, parking lots, and metered spaces.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS - PROPRIETARY FUNDS
June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
ASSETS			
Current assets:			
Cash and cash equivalents	$ 83,186	$ 1,172,162	$ 1,255,348
Receivables:			
Accounts	18	176,463	176,481
Interest	- -	244	244
Grants	71,212	- -	71,212
Due from:			
Other funds	- -	9,056	9,056
Prepaid insurance and lease	78,703	130,300	209,003
Restricted:			
Regular account	- -	296,202	296,202
Revenue bond covenant accounts	324,007	283,859	607,866
Customer deposits	62,929	- -	62,929
Total current assets	620,055	2,068,286	2,688,341
Noncurrent assets:			
Restricted:			
Revenue bond covenant accounts	- -	1,151,869	1,151,869
Capital assets not being depreciated:			
Land	300,000	4,066,447	4,366,447
Construction in progress	50,456	97,389	147,845
Capital assets being depreciated:			
Buildings and improvements	35,919,293	28,097,574	64,016,867
Machinery and equipment	863,229	932,462	1,795,691
Less: accumulated depreciation	(23,921,021)	(20,979,731)	(44,900,752)
Total capital assets (net of accumulated depreciation)	13,211,957	12,214,141	25,426,098
Total noncurrent assets	13,211,957	13,366,010	26,577,967
Total assets	$ 13,832,012	$ 15,434,296	$ 29,266,308

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF NET ASSETS - PROPRIETARY FUNDS
June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
LIABILITIES			
Current liabilities:			
Accounts payable	$ 80,932	$ 51,997	$ 132,929
Benefits payable	17,290	26,659	43,949
Payroll payable	19,721	17,938	37,659
Other accrued expenses	4,504	- -	4,504
Compensated absences payable	44,966	31,337	76,303
Customer deposits payable	77,130	3,640	80,770
Due to:			
Other funds	568,362	- -	568,362
Accrued interest payable	71,564	28,321	99,885
Revenue bonds payable-current	280,000	970,000	1,250,000
Total current liabilities	1,164,469	1,129,892	2,294,361
Noncurrent liabilities:			
Revenue bonds payable (net of unamortized discount)	6,867,135	6,800,226	13,667,361
Total noncurrent liabilities	6,867,135	6,800,226	13,667,361
Total liabilities	8,031,604	7,930,118	15,961,722
NET ASSETS			
Invested in capital assets (net of related debt)	6,064,822	4,443,915	10,508,737
Restricted for debt service	324,007	1,731,930	2,055,937
Unrestricted	(588,421)	1,328,333	739,912
Total net assets	$ 5,800,408	$ 7,504,178	$ 13,304,586

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENSES AND
CHANGES IN FUND NET ASSETS - PROPRIETARY FUNDS
For the Fiscal Year Ended June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
Operating revenues:			
Sales and services to customers	$ 1,717,916	$ 3,796,367	$ 5,514,283
Rental fees	1,091,267	- -	1,091,267
Miscellaneous	- -	12,494	12,494
Total operating revenues	2,809,183	3,808,861	6,618,044
Operating expenses:			
Administrative and general	- -	1,785,542	1,785,542
Recreational	3,352,484	- -	3,352,484
Depreciation	1,069,683	867,655	1,937,338
Total operating expenses	4,422,167	2,653,197	7,075,364
Operating income (loss)	(1,612,984)	1,155,664	(457,320)
Nonoperating revenues (expenses):			
Investment earnings	30,138	127,463	157,601
Interest and fiscal charges	(467,617)	(487,518)	(955,135)
Total nonoperating revenues (expenses)	(437,479)	(360,055)	(797,534)
Income (loss) before contributions and transfers	(2,050,463)	795,609	(1,254,854)
Capital contributions	224,125	4,267	228,392
Transfers in	1,303,093	- -	1,303,093
Transfers (out)	(114,892)	- -	(114,892)
Change in net assets	(638,137)	799,876	161,739
Total net assets - beginning	6,438,545	6,704,302	13,142,847
Total net assets - ending	$ 5,800,408	$ 7,504,178	$ 13,304,586

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF CASH FLOWS - PROPRIETARY FUNDS
For the Fiscal Year Ended June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
Cash flows from operating activities:			
Receipts from customers and users	$ 2,868,867	$ 3,773,067	$ 6,641,934
Payments to suppliers	(1,907,791)	(721,911)	(2,629,702)
Payments to employees	(1,283,541)	(1,075,310)	(2,358,851)
Net cash provided (used) by operating activities	(322,465)	1,975,846	1,653,381
Cash flows from noncapital financing activities:			
Transfers in from other funds	388,165	- -	388,165
Net cash provided (used) by noncapital financing activities	388,165	- -	388,165
Cash flows from capital and related financing activities:			
Transfers from other funds for capital debt	733,298	- -	733,298
Transfers from other funds for capital projects	181,630	- -	181,630
Transfers to other funds for capital projects	(114,892)	- -	(114,892)
Capital contributions	224,125	- -	224,125
Acquisition and construction of capital assets	(354,716)	(142,417)	(497,133)
Principal paid on capital debt	(270,000)	(935,000)	(1,205,000)
Interest and fees paid on capital debt	(451,379)	(393,545)	(844,924)
Net cash provided (used) by capital and related financing activities	(51,934)	(1,470,962)	(1,522,896)
Cash flows from investing activities:			
Interest and dividends received	30,138	127,463	157,601
Net cash provided (used) by investing activities	30,138	127,463	157,601
Net increase (decrease) in cash and cash equivalents	43,904	632,347	676,251
Cash and cash equivalents, July 1, 2007 (including $300,515 and $1,688,562 in restricted)	363,289	2,271,745	2,635,034
Cash and cash equivalents, June 30, 2008 (including $324,007 and $1,731,930 in restricted)	$ 407,193	$ 2,904,092	$ 3,311,285

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF CASH FLOWS - PROPRIETARY FUNDS
For the Fiscal Year Ended June 30, 2008

	Business-type Activities - Enterprise Funds		
	Civic Center	Parking System	Totals
Reconciliation of operating income to net cash provided (used) by operating activities:			
Operating income (loss)	$ (1,612,984)	$ 1,155,664	$ (457,320)
Adjustments to reconcile operating income to net cash provided by operating activities:			
Depreciation expense	1,069,683	867,655	1,937,338
Decrease (increase) in accounts receivable	(71,230)	(27,809)	(99,039)
Decrease (increase) in due from other funds	76,880	(9,056)	67,824
Decrease (increase) in restricted deposits	11,844	- -	11,844
Decrease (increase) in prepaid insurance	(24,995)	5,169	(19,826)
Increase (decrease) in customer deposits	42,190	- -	42,190
Increase (decrease) in accounts payable	(44,546)	21,678	(22,868)
Increase (decrease) in payroll payable	2,893	5,856	8,749
Increase (decrease) in other accrued expenses	29	1,071	1,100
Increase (decrease) in due to other funds	227,771	(44,382)	183,389
Net cash provided by operations	$ (322,465)	$ 1,975,846	$ 1,653,381
Noncash investing, capital & financing activities:			
Contribution of capital asset from governmental fund	- -	4,267	4,267
	$ - -	$ 4,267	$ 4,267

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
FIDUCIARY FUND FINANCIAL STATEMENTS

Pension Trust Funds These funds are accounted for in essentially the same manner as proprietary funds using the accrual basis of accounting and account for the activities of the Public Safety Employees Retirement System, which accumulates resources for pension benefit payments to qualified public safety employees.

Policemen's Pension and Relief Fund This fund provides retirement benefits for substantially all full-time police employees and designated beneficiaries. The Board of Directors oversees the financial activities of the Pension Plan. The City is required to make annual contributions to the fund in accordance with West Virginia State Code which allows the City to contribute 108% of the previous year's contribution. The State also requires the pension plan to obtain an actuarial evaluation to determine solvency every three years. The Board may elect to obtain an actuarial evaluation in shorter intervals if deemed appropriate.

Firemen's Pension and Relief Fund This fund provides retirement benefits for substantially all full-time fire department employees and designated beneficiaries. The Board of Directors oversees the financial activities of the Pension Plan. The City is required to make annual contributions to the fund in accordance with West Virginia State Code which allows the City to contribute 108% of the previous year's contribution. The State also requires the pension plan to obtain an actuarial evaluation to determine solvency every three years. The Board may elect to obtain an actuarial evaluation in shorter intervals if deemed appropriate.

Agency Funds These funds are accounted for using the accrual basis of accounting and are used to account for assets that the City of Charleston, West Virginia holds for others in an agency capacity.

The individual Agency Fund descriptions and financial statements begin on page 105.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF FIDUCIARY NET ASSETS -
FIDUCIARY FUNDS
June 30, 2008

	Pension Trust Funds			
	Policemen's Pension and Relief	Firemen's Pension and Relief	Total Pension Trust Funds	Agency Funds
ASSETS				
Non-pooled cash	$ 2,496,075	$ 2,850,986	$ 5,347,061	$ 1,584,611
Total cash	2,496,075	2,850,986	5,347,061	1,584,611
Investments, at fair value:				
Federal government securities	2,995,224	1,088,076	4,083,300	- -
Managed bond funds	706,879	- -	706,879	- -
Managed stock funds	7,845,768	4,346,527	12,192,295	- -
Total investments	11,547,871	5,434,603	16,982,474	- -
Receivables:				
Interest	46,836	1,883	48,719	127
Accounts receivable	3,325	- -	3,325	32,055
Total receivables	50,161	1,883	52,044	32,182
Total assets	$ 14,094,107	$ 8,287,472	$ 22,381,579	$ 1,616,793
LIABILITIES				
Accounts payable	1,807	600	2,407	- -
Refunds payable and other	- -	- -	- -	1,616,793
Benefits payable	- -	448,795	448,795	- -
Total liabilities	1,807	449,395	451,202	1,616,793
NET ASSETS				
Net assets held in trust for pension benefits	$ 14,092,300	$ 7,838,077	$ 21,930,377	$ - -

The notes to the financial statements are an integral part of this statement.

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF CHANGES IN FIDUCIARY NET ASSETS - FIDUCIARY FUNDS
For the Fiscal Year Ended June 30, 2008

	Pension Trust Funds		
	Policemen's Pension and Relief	Firemen's Pension and Relief	Totals
ADDITIONS			
Contributions:			
Employer	$ 1,792,201	$ 2,827,560	$ 4,619,761
Plan members	713,672	702,322	1,415,994
State of West Virginia insurance premium surtax allocations	1,849,497	2,036,834	3,886,331
Total contributions	4,355,370	5,566,716	9,922,086
Investment earnings:			
Net increase (decrease) in fair value of investments	(1,256,692)	(651,314)	(1,908,006)
Interest and dividends	445,323	248,915	694,238
Less: investment expense	(119,384)	(68,492)	(187,876)
Net investment income	(930,753)	(470,891)	(1,401,644)
Total additions	3,424,617	5,095,825	8,520,442
DEDUCTIONS			
Benefits	4,872,987	5,428,301	10,301,288
Administrative expenses	29,694	9,976	39,670
Refunds of contributions	11,759	15,808	27,567
Total deductions	4,914,440	5,454,085	10,368,525
Change in net assets	(1,489,823)	(358,260)	(1,848,083)
Net assets held in trust for pension benefits:			
Beginning of year	15,582,123	8,196,337	23,778,460
End of year	$ 14,092,300	$ 7,838,077	$ 21,930,377

The notes to the financial statements are an integral part of this statement.

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of the City of Charleston, West Virginia, conform to generally accepted accounting principles as applicable to governmental units. The following is a summary of significant accounting policies:

A. Reporting Entity

The City of Charleston is a municipal corporation governed by an elected mayor and twenty-seven member council. The accompanying financial statements present the government and its component units as required by generally accepted accounting principles.

The services provided by the government and accounted for within these financial statements include law enforcement for the City, health and sanitation services, cultural and recreational programs, and other governmental services.

The accompanying financial statements present the government and its component units as required by the accounting principles generally accepted in the United States. In determining whether to include a governmental department, agency, commission or organization as a component unit, the government must evaluate each entity as to whether they are legally separate and financially accountable based on the criteria set forth by the Governmental Accounting Standards Board (GASB). Legal separateness is evaluated on the basis of: (1) its corporate name, (2) the right to sue and be sued and, (3) the right to buy, sell or lease and mortgage property. Financial accountability is based on: (1) the appointment of the governing authority and, (2) the ability to impose will or, (3) the providing of specific financial benefit or imposition of specific financial burden. Another factor to consider in this evaluation is whether an entity is fiscally dependent on the City of Charleston.

Blended Component Unit

The entity below is legally separate from the City and meets GAAP criteria for a component unit. This entity is blended with the primary government because it provides services entirely or almost entirely to the City.

The *City of Charleston Building Commission* serves the City of Charleston, West Virginia, and is governed by a board comprised of five members appointed by the City Council for a term of five years each. The Building Commission acquires property and debt on behalf of the City with the approval of the government's council and the legal liability for the general obligation portion of the Commission's debt remains with the government. The Commission does not issue separate financial statements.

Discretely Presented Component Units

Discretely presented component units are entities which are legally separate from the City, but are financially accountable to the City, or whose relationship with the City is such that exclusion would cause the City's financial statements to be misleading or incomplete. Because of the nature of services they provide and the City's ability to impose its will on them or a financial benefit/burden relationship exists, the following component units are discretely presented in accordance with generally accepted accounting principles. The discretely presented component units are presented on the government-wide statements.

The *City of Charleston Sanitary Board* serves all the citizens of the City of Charleston and is governed by a three member board comprised of the Mayor and two members of council. The rates for user charges and bond issuance authorizations are approved by the government's elected council.

The *City of Charleston Urban Renewal Authority* serves the City of Charleston, West Virginia, and is governed by a board comprised of members appointed by the City. The bond issuance authorizations are approved by the government's elected council. The City of Charleston Urban Renewal Authority derives its income from the leasing of developed properties.

The *City of Charleston Convention and Visitor's Bureau, Inc*. was established in 1979, as a nonprofit corporation. The Bureau is governed by a board comprised of members stipulated to be no less than fifteen but no more than nineteen which consists of three permanent members (the City of Charleston Civic Center Manager, Director of Yeager Airport, and Mayor of the City of Charleston) and the remainder of the board members are appointed by the City Council. The primary purpose of the bureau is to operate a convention and visitor's bureau for the Charleston, West Virginia area and to advance, stimulate, and promote exhibits, conferences and conventions. The bureau derives most of its revenue from hotel room taxes. The City of Charleston contributes 50% of the Hotel Occupancy Taxes collected to the Bureau. If these taxes were discontinued, the bureau's ability to continue in business would be threatened.

Complete financial statements for each of the individual component units can be obtained at the entity's administrative offices.

B. Government-wide and Fund Financial Statements

The government-wide financial statements (i.e, the statement of net assets and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements; however, if applicable, interfund services provided and used are not eliminated in the process of consolidation. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from certain legally separate component units for which the primary government is financially accountable.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function and, 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements. Nonmajor governmental funds are combined into a single column.

C. Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund and fiduciary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied and collectible. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collectible within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, claims, and judgments, are recorded only when payment is due.

Property taxes, franchise taxes, interest and special assessments are susceptible to accrual. Also, certain taxpayer-assessed revenues such as business and occupation and utility taxes are accrued as revenue at year end. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. Other receipts and taxes become measurable and available when cash is received by the government and are recognized as revenue at that time.

Entitlements and shared revenues are recorded at the time of receipt or earlier if the susceptible to accrual criteria are met. Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other grant requirements have been met.

The government reports the following major governmental funds:

The *General Fund* is the government's primary operating fund. It accounts for all financial sources of the general government, except those required to be accounted for in another fund.

The *Coal Severance Tax Fund*, a special revenue fund, accounts for revenues and expenditures from a severance tax placed on coal that is distributed to West Virginia counties.

The *Community Development Fund*, a special revenue fund, accounts for federal grants received from the U.S. Housing and Urban Development for the purpose of developing "viable urban communities", which are achieved by providing decent housing, a suitable living environment, and expanded economic opportunities principally for low-and moderate income people.

The *HOME Fund*, a special revenue fund, accounts for federal grants received from the U.S. Housing and Urban Development to provide forgivable, deferred mortgage loans to first-time homebuyers that meet income and credit guidelines.

The government reports the following major proprietary funds:

The *Civic Center Fund* is a large multi-purpose meeting, convention and entertainment facility. The Civic Center/Auditorium Board was created in 1953, to supervise, operate and maintain the Civic Center and the Municipal Auditorium. The Board is appointed by the mayor with approval of City Council. This fund accounts for the receipts and expenses of the operations of this facility.

The *Parking System Fund* consists of parking buildings, parking lots and metered spaces. The City has delegated a special committee of the Council, designated as the Parking Facilities Committee composed of the mayor and members of the finance committee of council, to promulgate rules and regulations governing the usage of all the parking facilities. This fund accounts for all receipts and expenses of operating the parking system.

Additionally, the government reports the following fund types:

The *Pension Trust Funds* account for the activities of the Public Safety Employees Retirement System, which accumulates resources for pension benefit payments to qualified public safety employees. These funds are accounted for in essentially the same manner as the proprietary funds, using the accrual basis of accounting.

The *Agency Funds* account for assets held by the City of Charleston, West Virginia for others in a custodial capacity. The two Civic Center Agency Funds account for revenues from event ticket sales, subsequently dispersed to promoters, and for State grant revenues for advertising subsequently dispersed to advertising vendors. The police agency funds account for forfeited funds and confiscated property subsequently dispersed upon court order to the appropriate party. Agency funds are accounted for using the accrual basis of accounting and do not present results of operations or have a measurement focus.

The City of Charleston, West Virginia follows GASB guidance as applicable to proprietary funds and FASB Statements and Interpretations, Accounting Principles Board Opinions and Accounting Research Bulletins issued on or before November 30, 1989, that do not conflict with GASB Pronouncements in both the government-wide and proprietary fund financial statements.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. However, if applicable, interfund services provided and used are not eliminated in the process of consolidation.

Amounts reported as program revenues include: 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions, including special assessments. Internally dedicated resources are reported as general revenues rather than program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services in connection with a proprietary fund's principal ongoing operations. The principal operating revenue of the Civic Center and Parking System (enterprise funds) and the Sanitary Board, Urban Renewal Authority, and Convention and Visitor's Bureau (discretely presented component units) are charges to customers for services. Operating expenses for the enterprise funds include the cost of services, administrative expenses, and depreciation of capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

D. Assets, Liabilities, and Net Assets or Equity

1. Deposits and Investments

The City of Charleston, West Virginia's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of less than three months from the date of acquisition. For purposes of the Statement of Cash Flows, restricted assets may be considered cash equivalents based on liquidity.

In accordance with generally accepted accounting principles, the City reports its investments at fair value, except for non-participating investment contracts (certificates of deposit and repurchase agreements) which are reported at cost, which approximates fair value. All investment income, including changes in fair value of investments, are recognized as revenue in the operating statement. Fair value is determined by quoted market prices.

Short-term investments are reported at cost, which approximates fair value. Securities traded on a national or international exchange are valued at the last reported sales price at current exchange rates. Managed funds related to the retirement systems not listed on an established market are reported at estimated fair value as determined by the respective fund managers based on quoted sales prices of underlying securities. Cash deposits are reported at carrying amount, which reasonably estimates fair value. The composition of investments and fair values are presented in Note IV.A.

State statutes authorize the government to invest in the State Investment Pool or the Municipal Bond Commission or to invest such funds in the following classes of securities: Obligations of the United States or any agency thereof, certificates of deposit (which mature in less than one year), general and direct obligations of the State of West Virginia; obligations of the federal mortgage association; indebtedness secured by first lien deeds of trust for property situated within this State if the payment is substantially insured or guaranteed by the federal government; pooled mortgage trusts (subject to limitations); indebtedness of any private corporation that is properly graded as in the top two or three highest rating grades; interest earning deposits which are fully insured and collateralized; and mutual funds registered with the S.E.C. which have fund assets over three hundred million dollars.

State statute limitations concerning the aforementioned investments include the following: at no time can investment portfolios consist of more than seventy-five percent of the indebtedness of any private corporation nor can the portfolio have more than nine percent invested in securities issued by a single private corporation or association; and at no time can more than sixty percent of the portfolio be invested in equity mutual funds.

Municipal Pension Funds are governed as to type of investments by *West Virginia Code §8-22-22.* Pension funds are permitted to invest in all of the above mentioned types of investments with the exceptions of: (1) Direct and general obligations of the State and (2) Pooled mortgage trusts. Additionally, pension funds are permitted to invest funds in the following categories of investments: (1) Repurchase agreements and (2) Common stock, securities convertible into common stocks, or warrants and rights to purchase such securities. Pension funds have different rules concerning the purchase of marketable debt securities.

The following restrictions apply only to pension portfolios and are separate and distinct from the limitations mentioned above: (1) fixed income securities which are issued by one issuer (with the exception of the United States government) are not to exceed ten percent of the total pension fund assets; and (2) at no time can the equity portion of the portfolio exceed sixty percent of the total portfolio.

2. Receivables and Payables

Interfund Transactions

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "interfund receivables or payables" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the non-current portion of interfund loans). All other outstanding balances between funds are reported as "due to/from other funds." Any residual balance outstanding between the governmental activities and the business-type activities are reported in the government-wide financial statements as "internal balances."

Trade Receivables

All trade receivables are shown at their gross value and, where appropriate, are reduced by the estimated portion that is expected to be uncollectible.

Property Tax Receivable

The property tax receivable is equal to 75 percent of the property taxes outstanding at June 30, 2008.

All current taxes assessed on real and personal property have a levy date of the 3rd Tuesday in April of each year. The due date for the taxes is September 1st for the first half and March 1st for the second half of the year. The lien date in which the sheriff has a legal right to collect is between October 14th and November 23rd of each year. Taxes paid on or before the date when they are payable, including both first and second installments, are subject to a discount of two and one-half percent. If the taxes are not paid on or before the date in which they become delinquent, including both first and second installments, interest at the rate of nine percent per annum is added from the date they become delinquent until the date they are paid. The City receives from the County its portion of property taxes for current, excess, and bond levies each month for the preceding month collections.

All municipalities within the state are authorized to levy taxes not in excess of the following maximum levies per $100 of assessed valuation: On Class I property, twelve and five-tenths cents (12.5 cents); On Class II property, twenty-five cents (25 cents); On Class IV property, fifty cents (50 cents). In addition, municipalities may provide for an election to lay an excess levy; the rates not to exceed statutory limitations, provided at least sixty percent of the voters cast ballots in favor of the excess levy.

The rates levied by the City per $100 of assessed valuation for each class of property for the fiscal year ended June 30, 2008, were as follows:

Class of Property	Assessed Valuation For Tax Purposes	Current Expense	Excess Levy	Bond Purposes
Class I	$ 29,755	5.75 cents	5.03 cents	1.84 cents
Class II	$ 1,053,556,896	11.50 cents	10.06 cents	3.67 cents
Class IV	$ 1,598,249,819	23.00 cents	20.12 cents	7.34 cents

The City of Charleston, West Virginia held a special election on May 6, 2007. The City was authorized to lay an excess levy to provide approximately $3,958,752 annually during the next four fiscal years ended June 30, 2008, through June 30, 2011, for the purpose of subsidizing the payment of current governmental expenses.

3. Prepaid Items

Certain payments to vendors for liability insurance and leases reflect costs applicable to future accounting periods and are recorded as prepaid items.

4. Restricted Assets

Certain assets of the Civic Center and Parking System enterprise fund revenue bonds as well as certain proceeds set aside for their repayment are classified as restricted assets because their use is limited by applicable bond covenants. Certain assets of the Solid Waste, a governmental special revenue fund, are restricted for solid waste landfill closure expenditures.

The "regular" account is used to segregate resources accumulated for debt service payments over the next twelve months.

The "restricted cash" account is used to report resources set aside to pay for potential solid waste capital expenditures.

The "reserve for bond retirement" account is used to segregate resources accumulated for debt service payments.

The "customer deposit" account is used to report the segregation of returnable cash deposits from customers of the utility upon initial receipt of the service.

5. Capital Assets and Depreciation

Capital assets, which include property, plant, and equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of $5,000 or more and estimated to have a useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the assets or materially extend assets lives are not capitalized.

Major outlays for capital assets and improvements are capitalized in proprietary funds as projects are constructed. Interest incurred during the construction phase of proprietary fund capital assets is reflected in the capitalized value of the asset constructed, net of interest earned on the invested proceeds during the same period.

Capital assets of the primary government, as well as the component units, are depreciated using the straight-line method over the following estimated useful lives:

Assets	Years
Buildings	40
System infrastructure, transmission and distribution	40-50
Equipment	05-10
Vehicles	03-05
Office and computer equipment	05

6. Compensated Absences

It is the government's policy to permit employees to accumulate earned but unused vacation and sick pay benefits. All vacation pay is accrued when incurred in the government-wide, proprietary, and fiduciary fund financial statements. There is no liability for unpaid accumulated sick leave since the government does not have a policy to pay any amounts when employees separate from service with the government.

When a permanent full time employee retires, the employee may elect to have any accrued sick leave converted to insurance benefits based on the formula of two days sick leave for one month single coverage insurance premium or three days sick leave for one month family coverage insurance premium. A liability has been accrued for all employees who have actually retired at June 30, 2008, converted accrued sick leave to insurance premiums, and the actual costs to the City has been calculated. The accrued benefit for June 30, 2008, was $492,585.

7. Long-term Obligations

In the government-wide financial statements, and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net assets. Bond premiums and discounts, as well as issuance costs, are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are reported as deferred charges and amortized over the term of the related debt.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

8. Fund Equity

In the fund financial statements, governmental funds report reservations of fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for a specific purpose. The City first applies restricted resources when an expense is incurred for purposes for which both restricted and unrestricted net assets are available. Designations of fund balance represent tentative management plans that are subject to change.

II. RECONCILIATION OF GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

A. Explanation of Certain Differences Between the Governmental Fund Balance Sheet and the Government-wide Statement of Net Assets

The governmental fund balance sheet includes a reconciliation between fund balance total governmental funds and net assets-governmental activities as reported in the government-wide statement of net assets. One element of that reconciliation explains that "long-term liabilities, including bonds payable, are not due and payable in the current period and therefore are not reported in the funds." The details of this $77,913,383 difference are as follows:

Bonds payable:	$	(6,805,337)
Less: issuance cost (to be amortized as interest expense)		13,211
Accrued interest payable		(877,128)
Capital leases payable		(11,261,072)
Claims and judgments		(4,318,101)
Compensated absences		(1,718,193)
Net pension obligation		(52,946,763)
Net adjustment to decrease fund balance-total governmental funds to arrive at net assets-governmental activities	$	(77,913,383)

B. Explanation of Certain Differences Between the Governmental Fund Statement of Revenues, Expenditures, and Changes in Fund Balance and the Government-wide Statement of Activities

The governmental fund statement of revenues, expenditures, and changes in fund balances includes a reconciliation between net changes in fund balances-total governmental funds and changes in net assets of governmental activities as reported in the government-wide statement of activities. One element of that reconciliation explains that, "Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets are allocated over their estimated useful lives and reported as depreciation expense. This is the amount that depreciation expense exceeded capital outlays for the current period." The details of the $1,031,695 difference are as follows:

Capital outlays	$	6,096,365
Depreciation expense		(7,128,060)
Net adjustment to decrease net change in fund balance-total governmental funds to arrive at changes in net assets of governmental activities	$	(1,031,695)

Another element of that reconciliation states that, "The issuance of long-term debt (i.e. bonds, leases) provide current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance costs, premiums, discounts and similar items when debt is first issued, whereas, these amounts are deferred and amortized in the statement of activities." The details of this $1,258,475 difference are as follows:

Debt issued or incurred:		
Capital lease financing	$	(2,328,000)
Principle repayments:		
General obligation, revenue bonds, and capital leases		3,496,100
Reduction of accrued interest expense		90,375
Net adjustment to increase net changes in fund balances-total governmental funds to arrive at changes in net assets of governmental activities	$	1,258,475

Another element of that reconciliation states that, "Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds." The details of this $10,823,385 difference are as follows:

Compensated absences	$	(90,788)
Claims and judgments		482,956
Net pension obligation		(11,215,553)
Net adjustment to decrease net changes in fund balances-total governmental funds to arrive at changes in net assets of governmental activities	$	(10,823,385)

Another element of reconciliation is the difference of $4,267 in the amount of transfers between the fund level and the government-wide level. This difference is due to transfers that consisted of nonfinancial resources (capital assets) transferred from governmental funds to proprietary funds. The governmental funds did not record the transfer because only financial resources are accounted for in a governmental fund; however, the proprietary funds recorded the transaction not as a transfer but as capital contribution revenue in the lower portion of their operating statements. Even though the transfers are not presented in the governmental funds it must be presented as transfers in the governmental activities column in the statement of activities. Consequently, the amount of transfers from the fund level to the government-wide level increased in the amount of $4,267.

III. STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

Budgetary Information

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for the General Fund and the Coal Severance Tax Special Revenue Fund, except that business and occupation taxes are not reported on the modified accrual basis for budgetary purposes. All annual appropriations lapse at fiscal year end.

The City of Charleston, West Virginia prepares its budget on the cash/cash plus encumbrances basis of accounting. Therefore, a reconciliation has been performed on the Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual (Budgetary Basis) for the General Fund.

The governing body of the City is required to hold a meeting or meetings between the seventh and twenty-eighth days of March to ascertain the financial condition of the City and to prepare the levy estimate (budget) for the fiscal year commencing July 1. The budget is then forthwith submitted to the State Auditor for approval. The governing body then reconvenes on the third Tuesday in April to hear objections from the public and formally lay the levy.

The appropriated budget is prepared by fund, function, and department. The legal level of budgetary control is the department. Transfers of appropriations between departments and revenue related revisions to the budget require approval from the governing council and then submission to the State Auditor for approval. Revisions become effective when approved by the State Auditor and budgeted amounts in the financial statements reflect only such approved amounts. The governing body made the following material supplementary budgetary appropriations throughout the year:

Amount	Description
$ 3,026,045	General Government Expenditure Increase
3,310,418	Capital Projects Expenditure Increase

Encumbrance accounting is employed as an extension of the formal budgetary process. Encumbrances (e.g. purchase orders, contracts) are reported as reservations of fund balance and do not constitute expenditures or liabilities because the commitments will be reappropriated and honored during the subsequent year.

WV Code 11-8-26 states in part that "...a local fiscal body shall not expend money or incur obligations: (1) In an unauthorized manner; (2) For an unauthorized purpose; (3) In excess of the amount allocated to the fund in the levy order; (4) In excess of the funds available for current expenses...". The municipal officials of the City of Charleston incurred expenditures for certain items in the General Fund in excess of the amounts allocated for those items in the official levy estimate (budget) as last revised. Specifically, expenditures in the following categories exceeded budgeted amounts: General Government $824,561; Streets and Transportation $25,000; Culture and Recreation $159,865; Capital Projects $219,870; and Debt Service $1,732. However, the total expenditures of the General Fund did not exceed the total appropriations. This noncompliance occurred because the City failed to submit the Council approved budget revisions to the State Auditor's Office by the required deadline. Subsequent to year end the management of the City of Charleston has implemented additional policies and procedures that will ensure compliance with budgetary requirements.

A reconciliation from the budgetary basis to the GAAP Modified Accrual Fund Basis is due to the recording of business and occupation tax revenues on the cash basis for budgetary purposes and the accrual basis for GAAP purposes in the amount of $673,951 is as follows:

	Net Change in Fund Balance	Fund Balance
Budgetary Basis	$ 730,393	$ 9,862,751
Basis of Accounting Difference	673,951	9,712,182
GAAP Basis	$ 1,404,344	$ 19,574,933

IV. DETAILED NOTES ON ALL FUNDS

A. Deposits and Investments

At year end, the government had the following investments:

		Credit Risk Rating	
Primary Government	Fair Value	Standard & Poor's and Fitch	Moody's Investment Services
State Investment Management Board pool	$ 1,808,436	AAA	AAA
Repurchase Agreements-FNMA	988,225	Not Rated	Not Rated
U.S. Government Agency Securities	475,235	Not Rated	Aaa
Corporate Bonds-Merrill Lynch	114,579	Not Rated	A1
Corporate Bonds-Bank America Corp	98,209	Not Rated	Aa2
Corporate Bonds-General Electric	144,015	Not Rated	Aaa
Mutual Bond Fund	103,536	Not Rated	Not Rated
Total Rated Securities	3,732,235		
Total Unrated Securities	449,741		
	$ 4,181,976		

Policemen's Pension and Relief			
U.S. Government Agency Securities	$ 2,231,157	AAA	Not Rated
FHLMC-Mortgage/Asset Backed	523,249	Not Rated	Not Rated
FNMA-Mortgage/Asset Backed	240,818	Not Rated	Not Rated
Corporate Bonds-Bank America Corp	505,515	AA	AA2
Corporate Bonds-JP Morgan & Company	201,364	A+	AA3
Total Rated Securities	3,702,103		
Total Unrated Securities	7,845,768		
	$ 11,547,871		
Firemen's Pension and Relief			
U.S. Government Agency Securities	$ 1,088,076	AAA	Not Rated
Total Rated Securities	1,088,076		
Total Unrated Securities	4,346,527		
	$ 5,434,603		
Civic Center Ticket Agency Fund			
Repurchase Agreement	$ 676,000	Not Rated	AAA

The City's investment in the State Investment Management Board Investment Pool includes funds held at the Municipal Bond Commission (Commission) for the City's General Obligation Bond and for the Parking System and Civic Center, Proprietary Funds, revenue bond issuances. The West Virginia Legislature created this Commission to act as the fiscal agent/trustee for the bond issuances of the State and its political subdivisions. The oversight of the Commission is the State Treasurer's Office, the State Auditor's Office, and other financial professionals not associated with government. For seventy-six years, the Legislature has made a blanket appropriation annually to cover possible deficiencies that could arise in State and general obligation sinking fund accounts. Standard & Poor has recognized this annual Legislative appropriation and the Commission's management as a Credit Enhancement Program, and has awarded all West Virginia general obligation administered by the Commission a minimum rating of AA-. The City's fair value position in the pool is the same as the value of the pool shares.

Credit Risk

It's the government's policy to limit its investments as stated in the West Virginia State Code §8-13-22a and c and §8-22-22 and §8-22-22a. The specific investments allowed for municipal and pension investments are fully described with all applicable limitations in Note I.D.1. The government does not have a policy for credit risk in addition to governing statutes. As of June 30, 2008, the government's investments were rated using Standard & Poor's and Fitch and Moody's Investment Services.

Interest Rate Risk

The City of Charleston has adopted the provisions of West Virginia Code §8-13-22a and c and §8-22-22 and §8-22-22a (for policemen and firemen's pension plans) as it's investment policy, the specific provisions of which are more fully described in Note I.D.1. The government does not have a policy for interest rate risk in addition to the governing West Virginia statutes.

Security Type	Fair Value	Less than 1 Year	1-5	6-10	More than 10 Years
Primary Government:					
State Investment Management Board Pool	$ 1,808,436	$ 1,808,436	$ -	$ -	$ -
Repurchase Agreements	988,225	988,225	-	-	-
U.S. Government Agencies	475,235	-	475,235	-	-
Corporate Bonds-Bank of America	98,209	-	98,209	-	-
Corporate Bonds-Merrill Lynch	114,579	114,579	-	-	-
Corporate Bonds-General Electric	144,015	-	96,425	-	47,590
Mutual funds	103,536	103,536	-	-	-
Policemen's Pension & Relief Fund:					
U.S. Government Agency Securities	2,231,157	1,230,817	1,000,340	-	-
FHLMC-Mortgage/Asset Backed	523,249	-	41,234	218,502	263,513
FNMA-Mortgage/Asset Backed	240,818	-	-	-	240,818
Corporate Bonds-Bank of America	505,515	505,515	-	-	-
Corporate Bonds-JP Morgan & Co.	201,364	201,364	-	-	-
Firemen's Pension & Relief Fund:					
U.S. Government Agency Securities	1,088,076	-	500,265	587,811	-
Civic Center Ticket Agency Fund:					
Repurchase Agreement	676,000	676,000	-	-	-
Totals	$ 9,198,414	$ 5,628,472	$ 2,211,708	$ 806,313	$ 551,921

Concentration of Credit Risk

The government has adopted the provisions contained in West Virginia Code §8-13-22a and c and §8-22-22 and §8-22-22a as it's investment policy which does not allow for an investment in any one issuer that is in excess of nine percent of the government's total investment or ten percent of the pension fund total investment. Other limitations on investments are more fully described in Note I.D.I. The government does not have a policy for concentration of credit risk in addition to governing West Virginia statutes. Any investment in one issuer of five percent or greater must be disclosed in accordance with GAAP. The Police Pension Fund had two common stock investments in ISHARES RUSSELL MIDCAP Growth Index and ISHARES RUSSELL MIDCAP Value Index that were six percent and six percent, respectively, of the total portfolio; and Spring Hill Cemetery had three corporate bond investments in Bank America Corporation, General Electric and Merrill Lynch that were six, nine, and seven percent, respectively, of the total portfolio and one mutual fund investment in Federated Ultrashort that was six percent of the total portfolio at June 30, 2008.

Custodial Credit Risk

The City of Charleston's deposits with financial institutions are fully insured or collateralized by securities held in the government's name.

B. Receivables

Receivables at year end for the government's individual major funds and nonmajor, and fiduciary funds in the aggregate, including applicable allowances for uncollectible accounts, are as follows:

	General	Community Development	HOME	Parking System	Civic Center
Receivables:					
Accounts	$ 4,197,196	$ -	$ -	$ 197,963	$ 18
Accrued interest	32,284	1,745	-	242	-
Taxes	11,538,347	-	-	-	-
Loans	-	1,953,485	3,458,234	-	-
Grants	-	140,612	9,351	-	71,212
Gross receivables	15,767,827	2,095,842	3,467,585	198,205	71,230
Less: allowance for uncollectible	(1,105,390)	(488,371)	-	(21,500)	-
Net total receivables	$ 14,662,437	$ 1,607,471	$ 3,467,585	$ 176,705	$ 71,230

	Nonmajor Funds and Fiduciary Funds	Total
Receivables:		
Accounts	$ 2,668,487	$ 7,063,664
Accrued interest	62,664	96,935
Taxes	152,496	11,690,843
Loans	332,672	5,744,391
Grants	254,135	475,310
Gross receivables	3,470,454	25,071,143
Less: allowance for uncollectible	(2,256,042)	(3,871,303)
Net total receivables	$ 1,214,412	$ 21,199,840

Governmental funds report deferred revenue in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period. Governmental funds also defer revenue recognition in connection with resources that have been received, but not yet earned. At the end of the current fiscal year, the various components of deferred revenue and unearned revenue reported in the governmental funds were as follows:

	Unavailable	Unearned
Property Taxes	$ 484,949	$ -
Prepaid License Fees , Cemetery Fees, and Recycling Grant (general fund)	-	102,423
Grant drawdowns prior to meeting all eligibility requirements	-	5,171,605
Total deferred/unearned revenue for governmental funds	$ 484,949	$ 5,274,028

C. Capital Assets

Capital asset activity for the fiscal year ended June 30, 2008, was as follows:

	Primary Government			
	Beginning Balance	Increases	Decreases	Ending Balance
Governmental activities:				
Capital assets, not being depreciated:				
Land	$ 7,420,037	$ 30,000	$ -	$ 7,450,037
Construction in progress	456,164	1,738,601	(893,726)	1,301,039
Total capital assets not being depreciated	7,876,201	1,768,601	(893,726)	8,751,076
Capital assets being depreciated:				
Buildings and improvements	44,804,080	632,302	(3,190)	45,433,192
Structures and improvements	13,357,337	1,486	-	13,358,823
Machinery and equipment	12,476,484	1,570,472	(278,110)	13,768,846
Vehicles	14,605,698	1,857,822	(1,025,676)	15,437,844
Furniture	303,308	5,875	(4,966)	304,217
Infrastructure	75,888,048	1,153,534	-	77,041,582
Total capital assets being depreciated	161,434,955	5,221,491	(1,311,942)	165,344,504
Less accumulated depreciation:				
Buildings and improvements	(13,760,742)	(1,137,843)	3,190	(14,895,395)
Structures and improvements	(5,642,556)	(526,003)	-	(6,168,559)
Machinery and equipment	(9,520,877)	(1,060,228)	270,990	(10,310,115)
Vehicles	(10,465,007)	(1,518,852)	1,025,676	(10,958,183)
Furniture	(202,190)	(34,790)	4,966	(232,014)
Infrastructure	(40,978,789)	(2,850,343)	-	(43,829,132)
Total accumulated depreciation	(80,570,161)	(7,128,059)	1,304,822	(86,393,398)
Total capital assets being depreciated, net	80,864,794	(1,906,568)	(7,120)	78,951,106
Governmental activities capital assets, ne	$ 88,740,995	$ (137,967)	$ (900,846)	$ 87,702,182

	Beginning Balance	Increases	Decreases	Ending Balance
Business-type activities:				
Capital assets, not being depreciated:				
Land	$ 4,366,447	$ -	$ -	$ 4,366,447
Construction in progress	129,069	445,204	(426,428)	147,845
Total capital assets, not being depreciated	4,495,516	445,204	(426,428)	4,514,292
Capital assets being depreciated:				
Buildings and improvements	63,001,924	247,371	-	63,249,295
Structures and improvement	767,572	-	-	767,572
Machinery and equipment	1,384,277	235,253	-	1,619,530
Vehicles	176,161	-	-	176,161
Total capital assets being depreciated	65,329,934	482,624	-	65,812,558
Less accumulated depreciation:				
Buildings and improvements	(41,598,777)	(1,780,873)	-	(43,379,650)
Structures and improvements	(259,682)	(27,888)	-	(287,570)
Machinery and equipment	(1,008,482)	(94,936)	-	(1,103,418)
Vehicles	(96,473)	(33,641)	-	(130,114)
Total accumulated depreciation	(42,963,414)	(1,937,338)	-	(44,900,752)
Total capital assets being depreciated, net	22,366,520	(1,454,714)	-	20,911,806
Business-type activities capital assets, net	$ 26,862,036	$ (1,009,510)	$ (426,428)	$ 25,426,098

Depreciation expense was charged to functions/programs of the primary government as follows:

Governmental activities:	
General government	$ 3,227,546
Public safety	1,559,034
Highways and streets, including depreciation of general infrastructure assets	563,631
Health and sanitation	609,390
Culture and recreation	1,106,735
Social services	61,724
Total depreciation expense-governmental activitie:	$ 7,128,060
Business-type activities:	
Civic Center	$ 1,069,683
Parking System	867,655
Total depreciation expense-business-type activitie:	$ 1,937,338

Construction in Progress

The government has active construction projects as of June 30, 2008. The projects include street, retaining walls, and bridge repairs, City Hall renovations and additions, recreation facilities renovations and greenspace. At year end, the amounts for governmental activities spent-to-date are as follows:

Project	Spent-to-Date	Funded
North Hills Drainage	$ 26,704	General Fund
Ball Park Additions	2,217	General Fund
Landslide Twilight Drive	2,500	General Fund & State DOH Grant
Landslide Pansy & Comos Drives	2,200	General Fund
Fire Station Renovations	1,800	General Fund
City Hall Renovations & Additions	296,731	General Fund
Municipal Auditorium Stage Lighting	3,737	General Fund
MOECD-Sojourners' Renovations	43,457	CDBG Grants
Auditorium	11,795	General Fund
Bridge & Retaining Walls Projects	600,754	General Fund and CDBG Grants
Feasibility Study-Civic Center	38,968	General Fund
Lighting Design for Lee St. Bridge and Elk River Bridge	26,040	Donations and General Fund
RSLC Veteran's Transitional Housing Project	128,154	CDBG Grants
Greenspace	115,982	General Fund and CDBG Grants
Total	$ 1,301,039	

D. Interfund Receivables, Payables, and Transfers

The composition of interfund balances as of June 30, 2008 is as follows:

Interfund receivables/payables:

Receivable Fund	Payable Fund	Purpose	Amount
General	Civic Center	Reimbursements Insurance	$ 497,150
	Civic Center	Reimbursement Loan	71,212
	CDBG	Reimbursement Salary & Utilities	43,606
	HOME	Reimbursement Salary & Utilities	8,911
	Nonmajor Governmental Fund	Reimbursements Salaries, loans, and transfer of fines	419,782
Parking System	General Fund	Overpayment Reimbursement	9,056
Nonmajor Governmental Funds	General Fund	Transfer of funds	20,750
Nonmajor Governmental Funds	Nonmajor Governmental Fund	Reimbursement capital projects	769
	Total		$ 1,071,236

Interfund transfers:

	Transfers In			
	General Fund	Nonmajor Governmental	Civic Center	Total Transfers In
Transfers out:				
General fund	$ -	$ 3,457,040	$ 928,687	$ 4,385,727
Coal severance tax	-	-	192,776	192,776
Nonmajor governmental funds	3,587,533	-	-	3,587,533
Civic Center	-	114,892	181,630	296,522
Total Transfers Out	$ 3,587,533	$ 3,571,932	$ 1,303,093	$ 8,462,558

Interfund transfers provide appropriations to subsidize the funds to support the programs and activities of the government.

E. Leases

Capital Leases

The government has entered into lease agreements as lessee for financing the acquisition of recreation, office equipment and public safety equipment. These lease agreements qualify as capital leases for accounting purposes, and, therefore have been recorded at the present value of the future minimum lease payments as of the inception date.

On November 1, 2004, the City of Charleston entered into a Contract of Lease-Purchase with the West Virginia Economic Development Authority in the amount of $8,000,000 with average interest rate of 5.29 percent to be used to acquire, construct, renovate, equip and complete a baseball stadium complex, including renovations of an existing building for leasing to prospective tenants.

The government has entered into lease agreements as lessee for financing the acquisition of machinery and equipment for its Civic Center and Parking System. These lease agreements qualify as capital leases for accounting purposes, and, therefore have been recorded at the present value of future minimum lease payments as of the inception date in the Civic Center and Parking System enterprise fund. All outstanding lease obligations for the Civic Center and Parking System had been fully satisfied as of June 30, 2008.

The assets acquired through capital leases are as follows:

Asset	Governmental Activities	Civic Center	Parking System
Machinery, equipment and vehicles	$ 9,620,252	$ 28,677	$ 218,399
Less: accumulated depreciation	(7,005,463)	(28,677)	(218,269)
Total	$ 2,614,789	$ -	$ 130

The future minimum lease obligations and the net present value of these minimum lease payments as of June 30, 2008, were as follows:

Year Ending June 30	Governmental Activities
2009	$ 2,264,610
2010	1,897,859
2011	1,626,379
2012	1,289,243
2013	928,168
2014 - 2018	3,557,815
2019 - 2023	2,637,648
2024 - 2028	956,729
Total minimum lease payments	15,158,451
Less: amount representing interest	(3,897,379)
Present value of minimum lease payments	$ 11,261,072

F. Long-term Debt

General Obligation Bonds

The government issues general obligation bonds to provide for the acquisition and construction of major capital facilities. General Obligation Bonds currently outstanding are as follows:

Governmental Activities					
Purpose	Maturity Date	Interest Rates	Issued	Retired	Balance June 30, 2008
Public Improvement Bonds					
Series 1989	2010	7.1-7.2%	$ 15,000,000	$ 12,355,000	$ 2,645,000
Total			$ 15,000,000	$ 12,355,000	$ 2,645,000

Annual debt service requirements to maturity for general obligation bonds are as follows:

Year Ending June 30	Governmental Activities	
	Principal	Interest
2009	$ 1,275,000	$ 144,540
2010	1,370,000	49,320
Total	$ 2,645,000	$ 193,860

Revenue Bonds

The City issues bonds where the government pledges designated revenues to pay debt service. The bonds are issued to acquire or construct assets. Revenue Bonds outstanding, net of unamortized issuance costs of $995,851 (Fire Station $13,211; Parking System $679,775, and Civic Center $302,865) at year end are as follows:

Purpose	Maturity Dates	Interest Rates	Issued	Retired	Balance June 30, 2008
Governmental activities:					
Public Safety Center Series 1999	2024	5.00-5.70%	$ 1,500,000	$ 330,000	$ 1,170,000
Charleston Building Commission 1999	2024	5.30-5.95%	2,895,000	630,000	2,265,000
Fire Station Series 2002B	2013	3.81%	1,300,000	587,874	712,126
Total governmental activities			$ 5,695,000	$ 1,547,874	$ 4,147,126
Business-type activities:					
Parking System Refunding Series 2005A	2016	2.50-4.50%	$ 8,710,000	$ 2,455,854	$ 6,254,146
Parking System Refunding Series 2005B	2013	3.00-4.40%	2,655,000	1,138,920	1,516,080
Civic Center Improvement Series 1998	2023	4.60-5.10%	3,635,000	943,389	2,691,611
Civic Center Improvement Series 1999	2024	4.51-6.71%	4,060,000	847,534	3,212,466
Civic Center Lease Revenue Series 1999	2024	5.20-6.70%	1,610,000	366,942	1,243,058
Total revenue bonds			$ 20,670,000	$ 5,752,639	$ 14,917,361

Revenue bond debt service requirements to maturity are as follows:

Year Ended	Governmental Activities Principal	Governmental Activities Interest	Business-type Activities Principal	Business-type Activities Interest
2009	$ 271,701	$ 221,670	$ 1,134,709	$ 794,159
2010	281,767	209,334	1,179,709	742,110
2011	297,027	196,539	1,219,709	685,528
2012	307,490	183,026	1,274,709	626,109
2013	324,141	165,165	1,149,709	561,990
2014 - 2018	1,015,000	664,483	5,239,665	1,818,960
2019 - 2023	1,335,000	336,103	2,651,492	808,320
2024 - 2028	315,000	18,480	1,067,659	69,947
Totals	$ 4,147,126	$ 1,994,800	$ 14,917,361	$ 6,107,123

Changes in Long-term Liabilities

	Governmental Activities				
	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
General obligation bonds payable	$ 3,830,000	$ -	$ (1,185,000)	$ 2,645,000	$ 1,275,000
Revenue Bonds	4,419,270	-	(258,933)	4,160,337	271,701
Less: deferred amounts:					
Issuance costs	(15,853)	-	2,642	(13,211)	-
Total bonds payable	8,233,417	-	(1,441,291)	6,792,126	1,546,701
Capital leases	10,987,881	2,328,000	(2,054,809)	11,261,072	1,753,691
Net pension obligation	41,731,210	52,946,763	(41,731,210)	52,946,763	-
Claims and judgments	4,801,056	4,318,101	(4,801,056)	4,318,101	3,991,259
Compensated absences	1,627,405	1,718,193	(1,627,405)	1,718,193	1,718,193
Governmental activities Long-term liabilities	$ 67,380,969	$ 61,311,057	$ (51,655,771)	$ 77,036,255	$ 9,009,844

	Business-type Activities				
	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Revenue bonds payable	$ 17,105,000	$ -	$ (1,205,000)	$ 15,900,000	$ 1,250,000
Less: deferred amounts:					
Issuance costs	(1,097,930)	-	115,291	(982,639)	-
Total bonds payable	16,007,070	-	(1,089,709)	14,917,361	1,250,000
Compensated absences	73,534	76,303	(73,534)	76,303	76,303
Business-type activities Long-term liabilities	$ 16,080,604	$ 76,303	$ (1,163,243)	$ 14,993,664	$ 1,326,303

For the governmental activities, the General Fund has been used to liquidate other long-term liabilities.

G. Restricted Assets

The balances of the restricted asset accounts for the primary government are as follows:

	Governmental Activities	Business-type Activities
Customer deposits	$ -	$ 62,929
Cash - contractual agreement	1,868,364	-
Capital lease debt service	190,551	-
General obligation bond debt service account	79,989	-
Revenue bond operations and maintenance account	-	296,202
Revenue bond debt service account	693	607,866
Revenue bond reserve account	-	1,151,869
Total restricted assets	$ 2,139,597	$ 2,118,866

H. Benefits Funded by the State of West Virginia

For the year ended June 30, 2008, the State of West Virginia contributed estimated payments on behalf of the government's public safety employees in accordance with West Virginia State Code §33-3-14d. These contributions are funded by State collections of insurance premium tax and are shown in the General Fund (Employer) Statement of Revenues, Expenditures, and Changes in Fund Balance as Intergovernmental-State revenues and as Public Safety Expenditures for the contribution to the Police and Fire Pension Funds in accordance with GAAP. The State contributions were deposited directly into the Policemen's and Firemen's Pension Funds as follows:

Plan	Amount
Policemen's Pension and Relief Fund	$ 1,849,497
Firemen's Pension and Relief Fund	2,036,834
Total	$ 3,886,331

V. OTHER INFORMATION

A. Risk Management

The government is exposed to various risks of loss related to torts, theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which the government carries insurance with Commercial Insurance Services for umbrella (general liability) insurance for these various risks.

Workers' Compensation Fund (WCF): West Virginia utilizes a single private insurance company, Brick Street Insurance, to provide workers' compensation coverage to all employers in the state. Other private insurance companies may begin to offer coverage to private sector employers beginning July 1, 2008, and to government employers July 1, 2012. For the most part, all employers in the State, including governmental entities, must have coverage. The cost of all coverage, as determined by Brick Street, is paid by the employers. The WCF risk pool retains the risk related to the compensation of injured employees under the program.

Liabilities are reported when it is probable a loss has occurred and the amount of the loss can be reasonably estimated.

Claims liabilities are calculated considering the effects of inflation, recent claim settlement trends including frequency and amount of pay-outs and other economic and social factors. The liability for claims and judgments include an amount for claims that have been incurred but not reported (IBNRs). An excess coverage insurance policy covers individual claims in excess of $300,000 for liability retention and loss and $500,000 for workers' comp retention-all employees. Settlements have not exceeded coverages for each of the past three fiscal years. Changes in the balances of claims liabilities during the past two years are as follows:

	Year Ended 6/30/2008	Year Ended 6/30/2007
Unpaid claims, beginning of fiscal year	$ 4,801,056	$ 3,809,459
Incurred claims (including IBNRs)	4,318,101	4,801,056
Claims paid	(4,801,056)	(3,809,459)
Unpaid claims, end of fiscal year	$ 4,318,101	$ 4,801,056

The government is the owner and permit holder for the City of Charleston's landfill. In accordance with the provisions of an Operating Agreement between the government and contractor dated February 15, 1994, the government maintains a contingency fund for the closure/post closure costs for the landfill in the event of default by contractor.

B. Contingent Liabilities

Amounts received or receivable from grant agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds.

The amount, if any, of expenditures which may be disallowed by the grantor cannot be determined at this time although the government expects such amounts, if any, to be immaterial.

The government is a defendant in various lawsuits. Although the outcome of these lawsuits is not presently determinable, it is the opinion of the government's counsel that resolution of these matters will not have a material effect on the financial condition of the government.

C. Deferred Compensation Plan

The government offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan, available to all full-time government employees at their option, permits participants to defer a portion of their salary until future years. The deferred compensation is not available to participants until termination, retirement, death or unforeseeable emergency.

All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property or rights are held for the exclusive benefit of the participants and their beneficiaries.

D. Joint Venture

The Kanawha-Charleston Board of Health is a multi-government arrangement which qualifies as a joint venture. An annual contract is signed between the Board, Kanawha County and the City of Charleston. The Kanawha-Charleston Board of Health is a separate and specific activity which is jointly controlled by the County and City due to their shared responsibility for appointment of the five-member Board. In addition, there is an ongoing financial responsibility for the participating governments pursuant to Article 2, Chapter 16, Paragraph 14 of the Code of West Virginia which states in part "the appointing authorities for local boards of health shall provide financial support for the operation of the local health department." It further authorizes the county or municipality to appropriate and spend money from the general funds for public health purposes and to pay the expenses of the operation of the local board of health services and facilities. There is no ongoing financial interest for the participating governments. Complete financial statements for the Kanawha-Charleston Board of Health can be obtained at the entity's administrative offices.

E. Other Post-employment Benefits

The government does not provide post-retirement health benefits except those mandated by the Consolidated Omnibus Budget Reconciliation Act (COBRA). The requirements established by COBRA are fully funded by employees who elect coverage under the Act, and no direct costs are incurred by the City; however, employees who elect COBRA are covered under the City's self-insured health plan as are all active employees and those retired employees who maintain City health plan coverage.

F. Donor-Restricted Endowment

The City of Charleston was a recipient of a donor-restricted endowment for the Spring Hill Cemetery. The corpus of the trust is non-expendable and only the income earned from the trust may be spent for the general care and maintenance of the cemetery. The government's council at its regular meeting held on November 16, 1970, adopted a resolution authorizing the creation of Spring Hill, Inc. and charged the corporation with the management of funds it might receive for the perpetual care of Spring Hill Cemetery. The corporation qualified as a tax-exempt organization under Section 501(c)(13) of the Internal Revenue Code of 1954. The unspent endowment earnings of $553,215 since the inception may be spent for the general maintenance of the cemetery. This amount is reported in the government's net assets as restricted for perpetual care-expendable.

G. Prior Period Adjustment

Beginning net assets for governmental activities was restated for a correction of an error by the net effect of the change which was zero. A vehicle was erroneously reported donated in fiscal year 2004 by the Police Department which had a book value of $12,292 and a loss was reported on the donation for the 2004 fiscal year in the same amount. During inventory at the latter part of the 2008 fiscal year, it was discovered that this vehicle was still in use by the City's Police Department. The vehicle was purchased in 2002 and had been depreciated for two years and had a remaining estimated life of three years at the time of the donation; consequently, at July 1, 2007 the vehicle would have been fully depreciated. The beginning capital assets were restated including the cost of the vehicle of $20,486 and the beginning accumulated depreciation restated at the same amount. The net effect to beginning capital assets and to the governmental net assets at July 1, 2007 was zero.

VI. EMPLOYEE RETIREMENT SYSTEMS AND PLANS

VI:A.1. Plan Descriptions, Contribution Information, and Funding Policies

The City of Charleston, West Virginia participates in two single employer, public employee retirement systems. Assets are held separately and may be used only for the payment of benefits to the members of the respective plans, as follows:

The Policemen's Pension and Relief Fund (PPRF) provides retirement benefits for substantially all full-time police employees. Unless otherwise indicated, PPRF information in this Note is provided as of the latest actuarial valuation, July 1, 2007.

The Firemen's Pension and Relief Fund (FPRF) provides retirement benefits for substantially all full-time fire employees. Unless otherwise indicated, FPRF information in this Note is provided as of the latest actuarial valuation, July 1, 2006.

Actuarial valuations are required to be performed once every three years per state statute. However, the actuarial valuations can be performed in shorter intervals at the discretion of the PPRF and FPRF's boards. The boards have the valuations performed every two years in accordance with GAAP. For additional information relating to basis of accounting and reported investment values, see Notes I.C., I.D.1. and IV.A.

The Firemen's Pension and Relief Fund (FPRF) and the Policemen's Pension and Relief Fund (PPRF) recognizes benefits and refunds when due and payable in accordance with the terms of the plans.

Memberships of the plans are as follows:

Group	PPRF	FPRF	Totals
Active Employees	184	193	377
Vested Terminated Benefits	2	2	4
Retirees and Beneficiaries Currently Receiving Benefits	202	217	419
Total	388	412	800

These plans are defined benefit plans. The following is a summary of funding policies, contribution methods and benefit provisions.

	PPRF	FPRF
Determination of contribution requirements	Actuarially determined	Actuarially determined
Employer	Contributes annually an amount which, together with contributions from the members and the allocable portion of the state premium tax fund, will be sufficient to meet the normal cost of the fund and amortize any actuarial deficiency over a period of not more than thirty years in accordance with West Virginia State Code §8-22-10. However, municipalities may utilize an alternative contribution method which allows the City to contribute no less than 107% of the prior year contribution provided the actuary certifies in writing that the fund will be solvent over the next 15 years under this method as authorized by West Virginia State Code §8-22-20c(1). In no event can the employer contribution be less than the normal cost as determined by the actuary. The City of Charleston contributes 108% of the prior year's contributions for both the police and fire pension plans.	
Plan Members	8% of covered payroll	8% of covered payroll
Period Required to Vest	No vesting occurs. If separation from employment occurs the member is entitled to a refund of his/her contributions only.	
Post-Retirement Benefit Increases	On July 1 following two years of retirement, benefit equal to the percentage increase in the Consumer Price Index, limited to 4% (2% for some disability retirees).	
Eligibility for Distribution	20 years of credited service or age 65; whichever comes first. Must be at least age 50.	
Provisions for:	PPRF	FPRF
Disability Benefits	Yes	Yes
Death Benefits	Yes	Yes

Annual Required Contributions and Significant Actuarial Assumptions

The actuarial assumptions and other information used to determine the annual required contributions (ARC) are as follows:

	Policemen's Pension & Relief Fund	Firemen's Pension & Relief Fund
Valuation Date	7/1/2007	7/1/2006
Actuarial Cost Method	Entry age normal-Closed Group	Entry Age Normal-Closed Group
Amortization Method	Level with a 24-year closed period ending June 30, 2031	Level with a 25 year closed period ending June 30, 2031
Amortization Period	Level with a 24-year closed period ending June 30, 2031	Level with a 25 year closed period ending June 30, 2031
Actuarial Asset Valuation Method	Market Value	Market Value
Actuarial Assumptions:		
Investment Rate of Return	7.0% per year, net of expenses	7.0% per year, net of expenses
Projected Salary Increases	4% per year	4% per year
Post-Retirement Benefit Increases	None	None
Inflation	3.00%	3.00%
Cost of Living Adjustments	On July 1 following two years of retirement, benefit equal to the percentage increase in the Consumer Price Index, limited to 4% (2% for some disability retirees).	On July 1 following two years of retirement, benefit equal to the percentage increase in the Consumer Price Index, limited to 4% (2% for some disability retirees).

VI.A.2. Annual Pension Cost, Net Pension Obligation and Reserves

Current year annual pension costs for the PPRF and FPRF are shown in the trend information provided in VI.A.4. The annual required contributions were not made by both the PPRF or FPRF. The net pension obligation is listed in VI.A.3.

Benefits, Refund, and Administrative Costs

Benefits and refunds of the defined benefit pension plans are recognized when due and payable in accordance with the terms of the plans. Administrative costs are financed with revenues from contributions and investment earnings.

Reserves

There are no assets legally reserved for purposes other than the payment of plan members benefits for either plan.

VI:A.3 Annual Pension Cost and Net Pension Obligation (NPO)

The City's annual pension cost and net pension obligation for the Policemen's and Firemen's Pension and Relief funds are as follows:

	PPRF	FPRF
Annual required contribution	$ 7,240,761	$ 8,275,064
Interest on short-term	1,586,111	1,335,074
Adjustment to annual required contribution	(1,412,639)	(1,189,057)
Annual pension cost	7,414,233	8,421,081
Contributions made	(1,792,201)	(2,827,560)
Increase in net pension obligation	5,622,032	5,593,521
Net pension obligation at beginning of the year	22,658,730	19,072,480
Net pension obligation at the end of the year	$ 28,280,762	$ 24,666,001

VI.A.4. Trend Information

Policemen's Pension and Relief Fund (PPRF)

Fiscal Year	Annual Pension Cost	Percentage Contributed	Net Pension Obligation
2008	$ 7,414,233	24%	$ 28,280,762
2007	$ 4,438,134	37%	$ 22,658,730
2006	$ 3,830,559	40%	$ 19,880,042
2005	$ 4,046,054	36%	$ 17,600,365
2004	$ 3,995,277	34%	$ 15,003,734
2003	$ 3,490,259	36%	$ 12,363,057

Firemen's Pension and Relief Fund (FPRF)

Fiscal Year	Annual Pension Cost	Percentage Contributed	Net Pension Obligation
2008	$ 8,421,080	34%	$ 24,666,001
2007	$ 7,516,226	35%	$ 19,072,481
2006	$ 4,157,681	59%	$ 14,174,365
2005	$ 4,115,289	56%	$ 12,463,517
2004	$ 4,075,783	52%	$ 10,634,988
2003	$ 4,028,690	50%	$ 8,696,363

VI.A.5. Funding progress

SCHEDULE OF FUNDING PROGRESS:

Policemen's Pension and Relief Fund (PPRF)

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b)-(a)	Funded Ratio (a)/(b)	Covered Payroll (c)	UAAL as a % covered payroll (b-a)/c
7/1/07	$ 15,582,123	$ 95,751,500	$ 80,169,377	16.27%	$ 8,666,547	925%

Firemen's Pension and Relief Fund (FPRF)

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b)-(a)	Funded Ratio (a)/(b)	Covered Payroll (c)	UAAL as a % covered payroll (b-a)/c
7/1/06	$ 7,121,731	$ 97,573,128	$ 90,451,397	7.30%	$ 8,589,398	1053%

The schedule of funding progress included in the required supplementary information immediately following the notes indicates the actuarial value of the plan assets is (increasing 38% for the PPRF and increasing 8% for the FPRF) over time relative to the actuarial accrued liability for both pension plans (is increasing 46% for the PPRF and increasing 37% for the FPRF) over time relative to the actuarial accrued liability.

VI.B.1 Plan Descriptions, Contribution Information and Funding Policies

Public Employees Retirement System (PERS)

The City of Charleston, West Virginia participates in a state-wide, cost-sharing, multiple-employer defined benefit plan on behalf of general City employees. The system is administered by agencies of the State of West Virginia and funded by contributions from participants, employers, and state appropriations, as necessary.

The following is a summary of eligibility factors, contribution methods, and benefit provisions:

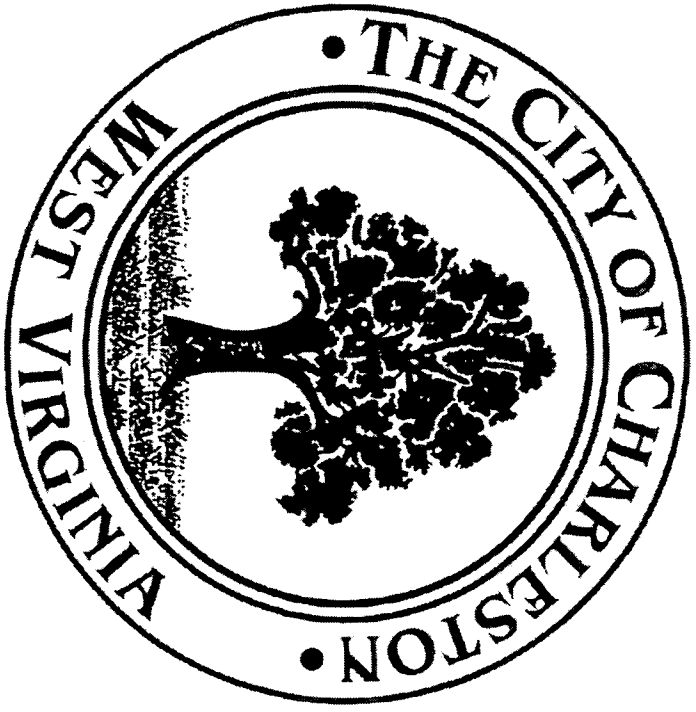
	Public Employees' Retirement System (PERS)
Eligibility to participate:	All City full-time employees, except those covered by other pension plans.
Authority establishing contribution obligations and benefit provisions:	State Statute
Plan member's contribution rate:	4.50%
City's contribution rate:	10.50%
Period required to vest:	Five Years
Benefits and eligibility for distribution:	A member who has attained age 60 and has earned 5 years or more of contributing service or age 55 if the sum of his/her age plus years of credited service is equal to or greater than 80. The final average salary (three highest consecutive years in the last 10) times the years of service times 2% equals the annual retirement benefit.
Deferred retirement portion:	No
Provisions for:	
Cost of Living	No
Death Benefits	Yes

VI.B.2. Trend Information

Public Employees Retirement System (PERS)

Fiscal Year	Annual Pension Cost	Percentage Contributed
2008	$ 1,600,134	100%
2007	1,522,933	100%
2006	1,408,585	100%
2005	1,367,748	100%
2004	1,113,501	100%
2003	1,089,353	100%

PERS issues a publicly available financial report that includes financial statements and required supplementary information. That information may be obtained by writing to the Public Employees' Retirement System, 4101 MacCorkle Avenue. S.E., Charleston, WV 25304.


THE CITY OF CHARLESTON
WEST VIRGINIA

REQUIRED SUPPLEMENTARY INFORMATION

I. SCHEDULES OF FUNDING PROGRESS

Policemen's Pension and Relief Fund (PPRF)

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b)-(a)	Funded Ratio (a)/(b)	Covered Payroll (c)	UAAL as a % covered payroll (b-a)/c
7/1/97	$ 11,329,860	$ 65,658,421	$ 54,328,561	17.26%	$ 6,430,212	845%
7/1/99	13,183,185	68,856,200	55,673,015	19.15%	6,545,780	851%
7/1/01	14,436,077	76,015,300	61,579,223	18.99%	6,606,800	932%
7/1/03	13,955,874	86,255,000	72,299,126	16.18%	6,916,700	1045%
7/1/05	14,028,062	90,598,400	76,570,338	15.00%	7,901,100	969%
7/1/07	15,582,123	95,751,500	80,169,377	16.27%	8,666,547	925%

Firemen's Pension and Relief Fund (FPRF)

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) (b)	Unfunded AAL (UAAL) (b)-(a)	Funded Ratio (a)/(b)	Covered Payroll (c)	UAAL as a % covered payroll (b-a)/c
7/1/98	$ 6,613,424	$ 71,358,728	$ 64,745,304	9.27%	$ 7,063,357	917%
7/1/00	6,492,763	68,627,600	62,134,837	9.46%	7,140,380	870%
7/1/02	6,281,501	79,213,700	72,932,199	7.93%	7,674,090	950%
7/1/04	6,427,687	87,142,700	80,715,013	7.38%	7,818,820	1032%
7/1/06	7,121,731	97,573,128	90,451,397	7.30%	8,589,398	1053%

SUPPLEMENTARY INFORMATION

CITY OF CHARLESTON, WEST VIRGINIA
GOVERNMENTAL FUND TYPES - NONMAJOR

Special Revenue Funds are used to account for the receipt and use of specific revenues that are legally restricted by ordinance or grant agreements for specific purposes.

Debt Service Funds are used to account for the accumulation of resources and payment of general long-term debt principal and interest from governmental resources.

Capital Projects Funds are used to account for the acquisition and construction of major capital facilities other than those financed by proprietary funds.

Permanent Funds are used to account for resources that are legally restricted to the extent that only earnings, not principal, may be used for purposes that support specific programs, for the benefit of the City or its citizens.

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING BALANCE SHEET - NONMAJOR GOVERNMENTAL FUNDS
June 30, 2008

	Special Revenue	Capital Projects	Debt Service	Permanent	Total Nonmajor Governmental Funds
ASSETS					
Cash and cash equivalents	$ 2,502,928	$ 4,929,094	$ 3,542,613	$ 164,027	$ 11,138,662
Investments	- -	- -	- -	1,385,315	1,385,315
Receivables:					
Taxes	- -	- -	114,372	- -	114,372
Accounts	464,380	6,073	- -	- -	470,453
Grants	253,935	- -	- -	- -	253,935
Loans	277,608	- -	- -	- -	277,608
Accrued interest	1,073	700	1,053	10,992	13,818
Due from:					
Other funds	- -	15,706	- -	5,813	21,519
Component units	32,836	- -	- -	- -	32,836
Restricted cash	1,868,364	- -	80,682	- -	1,949,046
Total assets	$ 5,401,124	$ 4,951,573	$ 3,738,720	$ 1,566,147	$ 15,657,564
LIABILITIES AND FUND BALANCES					
Liabilities:					
Accounts payable	261,710	269,805	- -	1,659	533,174
Due to:					
Other funds	395,524	25,026	- -	- -	420,550
Deferred revenue:					
Unearned revenue	380,737	- -	- -	- -	380,737
Taxes	- -	- -	78,465	- -	78,465
Total liabilities	1,037,971	294,831	78,465	1,659	1,412,926
Fund balances:					
Reserved for:					
Perpetual care	- -	- -	- -	1,564,488	1,564,488
Debt service	- -	- -	3,660,255	- -	3,660,255
Community development	2,338,482	- -	- -	- -	2,338,482
Capital projects	- -	4,656,742	- -	- -	4,656,742
Public safety	188,461	- -	- -	- -	188,461
Unreserved	1,836,210	- -	- -	- -	1,836,210
Total fund balances	4,363,153	4,656,742	3,660,255	1,564,488	14,244,638
Total liabilities and fund balances	$ 5,401,124	$ 4,951,573	$ 3,738,720	$ 1,566,147	$ 15,657,564

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
NONMAJOR GOVERNMENTAL FUNDS
For the Fiscal Year Ended June 30, 2008

	Special Revenue	Capital Projects	Debt Service	Permanent	Total Nonmajor Governmental Funds
REVENUES					
Taxes:					
Ad valorem property taxes	$ --	$ --	$ 1,554,191	$ --	$ 1,554,191
Intergovernmental:					
Federal	1,880,165	--	--	--	1,880,165
Charges for services	4,062,811	14,564	--	--	4,077,375
Fines and forfeits	1,206,087	--	--	--	1,206,087
Interest and investment earnings	160,687	135,913	141,400	(19,193)	418,807
Reimbursements	--	194,556	--	--	194,556
Contributions and donations	69,289	--	--	9,181	78,470
Miscellaneous	4,994	--	--	--	4,994
Total revenues	7,384,033	345,033	1,695,591	(10,012)	9,414,645
EXPENDITURES					
Current:					
General government	395,704	--	--	--	395,704
Public safety	1,142,218	--	--	--	1,142,218
Streets and transportation	720	--	--	--	720
Health and sanitation	1,105,669	--	--	--	1,105,669
Social services	--	--	--	60,328	60,328
Economic development	1,011,212	--	--	--	1,011,212
Debt service:					
Principal	--	--	1,315,000	--	1,315,000
Interest	--	--	442,654	--	442,654
Capital outlay:					
Streets and transportation	--	1,980,606	--	--	1,980,606
Total expenditures	3,655,523	1,980,606	1,757,654	60,328	7,454,111
Excess (deficiency) of revenues over (under) expenditures	3,728,510	(1,635,573)	(62,063)	(70,340)	1,960,534
OTHER FINANCING SOURCES (USES)					
Transfers in	20,000	3,177,409	333,542	40,981	3,571,932
Transfers (out)	(3,546,315)	(208,698)	--	(14,150)	(3,769,163)
Total other financing sources (uses)	(3,526,315)	2,968,711	333,542	26,831	(197,231)
Net change in fund balances	202,195	1,333,138	271,479	(43,509)	1,763,303
Fund balances - beginning	4,160,958	3,323,604	3,388,776	1,607,997	12,481,335
Fund balances - ending	$ 4,363,153	$ 4,656,742	$ 3,660,255	$ 1,564,488	$ 14,244,638

CITY OF CHARLESTON, WEST VIRGINIA
SPECIAL REVENUE FUNDS

Nonmajor Funds

Asset Forfeiture and Reimbursement Fund This fund is used to account for monies seized by Charleston Police department or Drug Unit and have been ordered released or forfeited by a court of law.

Byrne Justice Assistance Grant Fund This fund was established to account for grants received from the U.S. Department of Justice passed through from the West Virginia Department of Criminal Justice Services to encourage arrest policies and enforcement of protection orders.

Charleston Land Trust Commission Fund This fund was established to account for donations or other funding to acquire, maintain, improve, and preserve public trust lands.

COPS Meth Grant Fund This fund was established to account for grants received from the Department of Justice for meth enforcement overtime, purchase meth lab investigation supplies (haz-mat suits, evidence collection tubes, etc.) and materials and supplies such as computers , first aid kits and travel training.

DOT Federal Grant Fund This fund was established to account for federal grant revenues from the Department of Transportation for capital improvements.

Employee Health Insurance Fund This fund was established to maintain funds reserved for health insurance benefits.

EPA Brownfields Grant Fund This fund is used to account for federal grant revenues received from the U.S. Environmental Protection Agency for a two-year period to inventory sites either perceived to be contaminated or actually contaminated with petroleum. The funds will be used to pay a consultant who will work with the technical aspects of the project and to purchase supplies needed for public meetings and creating a reuse plan for sites that may be re-developed. The time-frame has been extended into its third year.

FEMA-WV Flood Mitigation Fund This fund was established to account for federal grants received from U.S. Federal Emergency Management Agency passed through the WV Office of Emergency Services for City flood disaster relief area improvements and repairs.

Historic Preservation Fund This fund was established to account for federal grants received from U.S. Department of Interior, National Park Service to be granted by the State Historic Preservation Office to organizations participating in activities authorized in the National Historic Preservation Act of 1966.

CITY OF CHARLESTON, WEST VIRGINIA
SPECIAL REVENUE FUNDS (Continued)

Homeland Security Grant Fund This fund was established to account for federal grants received from U.S. Department of Homeland Security passed through the WV Office of Emergency Services primarily for salary reimbursements for police officers and other public safety costs.

Homeland Security Assistance to Firefighters Fund This fund was established to account for federal grants received from the U.S. Department of Homeland Security for the purchase of portable and mobile radios for use on the WV I RP for the Charleston Fire Department.

Human Rights Fund This fund is a cooperative agreement with HUD for the Fair Housing Assistance Program (FHAP) within the City.

Metro Loan Fund This fund was established to account for funds received from the State for small business loans. Loans are no longer given, however, collection of payments on prior loans are accounted for.

Municipal Beautification Fund This fund was established to account for revenues received from fee charges for clean up of properties within the City and for donations received to be used for beautification of the City.

Municipal Court Fund This fund accounts for monies received for fines and forfeitures.

Municipal Stabilization Fund This fund was established by City Council in accordance with state legislative requirements to account for funds to be maintained as a "rainy day" contingency.

Police & Fire Donations Fund This fund was established to receive private contributions to be utilized for police and fire operations.

Police Grants Fund This fund was established to account for federal grants received from the U.S. Department of Justice to encourage arrest policies and enforcement of protection orders.

Rental Rehabilitation Fund This fund was established to account for loan payments collected from housing rehabilitation clients to MOECD. The rehab program no longer exists, however, this fund still accounts for payments received from loans originating several years ago.

Sister Cities Fund This fund was established to account for revenues expended for the sister cites program.

Solid Waste Fund This fund accounts for the revenues collected from refuse fees and royalties from the contracted landfill operations. This fund also reserves monies for contingency post fund closure landfill cost.

CITY OF CHARLESTON, WEST VIRGINIA
SPECIAL REVENUE FUNDS (Continued)

Special Demolition Fund This fund accounts for monies to be used for demolition of buildings as necessary within the City.

Supportive Housing Fund This fund accounts for Supporting Housing Grants received to pay salaries for supportive service coordinators and other direct expenses for five shelters.

Wayfinding Commission Fund This fund accounts for funds used for purchase and distribution of signs pointing to specific destinations, sights, and tourist information spots throughout the City. In addition, the Commission has banner programs for community neighborhoods and events.

THE CITY OF CHARLESTON

WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING BALANCE SHEET - NONMAJOR SPECIAL REVENUE FUNDS
June 30, 2008

	Asset Forfeiture and Reimbursement	Byrne Justice Assistance Grant	Charleston Land Trust Commission	Cops Meth Grant	DOT Federal Grant
ASSETS					
Cash and cash equivalents	$ 54,447	$ 227,883	$ 20,392	$ 9,754	$ --
Receivables:					
Accounts	4,728	325	--	--	--
Grants	--	--	--	--	400
Loans	--	--	--	--	--
Interest	8	39	3	--	--
Due from:					
Component units	--	--	--	--	--
Restricted cash	--	--	--	--	--
Total assets	$ 59,183	$ 228,247	$ 20,395	$ 9,754	$ 400
LIABILITIES AND FUND BALANCES					
Liabilities:					
Accounts payable	--	316	--	--	--
Due to:					
Other funds	--	16,490	--	--	400
Deferred revenue:					
Unearned revenue	--	162,399	--	9,754	--
Total liabilities	--	179,205	--	9,754	400
Fund balances:					
Reserved for:					
Community development	--	--	20,395	--	--
Public safety	59,183	49,042	--	--	--
Unreserved	--	--	--	--	--
Total fund balances	59,183	49,042	20,395	--	--
Total liabilities and fund balances	$ 59,183	$ 228,247	$ 20,395	$ 9,754	$ 400

Employee Health Insurance	EPA Brownfields Grant	FEMA -WV Flood Mitigation	Historic Preservation	Homeland Security Grant	Homeland Security Assistance to Firefighters	Human Rights
$ 1,124,911	$ --	$ 10,561	$ --	$ 21,419	$ --	$ 198,754
--	--	--	200	--	--	--
--	--	--	2,000	--	--	--
--	--	--	--	--	--	--
334	--	--	--	--	--	--
--	--	--	--	--	--	--
--	--	--	--	--	--	--
$ 1,125,245	$ --	$ 10,561	$ 2,200	$ 21,419	$ --	$ 198,754
--	--	--	--	4,901	--	250
--	--	--	2,200	--	--	--
--	--	10,561	--	15,739	--	182,284
--	--	10,561	2,200	20,640	--	182,534
--	--	--	--	--	--	--
--	--	--	--	779	--	--
1,125,245	--	--	--	--	--	16,220
1,125,245	--	--	--	779	--	16,220
$ 1,125,245	$ --	$ 10,561	$ 2,200	$ 21,419	$ --	$ 198,754

Metro Loan	Municipal Beautification	Municipal Court	Municipal Stabilization	Police & Fire Donations	Police Grants	Rental Rehabilitation
$ 5,842	$ 24,034	$ 246,155	$ 89,047	$ 50,330	$ 134,465	$ 161,259
--	--	118,742	--	--	--	--
--	--	--	--	--	219,351	--
112,418	--	--	--	--	--	165,190
58	3	--	24	9	--	42
--	--	--	--	--	--	--
--	--	--	--	--	--	--
$ 118,318	$ 24,037	$ 364,897	$ 89,071	$ 50,339	$ 353,816	$ 326,491
--	--	15,344	--	7,750	139,384	15,379
--	--	198,441	--	--	177,564	--
--	--	--	--	--	--	--
--	--	213,785	--	7,750	316,948	15,379
118,318	--	--	--	--	--	311,112
--	--	--	--	42,589	36,868	--
--	24,037	151,112	89,071	--	--	--
118,318	24,037	151,112	89,071	42,589	36,868	311,112
$ 118,318	$ 24,037	$ 364,897	$ 89,071	$ 50,339	$ 353,816	$ 326,491

Sister Cities	Solid Waste	Special Demolition	Supportive Housing	Wayfinding Commission	Total Nonmajor Special Revenue Funds
$ 1,258	$ 80,953	$ 32,638	$ --	$ 8,826	$ 2,502,928
--	340,385	--	--	--	464,380
--	--	--	32,184	--	253,935
--	--	--	--	--	277,608
--	553	--	--	--	1,073
--	32,836	--	--	--	32,836
--	1,868,364	--	--	--	1,868,364
$ 1,258	$ 2,323,091	$ 32,638	$ 32,184	$ 8,826	$ 5,401,124
--	46,631	--	31,755	--	261,710
--	--	--	429	--	395,524
--	--	--	--	--	380,737
--	46,631	--	32,184	--	1,037,971
--	1,879,831	--	--	8,826	2,338,482
--	--	--	--	--	188,461
1,258	396,629	32,638	--	--	1,836,210
1,258	2,276,460	32,638	--	8,826	4,363,153
$ 1,258	$ 2,323,091	$ 32,638	$ 32,184	$ 8,826	$ 5,401,124

THE CITY OF CHARLESTON

WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
NONMAJOR SPECIAL REVENUE FUNDS
For the Fiscal Year Ended June 30, 2008

	Asset Forfeiture and Reimbursement	Byrne Justice Assistance Grant	Charleston Land Trust Commission	Cops Meth Grant	DOT Federal Grant
REVENUES					
Intergovernmental:					
Federal	$ --	$ 114,085	$ --	$ 37,496	$ 535,811
Charges for services	--	--	--	--	--
Fines and forfeits	56,185	--	--	--	--
Interest and investment earnings	2,005	9,116	348	--	--
Contributions and donations	--	--	49,030	--	--
Miscellaneous	--	--	--	--	--
Total revenues	58,190	123,201	49,378	37,496	535,811
EXPENDITURES					
Current:					
General government	--	--	--	--	--
Public safety	43,432	114,085	--	37,496	--
Streets and transportation	--	--	--	--	--
Health and sanitation	--	--	--	--	--
Economic development	--	--	30,000	--	535,811
Total expenditures	43,432	114,085	30,000	37,496	535,811
Excess (deficiency) of revenues over (under) expenditures	14,758	9,116	19,378	--	--
OTHER FINANCING SOURCES (USES)					
Transfers in	--	--	--	--	--
Transfers (out)	--	--	--	--	--
Total other financing sources (uses)	--	--	--	--	--
Net change in fund balances	14,758	9,116	19,378	--	--
Fund balances - beginning	44,425	39,926	1,017	--	--
Fund balances - ending	$ 59,183	$ 49,042	$ 20,395	$ --	$ --

Employee Health Insurance	EPA Brownfields Grant	FEMA -WV Flood Mitigation	Historic Preservation	Homeland Security Grant	Homeland Security Assistance to Firefighters	Human Rights
$ --	$ 46,765	$ --	$ 3,600	$ 4,901	$ 232,265	$ 26,311
--	--	--	--	--	--	--
--	--	--	--	--	--	--
46,947	--	--	--	--	--	--
--	--	--	200	--	--	--
--	--	--	--	--	--	--
46,947	46,765	--	3,800	4,901	232,265	26,311
--	--	--	--	--	--	--
--	--	--	--	4,901	232,265	--
--	--	--	--	--	--	--
--	--	--	--	--	--	--
--	46,765	--	3,800	--	--	26,311
--	46,765	--	3,800	4,901	232,265	26,311
46,947	--	--	--	--	--	--
--	--	--	--	--	--	--
--	--	--	--	--	--	--
--	--	--	--	--	--	--
46,947	--	--	--	--		--
1,078,298	--	--	--	779	--	16,220
$ 1,125,245	$ --	$ --	$ --	$ 779	$ --	$ 16,220

Metro Loan	Municipal Beautification	Municipal Court	Municipal Stabilization	Police & Fire Donations	Police Grants
$ --	$ --	$ --	$ --	$ --	$ 701,832
--	2,081	--	--	--	--
--	--	1,149,902	--	--	--
309	927	--	3,664	1,691	--
--	1,250	--	--	18,809	--
--	--	--	--	--	--
309	4,258	1,149,902	3,664	20,500	701,832
--	--	395,704	--	--	--
--	--	--	--	8,209	701,830
--	720	--	--	--	--
--	--	--	--	--	--
--	--	--	--	--	--
--	720	395,704	--	8,209	701,830
309	3,538	754,198	3,664	12,291	2
--	--	--	--	--	--
--	--	(746,315)	--	--	--
--	--	(746,315)	--	--	--
309	3,538	7,883	3,664	12,291	2
118,009	20,499	143,229	85,407	30,298	36,866
$ 118,318	$ 24,037	$ 151,112	$ 89,071	$ 42,589	$ 36,868

Rental Rehabilitation	Sister Cities	Solid Waste	Special Demolition	Supportive Housing	Wayfinding Commission	Total Nonmajor Special Revenue Funds
$ --	$ --	$ --	$ --	$ 177,099	$ --	$ 1,880,165
--	--	4,060,730	--	--	--	4,062,811
--	--	--	--	--	--	1,206,087
--	50	94,362	1,247	--	21	160,687
--	--	--	--	--	--	69,289
--	--	--	4,994	--	--	4,994
--	50	4,155,092	6,241	177,099	21	7,384,033
--	--	--	--	--	--	395,704
--	--	--	--	--	--	1,142,218
--	--	--	--	--	--	720
--	--	1,105,669	--	--	--	1,105,669
180,231	--	--	--	177,099	11,195	1,011,212
180,231	--	1,105,669	--	177,099	11,195	3,655,523
(180,231)	50	3,049,423	6,241	--	(11,174)	3,728,510
--	--	--	--	--	20,000	20,000
--	--	(2,800,000)	--	--		(3,546,315)
--	--	(2,800,000)	--	--	20,000	(3,526,315)
(180,231)	50	249,423	6,241	--	8,826	202,195
491,343	1,208	2,027,037	26,397	--	--	4,160,958
$ 311,112	$ 1,258	$ 2,276,460	$ 32,638	$ --	$ 8,826	$ 4,363,153

THE CITY OF CHARLESTON

WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
CAPITAL PROJECTS FUNDS

Nonmajor Funds

Ball Park Maintenance Fund This fund is used to account for contributions by the General Fund of $25,000 annually for maintenance and improvements of the ball park in accordance with a contract between the City and West Virginia Power Ball Team.

Ball Park Stadium Fund This fund accounts for receipts of state funds, contributions, and lease proceeds that have been used for the construction of a new ball park within the City.

Bridge Fund This City Council established fund is maintained to account for revenue sources expended for the construction and maintenance of bridges.

City Service Fee Project Fund This fund receives transfers from the General Fund of the city service fee revenues that are dedicated for street maintenance throughout the City in order to better provide public accountability for the monies.

Civic Center Capital Improvements Fund This City Council established fund is operated to receive transfers of all capital improvement fees collected at the Civic Center events. These revenue sources are maintained for capital improvements to the Civic Center.

General Maintenance Fund This City Council established fund is operated to receive transfers from the General Fund to separately account for funds expended for capital improvements.

Infrastructure Fund This City Council established fund is used to maintain revenue sources for capital improvements to infrastructure.

Municipal Auditorium Capital Improvements Fund This City Council established fund is operated to receive capital improvement fees collected at the Municipal Auditorium events to account for funds expended for capital improvements to the Municipal Auditorium.

Soccer Field Fund This City Council established fund is used to receive revenue resources dedicated to improvements of City soccer fields.

South Side Recreation Fund This City Council established fund is used to receive revenue sources dedicated to improvements for recreation on the South Side of Charleston, WV.

CITY OF CHARLESTON, WEST VIRGINIA
CAPITAL PROJECTS FUNDS

Nonmajor Funds

Ball Park Maintenance Fund This fund is used to account for contributions by the General Fund of $25,000 annually for maintenance and improvements of the ball park in accordance with a contract between the City and West Virginia Power Ball Team.

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THE CITY OF CHARLESTON
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING BALANCE SHEET - NONMAJOR CAPITAL PROJECTS FUNDS
June 30, 2008

	Ball Park Maintenance	Ball Park Stadium	Bridge	City Service Fee Project
ASSETS				
Cash and cash equivalents	$ 17,015	$ 185,171	$ 107	$ 2,433,900
Receivables:				
Accounts	- -	- -	- -	6,023
Accrued interest	- -	- -	- -	399
Due from:				
Other funds	- -	- -	- -	14,937
Total assets	17,015	185,171	107	2,455,259
LIABILITIES AND FUND BALANCES				
LIABILITIES				
Accounts payable	430	- -	- -	255,007
Due to:				
Other funds	769	- -	- -	- -
Total liabilities	1,199	- -	- -	255,007
FUND BALANCES				
Reserved for:				
Capital projects	15,816	185,171	107	2,200,252
Total fund balances	15,816	185,171	107	2,200,252
Total liabilities and fund balances	$ 17,015	$ 185,171	$ 107	$ 2,455,259

Civic Center Capital Improvements	General Maintenance	Infrastructure	Municipal Auditorium Capital Improvements	Soccer Field	South Side Recreation	Total Nonmajor Capital Projects Funds
$ 357,349	$ 1,616,563	$ 141,115	$ 165,440	$ 2,970	$ 9,464	$ 4,929,094
--	--	--	50	--	--	6,073
--	298	--	--	--	3	700
--	769	--	--	--	--	15,706
357,349	1,617,630	141,115	165,490	2,970	9,467	4,951,573
--	14,368	--	--	--	--	269,805
--	--	--	24,257	--	--	25,026
--	14,368	--	24,257	--	--	294,831
357,349	1,603,262	141,115	141,233	2,970	9,467	4,656,742
357,349	1,603,262	141,115	141,233	2,970	9,467	4,656,742
$ 357,349	$ 1,617,630	$ 141,115	$ 165,490	$ 2,970	$ 9,467	$ 4,951,573

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES -
NONMAJOR CAPITAL PROJECTS FUNDS
For the Fiscal Year Ended June 30, 2008

	Ball Park Maintenance	Ball Park Stadium	Bridge	City Service Fee Project	Civic Center Capital Improvements
REVENUES					
Charges for services	$ --	$ --	$ --	$ --	$ --
Interest and investment earnings	489	7,634	350	54,088	15,738
Reimbursements	--	--	--	193,431	--
Total revenues	489	7,634	350	247,519	15,738
EXPENDITURES					
Current:					
Capital projects	10,776	--	12,000	1,438,166	--
Total expenditures	10,776	--	12,000	1,438,166	--
Excess (deficiency) of revenues over (under) expenditures	(10,287)	7,634	(11,650)	(1,190,647)	15,738
OTHER FINANCING SOURCES (USES)					
Transfers in	25,000	--	--	2,071,313	114,892
Transfers (out)	--	--	--	--	(181,630)
Total other financing sources (uses)	25,000	--	--	2,071,313	(66,738)
Net change in fund balances	14,713	7,634	(11,650)	880,666	(51,000)
Fund balances - beginning	1,103	177,537	11,757	1,319,586	408,349
Fund balances - ending	$ 15,816	$ 185,171	$ 107	$ 2,200,252	$ 357,349

General Maintenance	Infrastructure	Municipal Auditorium Capital Improvements	Soccer Field	South Side Recreation	Total Nonmajor Capital Projects Funds
$ --	$ --	$ 14,564	$ --	$ --	$ 14,564
44,971	5,760	6,371	118	394	135,913
1,125	--	--	--	--	194,556
46,096	5,760	20,935	118	394	345,033
519,664	--	--	--	--	1,980,606
519,664	--	--	--	--	1,980,606
(473,568)	5,760	20,935	118	394	(1,635,573)
966,204	--	--	--	--	3,177,409
--	--	(27,068)	--	--	(208,698)
966,204	--	(27,068)	--	--	2,968,711
492,636	5,760	(6,133)	118	394	1,333,138
1,110,626	135,355	147,366	2,852	9,073	3,323,604
$ 1,603,262	$ 141,115	$ 141,233	$ 2,970	$ 9,467	$ 4,656,742

THE CITY OF CHARLESTON

WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
DEBT SERVICE FUND

Nonmajor Fund

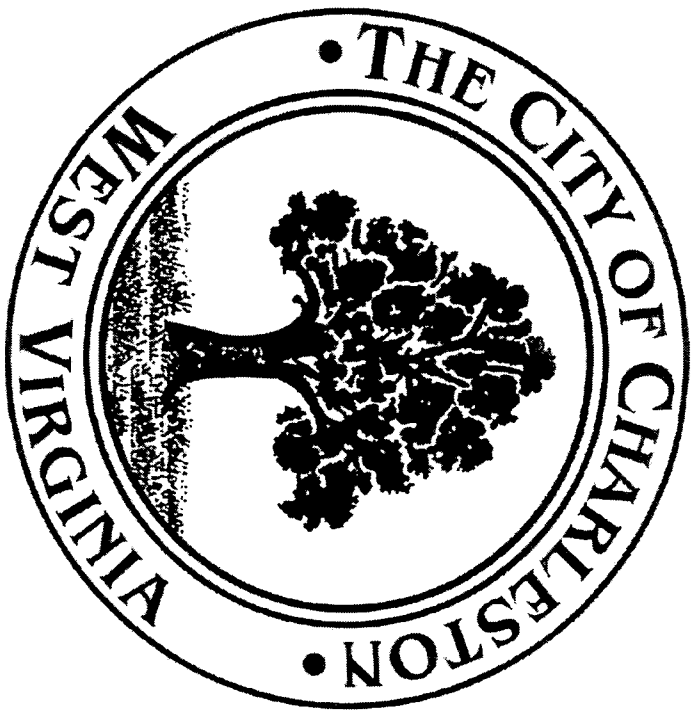
Debt Service Sinking Fund This fund is used to account for the accumulation of resources and payment of general long-term debt principal and interest from governmental resources.

CITY OF CHARLESTON, WEST VIRGINIA
BALANCE SHEET - NONMAJOR DEBT SERVICE FUND
June 30, 2008

	Sinking Fund
ASSETS	
Cash and cash equivalents	$ 3,542,613
Receivables:	
Taxes	114,372
Accrued interest	1,053
Restricted cash	80,682
Total assets	$ 3,738,720
LIABILITIES AND FUND BALANCES	
LIABILITIES	
Deferred revenue:	
Taxes	78,465
Total liabilities	78,465
FUND BALANCE	
Reserved for:	
Debt service	3,660,255
Total fund balance	3,660,255
Total liabilities and fund balance	$ 3,738,720

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE -
NONMAJOR DEBT SERVICE FUND
For the Fiscal Year Ended June 30, 2008

	Sinking Fund
REVENUES	
Taxes:	
Ad valorem property taxes	$ 1,554,191
Interest and investment earnings	141,400
Total revenues	1,695,591
EXPENDITURES	
Current:	
Principal	1,315,000
Interest	442,654
Total expenditures	1,757,654
Excess (deficiency) of revenues over (under) expenditures	(62,063)
OTHER FINANCING SOURCES (USES)	
Transfers in	333,542
Total other financing sources (uses)	333,542
Net change in fund balance	271,479
Fund balance - beginning	3,388,776
Fund balance - ending	$ 3,660,255


THE CITY OF CHARLESTON
WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
PERMANENT FUND

Nonmajor Fund

Spring Hill Cemetery Fund This fund was created in 1973 by City Council to manage funds received for the perpetual care of Spring Hill Cemetery. The corpus is maintained in trust and the earnings thereon are to be expended for the general care and maintenance of the cemetery.

CITY OF CHARLESTON, WEST VIRGINIA
BALANCE SHEET - NONMAJOR PERMANENT FUND
June 30, 2008

	Spring Hill Cemetery
ASSETS	
Cash and cash equivalents	$ 164,027
Investments	1,385,315
Receivables:	
Accrued interest	10,992
Due from:	
Other funds	5,813
Total assets	$ 1,566,147
LIABILITIES AND FUND BALANCE	
Liabilities:	
Accounts payable	1,659
Total liabilities	1,659
FUND BALANCE	
Reserved for:	
Perpetual care	1,564,488
Total liabilities and fund balance	$ 1,566,147

CITY OF CHARLESTON, WEST VIRGINIA
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE -
NONMAJOR PERMANENT FUND
For the Fiscal Year Ended June 30, 2008

	Spring Hill Cemetery
REVENUES	
Interest and investment earnings	$ (19,193)
Contributions and donations	9,181
Total revenues	(10,012)
EXPENDITURES	
Current:	
Social services	60,328
Total expenditures	60,328
Excess (deficiency) of revenues over (under) expenditures	(70,340)
OTHER FINANCING SOURCES (USES)	
Transfers in	40,981
Transfer out	(14,150)
Total other financing sources (uses)	26,831
Net change in fund balance	(43,509)
Fund balance - beginning	1,607,997
Fund balance - ending	$ 1,564,488

THE CITY OF CHARLESTON

WEST VIRGINIA

CITY OF CHARLESTON, WEST VIRGINIA
AGENCY FUNDS

Civic Center Ticket Fund This fund is custodial in nature and accounts for revenues received from ticket sales for events held at the Civic Center and subsequently dispersed to promoters of the various events.

Civic Center Tourism Grant Fund This fund is custodial in nature and accounts for grant revenues received from the West Virginia Tourism Direct Advertising Grant and dispersed to the various Advertising Vendors.

Metro Drug Enforcement Task Force Fund This fund is custodial in nature where revenues from forfeitures and donations are held until dispersed to various other City or State Agencies.

Pending Forfeiture Fund This fund is custodial in nature operated to hold revenues from forfeitures until disbursed to appropriate federal or state entity or returned by court order.

Police Asset & Liability Fund This fund is custodial in nature operated by the Charleston Police Department for confiscated property that will normally be refunded upon court order.

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF FIDUCIARY NET ASSETS -
AGENCY FUNDS
June 30, 2008

	Civic Center Ticket	Civic Center Tourism Grant	Metro Drug Enforcement Task Force	Pending Forfeiture	Police Asset & Liability	Total Agency Funds
ASSETS						
Cash and cash equivalents	$ 791,432	$ 8,545	$ 55,408	$ 723,047	$ 6,179	$ 1,584,611
Receivables:						
Accounts	- -	- -	32,055	- -	- -	32,055
Interest	- -	- -	7	119	1	127
Total assets	$ 791,432	$ 8,545	$ 87,470	$ 723,166	$ 6,180	$ 1,616,793
LIABILITIES						
Refunds payable and others	791,432	8,545	87,470	723,166	6,180	1,616,793
Total liabilities	$ 791,432	$ 8,545	$ 87,470	$ 723,166	$ 6,180	$ 1,616,793

CITY OF CHARLESTON, WEST VIRGINIA
COMBINING STATEMENT OF CHANGES IN ASSETS AND LIABILITIES - AGENCY FUNDS
For the Fiscal Year Ended June 30, 2008

	Civic Center Ticket	Civic Center Tourism Grant	Metro Drug Enforcement Task Force	Pending Forfeiture	Police Asset & Liability	Total Agency Funds
ASSETS						
Cash and cash equivalents July, 1, 2007	$ 408,910	$ 9,099	$ 24,529	$ 671,465	$ 5,924	$ 1,119,927
Receivables, July 1, 2007	- -	- -	36,670	- -	- -	36,670
Additions-Cash	228,127,082	23,318	259,596	193,330	255	228,603,581
Deductions-Cash	(227,744,560)	(23,872)	(228,717)	(141,748)	- -	(228,138,897)
Additions-Receivable	- -	- -	32,824	119	1	32,944
Deductions-Receivable	- -	- -	(37,432)	- -	- -	(37,432)
Cash and cash equivalents June 30, 2008	791,432	8,545	55,408	723,047	6,179	1,584,611
Receivables, June 30, 2008	- -	- -	32,062	119	1	32,182
Total Assets, June 30, 2008	$ 791,432	$ 8,545	$ 87,470	$ 723,166	$ 6,180	$ 1,616,793
LIABILITIES						
Refunds payable and others						
July 1, 2007	408,910	9,099	61,199	671,465	5,924	1,156,597
Additions	228,127,082	23,318	213,390	193,449	256	228,557,495
Deductions	(227,744,560)	(23,872)	(187,119)	(141,748)	- -	(228,097,299)
June 30, 2008	$ 791,432	$ 8,545	$ 87,470	$ 723,166	$ 6,180	$ 1,616,793

THE CITY OF CHARLESTON

WEST VIRGINIA

STATISTICAL SECTION

CITY OF CHARLESTON, WEST VIRGINIA
STATISTICAL SECTION

This part of the City of Charleston's comprehensive annual financial report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health.

Contents

Financial Trends

These schedules contain trend information to help the reader understand how the City's financial performance and well-being have changed over time.

Revenue Capacity

These schedules contain information to help the reader assess the factors affecting the City's ability to generate its property, business and occupation taxes and other tax revenues.

Debt Capacity

These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future.

Demographic and Economic Information

These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place and to help make comparisons over time and with other governments.

Operating Information

These schedules contain information about the City's operations and resources to help the reader understand how the City's financial information relates to the services the city provides and the activities it performs.

Sources: Unless otherwise noted, the information in these schedules is derived from the City's audited financial statements for the relevant year. The City implemented Governmental Accounting Standards Board Statement No. 34 in 2003; schedules presenting government-wide information include information beginning in that year.

CITY OF CHARLESTON, WEST VIRGINIA
Table 1
Net Assets by Component -
Last Six Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year					
	2003	2004	2005	2006	2007	2008
Governmental activities						
Investment in capital assets, net of related debt	$ 48,464,912	$ 55,719,550	$ 66,448,722	$ 68,309,020	$ 71,869,697	$ 69,648,983
Restricted	10,893,812	11,422,818	9,488,250	10,392,753	12,211,193	14,713,465
Unrestricted	(20,073,060)	(16,200,296)	(15,967,485)	(20,756,708)	(32,287,210)	(40,056,384)
Total governmental activities net assets	$ 39,285,664	$ 50,942,072	$ 59,969,487	$ 57,945,065	$ 51,793,680	$ 44,306,064
Business-type activities						
Investment in capital assets, net of related debt	9,576,130	9,135,802	10,485,290	10,907,278	10,854,966	10,508,737
Restricted	371,033	3,597,002	1,855,216	1,967,296	1,989,077	2,055,937
Unrestricted	(284,787)	(137,205)	196,325	140,807	298,804	739,912
Total business-type activities	$ 9,662,376	$ 12,595,599	$ 12,536,831	$ 13,015,381	$ 13,142,847	$ 13,304,586
Primary government						
Investment in capital assets, net of related debt	58,441,042	64,855,352	76,934,012	79,216,302	82,724,663	80,157,720
Restricted	14,603,845	15,019,820	11,343,466	12,360,049	14,200,270	16,769,402
Unrestricted	(20,357,847)	(16,337,501)	(15,771,160)	(20,615,905)	(31,988,406)	(39,316,472)
Total primary government net assets	$ 52,687,040	$ 63,537,671	$ 72,506,318	$ 70,960,446	$ 64,936,527	$ 57,610,650

The City of Charleston implemented GASB 34 for the fiscal year ended June 30, 2003.

CITY OF CHARLESTON, WEST VIRGINIA
Table 2
Changes in Net Assets - Last Six Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year					
	2003	2004	2005	2006	2007	2008
Expenses						
Governmental activities						
General government	$ 16,007,554	$ 12,892,126	$ 18,117,093	$ 15,595,021	$ 16,226,688	$ 15,897,074
Public safety	31,452,519	34,016,023	34,256,666	35,437,345	39,543,593	48,241,928
Streets and transportation	5,535,598	6,173,346	3,185,260	6,454,730	7,993,195	8,346,954
Health and sanitation	4,021,705	4,503,132	3,672,291	4,302,817	5,354,317	5,207,158
Culture and recreation	4,786,629	4,659,938	5,930,600	6,962,595	6,378,521	6,675,344
Social services	803,574	648,972	637,832	666,342	360,025	822,953
Economic development	1,814,596	1,494,515	2,351,533	2,746,483	3,358,208	2,995,622
Administrative and general	24,095	-	-	-	-	-
Interest on long-term debt	972,348	724,960	1,082,377	982,256	881,524	783,299
Total governmental activities	65,418,618	65,113,012	69,233,652	73,147,589	80,096,071	88,970,332
Business-type activities						
Civic center	3,703,883	4,041,658	4,266,734	4,515,951	4,735,314	4,889,784
Parking system	3,601,138	3,522,269	3,347,906	3,141,969	3,233,036	3,140,715
Total business-type activities	7,305,021	7,563,927	7,614,640	7,657,920	7,968,350	8,030,499
Total primary government	$ 72,723,639	$ 72,676,939	$ 76,848,292	$ 80,805,509	$ 88,064,421	$ 97,000,831
Program revenues						
Governmental activities						
Charges for services						
General government	12,212,222	4,167,161	5,926,506	3,621,630	3,708,650	3,535,513
Public safety	22,898	5,563,713	5,718,864	5,575,741	6,837,529	8,163,860
Culture and recreation	56,114	124,499	140,381	113,375	129,364	95,038
Streets and transportation	-	3,981	4,858	2,183,248	1,615,441	2,071,313
Health and sanitation	-	4,070,540	4,382,690	4,024,738	4,167,357	4,193,130
Economic development	-	-	2,252	-	-	-
Social services	-	131,898	154,468	194,080	213,931	191,635
Operating grants and contributions	3,421,187	5,136,988	4,802,708	4,720,285	4,730,700	9,541,628
Capital grants and contributions	3,072,562	11,506,048	5,075,683	2,194,445	2,107,864	1,471,975
Total governmental activities program revenues	18,784,983	30,704,828	26,208,410	22,627,542	23,510,836	29,264,092

CITY OF CHARLESTON, WEST VIRGINIA
Table 2 (Continued)
Changes in Net Assets - Last Six Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year					
	2003	2004	2005	2006	2007	2008
Business-type activities						
Charges for services						
Rentals	$ 2,845,573	$ 3,402,583	$ 3,504,671	$ 3,488,733	$ 3,653,123	$ 1,091,267
Catering services	574,527	533,695	966,151	683,345	722,995	698,859
Parking violations	301,391	545,797	454,985	525,906	606,142	690,898
Parking meters	491,997	505,994	492,123	486,990	529,717	550,322
Other	746,539	732,283	847,534	827,436	874,709	3,586,698
Capital grants and contributions	5,253	63,615	26,032	40,334	73,344	224,125
Total business-type activities program revenues	4,965,280	5,783,967	6,291,496	6,052,744	6,460,030	6,842,169
Net (expense) revenue						
Governmental activities	(46,633,635)	(34,408,184)	(43,025,242)	(50,520,047)	(56,585,235)	(59,706,240)
Business-type activities	(2,339,741)	(1,779,960)	(1,323,144)	(1,605,176)	(1,508,320)	(1,188,330)
Total primary government net (expense) revenue	$ (48,973,376)	$ (36,188,144)	$ (44,348,386)	$ (52,125,223)	$ (58,093,555)	$ (60,894,570)
General revenues and other changes in net assets						
Governmental activities						
Taxes						
Property taxes	10,800,459	9,846,179	10,499,462	9,898,401	10,389,006	10,355,037
Business and occupation taxes	31,619,878	32,820,776	32,863,908	33,681,586	35,567,872	36,666,641
Utility taxes	1,828,769	2,118,914	2,017,526	2,140,036	2,120,895	2,307,808
Hotel occupancy taxes	1,042,551	1,034,995	1,143,828	2,311,414	2,433,977	2,567,145
Other taxes	835,165	1,019,372	710,085	967,036	768,397	1,048,092
Unrestricted grants and contributions	15,766	100	2,000	-	-	-
Investment earnings	118,440	89,052	195,021	411,672	445,379	336,531
Gain (Loss) on sale of capital assets	100,251	59,158	5,768,495	709,370	162,017	129,838
Miscellaneous	15,446	2,156	404	37,031	224	-
Special item-legal settlement	-	-	-	300,978	-	-
Transfers	(1,810,573)	(1,326,110)	(1,148,072)	(1,961,899)	(1,453,917)	(1,192,468)
Total governmental activities	44,566,152	45,664,592	52,052,657	48,495,625	50,433,850	52,218,624

CITY OF CHARLESTON, WEST VIRGINIA
Table 2 (Continued)
Changes in Net Assets - Last Six Fiscal Years
(Accrual Basis of Accounting)

	Fiscal Year					
	2003	2004	2005	2006	2007	2008
Business-type activities						
Investment earnings	$ 112,953	$ 47,948	$ 116,038	$ 120,926	$ 176,954	$ 157,601
Miscellaneous	(2,947)	125	267	900	4,915	-
Transfers	1,810,573	1,326,109	1,148,072	1,961,899	1,453,917	-
Total business-type activities	1,920,579	1,374,182	1,264,377	2,083,725	1,635,786	157,601
Total primary government	46,486,731	47,038,774	53,317,034	50,579,350	52,069,636	52,376,225
Change in net assets						
Governmental activities	(2,067,483)	11,256,408	9,027,415	(2,024,422)	(6,151,385)	(7,487,616)
Business-type activities	(419,162)	(405,778)	(58,767)	478,549	127,466	161,739
Total primary government	$ (2,486,645)	$ 10,850,630	$ 8,968,648	$ (1,545,873)	$ (6,023,919)	$ (7,325,877)

The City of Charleston implemented GASB 34 for the fiscal year ended June 30, 2003.

CITY OF CHARLESTON, WEST VIRGINIA
Table 3
Fund Balances - Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

	Fiscal Years									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
General fund										
Reserved	$ 500,273	$ 1,340,740	$ 207,189	$ 386,378	$ 786,001	$ 3,849,291	$ 6,097,480	$ 3,321,573	$ 4,086,968	$ 4,538,744
Unreserved	8,653,536	7,799,077	7,949,764	10,217,347	10,770,000	12,733,620	14,391,977	14,665,775	14,083,621	15,036,189
Total general fund	$ 9,153,809	$ 9,139,817	$ 8,156,953	$ 10,603,725	$ 11,556,001	$ 16,582,911	$ 20,489,457	$ 17,987,348	$ 18,170,589	$ 19,574,933
All other governmental funds										
Reserved	13,503,663	9,090,857	11,030,994	10,022,027	8,168,578	9,419,244	7,420,690	9,754,460	10,918,600	12,607,962
Unreserved, reported in:										
Special revenue funds	965,816	1,065,521	853,424	199,302	450,603	593,582	1,021,116	1,717,429	1,729,893	1,836,210
Total all other Governmental funds	$ 14,469,479	$ 10,156,378	$ 11,884,418	$ 10,221,329	$ 8,619,181	$ 10,012,826	$ 8,441,806	$ 11,471,889	$ 12,648,493	$ 14,444,172

For comparability from year to year, the fiscal years 1998 through 2002 include Spring Hill Cemetery, that was classified as nonexpendable trust and Municipal Court classified as an expendable trust fund until implementation of GASB 34 effective for the fiscal year ended June 30, 2003. Spring Hill Cemetery became a Permanent Fund and Municipal Court became a Special Revenue Fund which are governmental funds.

CITY OF CHARLESTON, WEST VIRGINIA
Table 4
Changes in Fund Balances - Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

	Fiscal Years									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Revenues										
Taxes	$ 40,979,657	$ 42,089,550	$ 43,380,813	$ 44,007,787	$ 45,950,963	$ 46,654,270	$ 46,430,717	$ 49,242,614	$ 51,334,552	$ 53,028,638
Licenses and permits	1,079,859	1,182,805	1,022,220	1,187,156	1,300,538	1,506,119	1,406,671	1,507,731	1,585,869	1,455,775
Fines and forfeitures	75,527	42,593	-	-	736,997	958,049	1,237,831	1,425,243	1,334,183	1,206,087
Charges for services	5,331,534	5,008,778	8,533,508	9,208,473	9,854,411	11,420,219	13,242,403	12,545,403	13,455,536	15,318,855
Intergovernmental	4,819,869	4,601,036	6,280,671	5,079,259	6,683,885	15,992,003	8,696,949	5,595,090	4,928,969	9,438,800
Investment earnings	903,906	877,084	611,407	1,783,495	253,535	285,676	549,103	818,789	1,184,506	778,985
Other revenues	4,503,162	3,390,532	2,177,551	296,932	1,087,700	1,742,909	2,109,403	2,098,938	2,426,221	2,370,284
Total revenues	57,693,514	57,192,378	62,006,170	61,563,102	65,868,029	78,559,245	73,673,077	73,233,808	76,249,836	83,597,424
Expenditures										
General government	8,753,579	8,976,103	9,114,612	12,358,471	10,520,913	10,441,852	12,386,355	12,680,635	14,029,365	15,247,865
Public safety	26,358,522	27,979,123	28,051,845	26,808,819	26,094,332	27,419,019	30,988,041	32,091,386	32,351,932	38,115,187
Streets & transportation	4,672,643	4,566,118	4,729,577	5,024,285	5,148,866	5,352,417	6,369,531	6,517,185	7,007,636	7,795,553
Health & sanitation	4,556,427	4,468,889	4,534,159	3,896,761	3,714,943	4,048,560	4,579,408	4,976,157	5,090,595	5,248,854
Culture & recreation	4,521,687	4,004,158	3,947,486	3,705,715	4,209,369	11,838,552	4,463,030	5,453,355	5,852,014	5,816,312
Economic development	2,970,635	2,612,439		-	4,882,570	5,673,238	2,990,521	3,640,671	4,043,828	4,004,487
Social services	1,337,583	1,271,407	5,185,443	1,590,703	762,201	584,404	647,150	665,296	856,383	828,870
Capital outlay	557,910	4,834,992	2,044,730	2,315,862	8,507,509	5,041,945	22,074,584	5,011,702	3,311,765	1,980,606
Debt service:										
Principal	1,303,509	1,449,793	1,550,620	1,645,965	1,740,766	1,104,052	1,183,247	1,517,603	1,651,681	1,761,291
Interest	1,008,325	1,166,586	1,075,033	974,550	879,354	840,682	735,873	1,079,040	979,118	873,674
Total expenditures	56,040,820	61,329,608	60,233,505	58,321,131	66,460,823	72,344,721	86,417,740	73,633,030	75,174,317	81,672,699
Excess of revenues over (under) expenditures	1,652,694	(4,137,230)	1,772,665	3,241,971	(592,794)	6,214,524	(12,744,663)	(399,222)	1,075,519	1,924,725
Special item-legal settlement	-	-	-	-	-	-	-	300,978	-	-
Other financing sources (uses)										
Proceeds from borrowing	4,236,900	-	-	-	1,000,000	1,532,141	10,116,502	1,573,000	1,317,227	2,326,542
Transfers in	1,920,121	2,359,575	2,876,444	3,672,484	6,809,247	13,675,581	15,311,778	10,755,743	8,002,458	7,159,465
Transfers out	(1,814,298)	(2,660,216)	(244,566)	(5,173,750)	(8,619,820)	(15,001,691)	(16,459,853)	(12,573,603)	(9,209,992)	(8,347,666)
Other	-	-	-	(101,743)	75,100	-	6,111,760	871,075	174,632	136,957
Total other financing sources (uses)	4,342,723	(300,641)	2,631,878	(1,603,009)	(735,473)	206,031	15,080,187	626,215	284,325	1,275,298
Net change in fund balance	5,995,417	(4,437,871)	4,404,543	1,638,962	(1,328,267)	6,420,555	2,335,524	527,971	1,359,844	3,200,023
Debt service as a percentage of noncapital expenditures	4%	5%	5%	5%	5%	3%	3%	4%	4%	3%

Fines & Forfeitures were included in transfers in from the Municipal Court prior to the implementation of GASB 34 for the Fiscal Year Ended June 30, 2003.
General Fund Capital Expenditures in a few years were included with the categories.
Classifications of Revenues and Expenditures were changed from year to year.

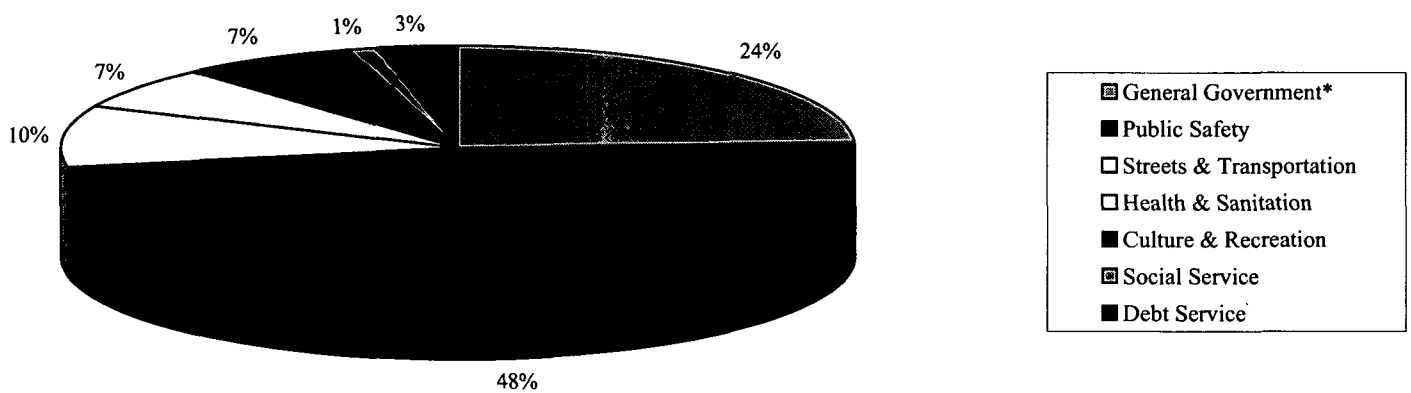
CITY OF CHARLESTON, WEST VIRGINIA
Table 5
Expenditures By Function - Governmental Fund Types -
For the Last Ten Fiscal Years

Fiscal Year	General Government*	Public Safety	Streets & Transportation	Health & Sanitation	Culture & Recreation	Social Service	Debt Service	Total
1999	$ 9,311,489	$ 26,367,194	$ 4,672,643	$ 4,556,427	$ 5,171,846	$ 855,784	$ 2,311,834	$ 53,247,217
2000	13,811,098	28,012,413	4,566,118	4,468,889	4,684,300	800,279	2,616,379	58,959,476
2001	11,116,089	28,087,348	4,729,577	4,534,159	4,660,454	768,317	2,625,653	56,521,597
2002	11,874,851	26,827,964	5,024,285	3,896,761	4,481,027	843,389	2,620,515	55,568,792
2003	16,188,083	27,673,867	5,992,898	4,003,528	4,331,771	779,292	2,620,120	61,589,559
2004	16,786,059	28,759,664	6,090,358	4,503,661	4,136,695	625,152	1,944,734	62,846,323
2005	15,376,877	30,988,041	6,369,531	4,579,408	4,463,030	647,150	1,919,120	64,343,157
2006	16,321,306	32,091,386	6,517,185	4,976,157	5,453,355	665,296	2,596,643	68,621,328
2007	18,073,193	32,351,932	7,007,636	5,090,595	5,852,014	856,383	2,630,799	71,862,552
2008	19,252,352	38,115,187	7,795,553	5,248,854	5,816,312	828,870	2,634,965	79,692,093

Includes General Fund, Special Revenue Funds and Debt Service Fund

*Includes expenditures for economic development

Expenditures by Function - Governmental Fund Types for the Current Year

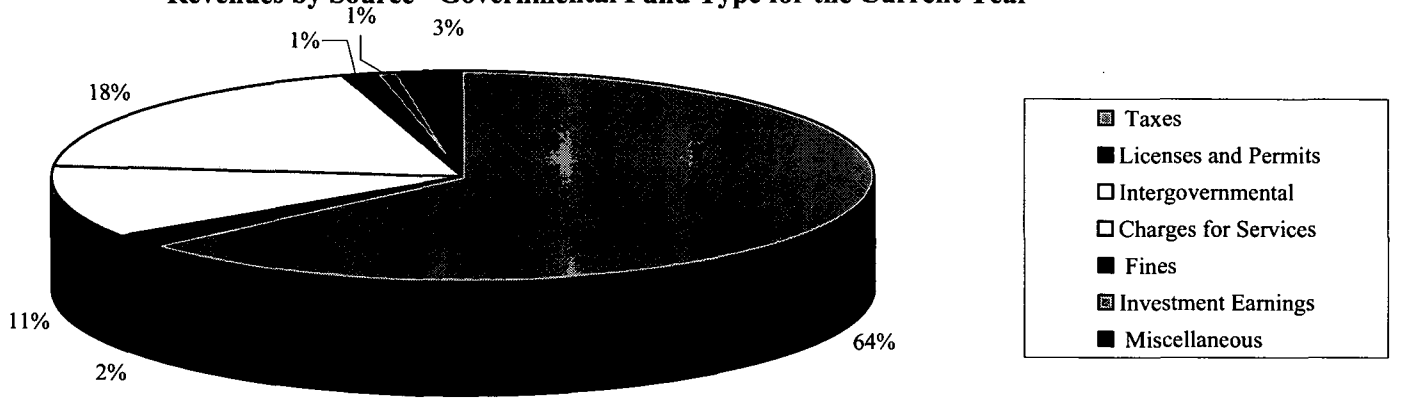


CITY OF CHARLESTON, WEST VIRGINIA
Table 6
Revenues By Source - Governmental Fund Types -
For the Last Ten Fiscal Years

Fiscal Year	Taxes	Licenses and Permits	Intergovernmental	Charges for Services	Fines	Investment Earnings	Miscellaneous	Total
1999	$ 40,979,657	$ 1,079,859	$ 4,819,869	$ 5,331,534	$ 575,620	$ 933,616	$ 2,588,893	$ 56,309,048
2000	42,301,042	996,157	4,601,036	5,008,778	515,577	756,930	3,187,980	57,367,500
2001	42,973,988	1,012,299	6,280,671	8,382,185	443,906	550,378	1,330,120	60,973,547
2002	42,949,413	1,187,156	5,079,259	8,409,624	512,910	502,177	1,243,416	59,883,955
2003	45,950,963	1,300,538	6,683,885	9,854,411	736,997	197,678	942,927	65,667,399
2004	46,654,270	1,506,119	15,307,826	11,272,407	1,036,914	233,624	1,847,187	77,858,347
2005	46,430,717	1,406,671	8,696,949	13,209,907	1,237,831	429,158	1,999,821	73,411,054
2006	49,242,614	1,507,731	5,588,637	12,536,018	1,425,243	772,955	2,058,036	73,131,234
2007	51,334,552	1,585,869	4,928,969	13,423,005	1,334,183	1,088,606	2,206,694	75,901,878
2008	53,028,638	1,455,775	9,438,600	15,304,291	1,206,087	643,072	2,175,928	83,252,391

Includes General Fund, Special Revenue Funds, and Debt Service Fund

Revenues by Source - Governmental Fund Type for the Current Year



CITY OF CHARLESTON, WEST VIRGINIA
Table 6
Detailed Revenues From Taxes - Governmental Fund Types -
For the Last Ten Fiscal Years

Fiscal Year	Property Tax	Business & Occupation Tax	Utility Tax	Consumer Sales Tax Liquor	Hotel Occupancy Tax	Amusement Tax	Miscellaneous Taxes	Total
1999	$ 8,736,763	$ 28,800,353	$ 1,826,150	$ 475,703	$ 934,866	$ 173,041	$ 32,781	$ 40,979,657
2000	8,973,825	29,884,642	1,844,282	487,448	967,708	120,958	22,179	42,301,042
2001	9,934,635	29,527,633	1,910,094	485,955	978,270	116,548	20,853	42,973,988
2002	10,599,134	28,259,242	2,194,803	661,348	1,101,583	105,954	27,349	42,949,413
2003	10,800,456	31,619,878	1,828,767	371,664	1,042,551	264,742	22,905	45,950,963
2004	9,820,894	32,820,776	2,118,914	625,700	1,034,995	201,089	31,902	46,654,270
2005	9,844,571	32,714,707	2,017,526	474,137	1,143,828	190,822	45,126	46,430,717
2006	10,142,543	33,681,586	2,140,036	746,717	2,311,414	163,005	57,314	49,242,615
2007	10,443,411	35,567,872	2,120,895	551,366	2,433,977	161,559	55,472	51,334,552
2008	10,438,952	36,666,641	2,307,808	800,647	2,567,145	187,168	60,277	53,028,638

CITY OF CHARLESTON, WEST VIRGINIA
Table 7
Property Tax Levies and Collections - General Fund -
For the Last Ten Fiscal Years

Fiscal Year	Total Tax Levy	Current Tax Collections	Percent Current Taxes Collected	Delinquent Tax Collections	Total Tax Collections	Ratio of Total Tax Collections to Total Tax Levy	Outstanding Delinquent Taxes	Ratio of Delinquent Taxes to Total Tax Levy
1999	$ 5,911,003	$ 5,850,000	98.97%	$ 388,997	$ 6,238,997	105.55%	$ 402,696	6.81%
2000	6,183,592	5,857,584	94.73%	441,408	6,298,992	101.87%	421,268	6.81%
2001	7,008,126	6,000,772	85.63%	551,912	6,552,684	93.50%	461,146	6.58%
2002	7,620,982	6,594,784	86.53%	538,483	7,133,267	93.60%	501,473	6.58%
2003	7,734,464	6,763,663	87.45%	693,878	7,457,541	96.42%	508,940	6.58%
2004	7,715,097	9,187,869	119.09%	633,025	9,820,894	127.29%	506,278	6.56%
2005	7,875,027	6,912,926	87.78%	1,386,381	8,299,307	105.39%	515,819	6.55%
2006	7,983,561	8,261,230	103.48%	322,779	8,584,009	107.52%	510,092	6.39%
2007	8,309,807	8,327,767	100.22%	548,019	8,875,786	106.81%	470,677	5.66%
2008	8,393,656	8,540,242	101.75%	344,519	8,884,761	105.85%	406,484	4.84%

CITY OF CHARLESTON, WEST VIRGINIA
Table 8
Principal Revenue Source
Business and Occupation Tax Revenue Filers By Class - Fiscal Years 2008, 2007, 2006 and 2005

Fiscal Year 2008

	Class	Rate per $1.00 Gross Revenue	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
1	Production of Natural Resources	1.00%	10	0.16%	$ 3,921	0.01%
2	Manufacturing	0.30%	54	0.85%	362,330	1.06%
3	Retailers	0.50%	1,177	18.49%	6,851,776	20.02%
4	Wholesalers	0.15%	450	7.07%	1,214,168	3.55%
5	Electric Power Companies (Domestic Purposes and Commercial Lighting)	4.00%	1	0.02%	1,326,877	3.88%
6	Electric Power Companies (All Other Sales and Demand Charges)	3.00%	1	0.02%	792,692	2.32%
7	Natural Gas Companies	3.00%	2	0.03%	890,233	2.60%
8	Water Companies	4.00%	1	0.02%	656,817	1.92%
9	All Other Public Utilities	2.00%	4	0.06%	81,902	0.24%
10	Contracting	2.00%	763	11.99%	3,264,605	9.54%
11	Amusement	0.50%	46	0.72%	302,396	0.88%
12	Service & All Other Businesses	1.00%	2,153	33.83%	14,381,469	42.01%
13	Rents and Royalties	1.00%	1,627	25.57%	2,102,504	6.14%
14	Banking and Other Financial Institutions	1.00%	75	1.18%	1,999,636	5.84%
	Totals		6,364	100.00%	$ 34,231,326	100.00%

Fiscal Year 2007

	Class	Rate per $1.00 Gross Revenue	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
1	Production of Natural Resources	1.00%	15	0.23%	$ 2,999	0.01%
2	Manufacturing	0.30%	58	0.91%	350,353	1.05%
3	Retailers	0.50%	1,167	18.24%	7,007,495	21.08%
4	Wholesalers	0.15%	428	6.69%	1,048,908	3.16%
5	Electric Power Companies (Domestic Purposes and Commercial Lighting)	4.00%	3	0.05%	1,216,064	3.66%
6	Electric Power Companies (All Other Sales and Demand Charges)	3.00%	1	0.02%	548,390	1.65%
7	Natural Gas Companies	3.00%	3	0.05%	973,137	2.93%
8	Water Companies	4.00%	2	0.03%	657,833	1.98%
9	All Other Public Utilities	2.00%	7	0.11%	78,230	0.24%
10	Contracting	2.00%	811	12.68%	3,055,984	9.19%
11	Amusement	0.50%	45	0.70%	342,871	1.03%
12	Service & All Other Businesses	1.00%	2,129	33.28%	13,618,532	40.97%
13	Rents and Royalties	1.00%	1,671	26.12%	2,168,817	6.53%
14	Banking and Other Financial Institutions	1.00%	58	0.91%	2,168,322	6.52%
	Totals		6,398	100.00%	$ 33,237,935	100.00%

CITY OF CHARLESTON, WEST VIRGINIA
Table 8 (Continued)
Principal Revenue Source
Business and Occupation Tax Revenue Filers By Class

		Fiscal Year 2006				
	Class	Rate per $1.00 Gross Revenue	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
1	Production of Natural Resources	1.00%	14	0.20%	$ 10,056	0.03%
2	Manufacturing	0.30%	71	1.02%	362,036	1.07%
3	Retailers	0.50%	1,365	19.57%	6,799,683	20.19%
4	Wholesalers	0.15%	464	6.65%	916,554	2.72%
5	Electric Power Companies (Domestic Purposes and Commercial Lighting)	4.00%	5	0.07%	1,181,517	3.51%
6	Electric Power Companies (All Other Sales and Demand Charges)	3.00%	2	0.03%	742,428	2.20%
7	Natural Gas Companies	3.00%	4	0.06%	865,231	2.57%
8	Water Companies	4.00%	2	0.03%	659,616	1.96%
9	All Other Public Utilities	2.00%	3	0.04%	3,409	0.01%
10	Contracting	2.00%	867	12.43%	3,387,279	10.06%
11	Amusement	0.50%	50	0.72%	384,539	1.14%
12	Service & All Other Businesses	1.00%	2,273	32.58%	14,364,904	42.65%
13	Rents and Royalties	1.00%	1,792	25.69%	2,074,824	6.16%
14	Banking and Other Financial Institutions	1.00%	64	0.92%	1,929,559	5.73%
	Totals		6,976	100.00%	$ 33,681,635	100.00%

Source: City of Charleston Revenue System

CITY OF CHARLESTON, WEST VIRGINIA
Table 8 (Continued)
Principal Revenue Source
Business and Occupation Tax Revenue Filers By Class

		Fiscal Year 2005				
	Class	Rate per $1.00 Gross Revenue	Number of Filers	Percentage of Total	Tax Liability	Percentage of Total
1	Production of Natural Resources	1.00%	16	0.22%	$ 15,049	0.05%
2	Manufacturing	0.30%	79	1.11%	335,813	1.03%
3	Retailers	0.50%	1,360	19.09%	6,781,563	20.89%
4	Wholesalers	0.15%	483	6.78%	803,359	2.47%
5	Electric Power Companies (Domestic Purposes and Commercial Lighting)	4.00%	1	0.01%	1,116,703	3.44%
6	Electric Power Companies (All Other Sales and Demand Charges)	3.00%	3	0.04%	865,422	2.67%
7	Natural Gas Companies	3.00%	4	0.06%	438,162	1.35%
8	Water Companies	4.00%	1	0.01%	586,135	1.81%
9	All Other Public Utilities	2.00%	6	0.08%	44,245	0.14%
10	Contracting	2.00%	791	11.10%	3,573,848	11.01%
11	Amusement	0.50%	58	0.81%	376,528	1.16%
12	Service & All Other Businesses	1.00%	2,383	33.46%	13,757,357	42.37%
13	Rents and Royalties	1.00%	1,866	26.20%	1,981,182	6.10%
14	Banking and Other Financial Institutions	1.00%	72	1.01%	1,792,896	5.52%
	Totals		7,123	100.00%	$ 32,468,262	100.00%

Source: City of Charleston Revenue System

The City of Charleston imposes a Business and Occupation tax upon all business performed within the City of Charleston. Non-profit organizations are exempt from this tax. The tax is calculated by multiplying the classification(s) rate times the business' gross receipts. The City presents only four years of data instead of ten because our current customized revenue system was implemented in the fiscal year 2005 which allowed extraction of this data in summary form.

CITY OF CHARLESTON, WEST VIRGINIA
Table 9
Ratio of Outstanding General Obligation Bonds to Assessed Value, Estimated Actual Taxable Value and Net Debt Per Capita - For the Last Ten Fiscal Years

Fiscal Year	Assessed Value	Estimated Actual Taxable Value of Property	Gross Bonded Debt	Debt Service Fund	Net Bonded Debt	Ratio of Bonded Debt to Assessed Value	Ratio of Net Bonded Debt to Estimated Actual Value	Net Bonded Debt Per Capita
1999	$ 2,056,034,665	$ 1,233,620,799	$ 13,822,144	$ 1,392,148	$ 12,429,996	0.60%	1.01%	228
2000	2,127,257,787	1,276,354,672	12,442,351	1,656,423	10,785,928	0.51%	0.85%	202
2001	2,221,087,692	1,332,652,615	10,981,731	1,989,499	8,992,232	0.40%	0.67%	169
2002	2,452,868,321	1,471,720,993	9,435,766	2,224,206	7,211,560	0.29%	0.49%	137
2003	2,479,903,422	1,487,942,053	7,795,000	2,474,126	5,320,874	0.21%	0.36%	102
2004	2,454,272,860	1,472,563,716	6,910,000	2,589,805	4,320,195	0.18%	0.29%	83
2005	2,499,526,545	1,499,715,927	5,955,000	2,761,237	3,193,763	0.13%	0.21%	62
2006	2,531,327,042	1,518,796,225	4,930,000	2,955,244	1,974,756	0.08%	0.13%	39
2007	2,623,069,250	1,573,841,550	3,830,000	3,346,560	483,440	0.02%	0.03%	10
2008	2,651,836,470	1,591,101,882	2,645,000	3,622,601	(977,601)	-0.04%	-0.06%	(19)

Note: Details regarding the City's outstanding debt can be found in the notes to the financial statements. Assessed value does not include exempt property. The Kanawha County Assessor estimates actual taxable value of property at sixty percent.
Population data can be found in the Table of Demographic Statistics.

CITY OF CHARLESTON, WEST VIRGINIA
Table 10
Ratio of Outstanding Debt by Type -
For the Last Ten Fiscal Years

	Governmental Activities			Business-type Activities				
Fiscal Year	General Obligation Bonds	Revenue Bonds	Capital Leases	Revenue Bonds	Capital Leases	Total Primary Government	Percentage of Personal Income	Per Capita
1999	$ 13,822,144	$ 4,395,000	$ 3,050,368	$ 17,584,944	$ -	$ 38,852,456	28.93%	712
2000	12,442,351	4,325,000	3,603,497	22,413,842	-	42,784,690	31.15%	800
2001	10,981,731	4,235,000	4,149,658	21,811,928	87,742	41,266,059	28.75%	774
2002	9,435,766	4,135,000	3,785,174	21,135,016	67,765	38,558,721	26.12%	733
2003	7,795,000	5,228,274	3,483,971	20,413,104	83,754	37,004,103	24.41%	712
2004	6,910,000	5,115,948	3,351,270	19,641,190	47,913	35,066,321	22.29%	677
2005	5,955,000	4,887,701	11,705,822	18,076,489	15,787	40,640,799	24.81%	787
2006	4,930,000	4,650,098	11,491,961	17,056,779	-	38,128,838	22.53%	745
2007	3,830,000	4,418,825	10,987,881	16,007,070	-	35,243,776	20.13%	694
2008	2,645,000	4,147,126	11,261,072	14,917,361	-	32,970,559	18.16%	653

Note: Details regarding the City's outstanding debt can be found in the notes to the financial statements.
See Table 13 on Demographic Statistics for personal income and population data.

CITY OF CHARLESTON, WEST VIRGINIA
Table 11
Revenue Bond Coverage - Civic Center Revenue Bonds -
For the Last Ten Fiscal Years

Fiscal Year	Gross Revenues	Operating Expenses	Net Revenue Available for Debt Service	Debt Service Requirements				General Fund & Coal Severance Subsidy
				Principal	Interest	Total	Coverage	
1999	$ 1,853,815	$ 2,117,219	$ (263,404)	$ -	$ -	$ -	0.00%	$ 368,645
2000	1,867,185	2,277,377	(410,192)	80,000	356,854	436,854	-93.90%	730,393
2001	1,855,981	2,189,865	(333,884)	150,000	529,130	679,130	-49.16%	1,160,028
2002	1,707,687	1,995,034	(287,347)	195,000	407,515	602,515	-47.69%	1,162,232
2003	2,230,497	2,403,291	(172,794)	210,000	511,434	721,434	-23.95%	1,112,067
2004	2,213,020	3,507,409	(1,294,389)	220,000	510,913	730,913	-177.09%	1,140,375
2005	2,801,245	3,758,036	(956,791)	230,000	504,424	734,424	-130.28%	1,091,309
2006	2,533,883	4,019,922	(1,486,039)	245,000	475,718	720,718	-206.19%	1,137,268
2007	2,848,127	4,252,177	(1,404,050)	255,000	465,415	720,415	-194.89%	1,081,807
2008	3,063,446	4,422,167	(1,358,721)	270,000	519,124	789,124	-172.18%	1,121,463

CITY OF CHARLESTON, WEST VIRGINIA
Table 12
Revenue Bond Coverage - Parking System Revenue Bonds -
For the Last Ten Fiscal Years

Fiscal Year	Gross Revenues	Operating Expenses	Net Revenue Available for Debt Service	Debt Service Requirements			
				Principal	Interest	Total	Coverage
1999	$ 3,323,525	$ 1,379,910	$ 1,943,615	$ 510,000	$ 981,493	$ 1,491,493	130.31%
2000	3,242,592	1,414,248	1,828,344	525,000	956,408	1,481,408	123.42%
2001	3,547,799	1,440,989	2,106,810	555,000	929,638	1,484,638	141.91%
2002	3,232,847	1,444,653	1,788,194	585,000	900,148	1,485,148	120.41%
2003	2,844,789	1,524,145	1,320,644	615,000	867,995	1,482,995	89.05%
2004	3,619,020	2,506,190	1,112,830	655,000	830,341	1,485,341	74.92%
2005	3,606,556	2,473,235	1,133,321	875,000	839,929	1,714,929	66.09%
2006	3,784,728	2,591,777	1,192,951	890,000	449,604	1,339,604	89.05%
2007	4,040,726	2,716,769	1,323,957	910,000	421,403	1,331,403	99.44%
2008	3,940,591	2,653,197	1,287,394	935,000	390,455	1,325,455	97.13%

CITY OF CHARLESTON, WEST VIRGINIA
Table 13
Demographic Statistics -
Last Ten Fiscal Years

Fiscal Year	Population	Personal Income	Per Capita Income	Unemployment Rate
1999	54,598	$ 1,343,111	$ 25,661	5.3
2000	53,484	1,373,469	26,765	4.6
2001	53,340	1,435,379	27,915	5.0
2002	52,610	1,476,237	29,116	6.2
2003	51,971	1,515,994	30,368	6.2
2004	51,813	1,573,043	31,674	5.3
2005	51,648	1,638,275	33,036	5.1
2006	51,156	1,692,240	34,456	4.8
2007	50,773	1,751,161	35,938	4.0
2008	50,478	1,815,189	37,483	4.7

BEA Regional Economic Accounts
Bureau of Economic Analysis/U.S. Department of Commerce
Personal Income is based on an average annual growth rate of TPI of 4.0%
Per Capital Income is based on an average annual growth rate of PCPI of 4.3%

CITY OF CHARLESTON, WEST VIRGINIA
Table 14
Legal Debt Margin Information - Last Ten Fiscal Years

Legal Debt Margin Calculation for Fiscal Year 2008

Assessed value	$ 2,651,836,470
Debt limit (5% of assessed value)	132,591,824
Debt applicable to limit:	
General obligation bonds	2,645,000
Less: amount set aside for repayment of general obligation debt	3,622,601
Total net debt applicable to limit	977,601
Legal debt margin	$ 133,569,425

	Fiscal Year									
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Debt limit	$ 92,685,438	$ 96,393,094	$ 101,040,920	$ 112,412,476	$ 113,745,197	$ 112,773,976	$ 114,708,065	$ 115,320,129	$ 119,639,489	$ 132,591,824
Total debt applicable to limit	13,822,144	12,442,351	10,981,731	9,435,766	7,795,000	6,910,000	5,955,000	4,930,000	3,830,000	2,645,000
Legal debt margin	$ 80,255,442	$ 85,577,166	$ 92,048,688	$ 105,200,915	$ 108,424,323	$ 108,453,781	$ 111,514,302	$ 113,430,666	$ 119,156,049	$ 133,569,425
Total net debt applicable to the limit as a percentage of debt limit	17%	15%	12%	9%	7%	6%	5%	4%	3%	2%

Note: Under state finance law, WV State Code §13-1-3, the City's outstanding debt should not exceed 5 percent of total assessed property value. By law, the general obligation debt subject to the limitation may be offset by amounts set aside for repaying general obligation debt.

CITY OF CHARLESTON, WEST VIRGINIA
Table 15
Employment/Unemployment and Change - Last Ten Fiscal Years

	Employment		Unemployment	
Date	Total	% Change Year Ago	Rate	Unit Change Year Ago
1999	28,575	1.6	4.7	-0.3
2000	25,241	-11.7	4.4	-0.3
2001	24,880	-1.4	4.3	-0.2
2002	24,277	-2.4	4.8	0.5
2003	23,738	-2.2	4.8	0.0
2004	23,695	-0.2	4.3	-0.5
2005	23,665	-0.1	4.3	0.0
2006	23,781	0.5	4.7	0.4
2007	23,899	0.5	4.5	-0.2
2008	24,110	0.4	4.7	0.3

U.S. Bureau of Labor Statistics and Real Estate Center at Texas A&M University

CITY OF CHARLESTON, WEST VIRGINIA
Table 16
Kanawha County
Ten Largest Employers in Kanawha County and Rank -
June 30, 2008 and 1999

	2008	1999
Rank	**Company Name**	**Company Name**
1	Charleston Area Medical Center, Inc.	Kanawha County Board of Education
2	Kanawha County Board of Education	Charleston Area Medical Center
3	Minneapolis Postal Data Center	Union Carbide Corporation
4	Herbert J. Thomas Memorial Hospital Association	US Postal Data Center
5	Wal-Mart Associates, Inc.	WV Department of Highways
6	West Virginia Department of Highways	The Kroger Company
7	City of Charleston Municipality	Herbert J. Thomas Memorial Hospital
8	Kroger	Shawnee Hills, Inc.
9	West Virginia Department of Health and Human Resources	Rhone-Poulenc, Inc.
10	Dow (Union Carbide Corp)	Columbia Gas Transmission Corporation

Workforce West Virginia, an agency of the Department of Commerce

CITY OF CHARLESTON, WEST VIRGINIA
Table 17
Operating Indicators by Function/Program -
Last Four Fiscal Years

Function/Program	Fiscal Year 2004	2005	2006	2007	2008
Police					
Physical arrest	4,281	4,990	6,314	6,270	7,649
Citations written	10,402	16,460	19,946	23,494	20,804
Offenses charged	15,646	28,207	29,659	29,195	24,006
Fire					
Emergency medical responses	12,289	11,157	12,373	18,926	17,788
Fire responses	5,318	8,661	9,000	12,214	13,131
Inspections	1,064	1,019	1,019	1,156	1,124
Refuse collection					
Refuse collected (tons annually)	28,113	27,461	27,869	30,571	26,977
Recyclables collected (tons annually)	1,254	1,350	1,380	1,293	1,072
Yard waste collected (tons annually)	4,238	3,428	2,658	2,271	1,653
Sludge (tons annually)	3,630	2,170	2,289	5,175	5,641
Other public works					
Streets resurfaced (Miles)	Unavailable	27.50	25.58	9.30	10.56
Potholes repaired	113	83	34	177	27
Parking systems					
Parking violations	54,162	52,995	64,418	62,942	98,187
Civic center					
Number of events (annual average)	2,000	2,000	2,000	2,000	2,000
Municipal auditorium					
events (number of days annual average)	115-120	115-120	115-120	115-120	115-120

Sources: Various City of Charleston departments

Note: The City of Charleston began preparation of a CAFR for the fiscal year 2004 and information on the various statistics for prior fiscal years was not available in the various departments.

CITY OF CHARLESTON, WEST VIRGINIA
Table 18
Capital Asset Statistics by Function / Program -
Last Four Fiscal Years

Function/Program	Fiscal Years 2004	2005	2006	2007	2008
Police					
Stations	1	1	1	1	1
Zone offices	5	5	5	5	5
Patrol units	100	90	90	94	94
Fire stations	8	9	9	9	9
Refuse collection					
Collection trucks	30	30	30	30	30
Other public works					
Street (miles)	300	300	300	300	300
Traffic signals	152	152	152	152	152
Parks and recreation					
Community centers	3	3	3	3	3
Neighborhood centers	3	3	3	3	3
Parks	6	6	6	6	6
Parks acreage	115	115	115	115	115
Swimming pools	5	5	5	5	5
Tennis courts	16	16	16	16	16
Parking system					
Number of parking garages	6	6	6	6	6
Number of parking meters	108	1,073	1,098	1,100	1,150
Civic center					
Types of facilities	6	6	6	6	6

Sources: Various City of Charleston Departments

Note: The City of Charleston began preparation of a CAFR for the fiscal year 2004 and information on the various statistics for prior fiscal years was not available in the various departments.

CITY OF CHARLESTON, WEST VIRGINIA

Table 19

Full-Time Equivalent City Government Employees By Function / Program

Last Ten Fiscal Years

Function/Program	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
General government										
Management	58	61	58	58	58	61	44	42	47	48
Finance	22	22	20	20	21	21	21	23	26	26
Planning	12	12	13	14	14	15	17	17	17	17
Building	6	6	5	4	3	3	4	14	14	14
Engineering	10	8	6	6	5	6	8	8	8	8
Other	16	46	45	48	42	52	39	32	31	32
Police										
Officers	182	182	172	163	162	164	168	171	180	179
Civilians	59	37	33	42	44	46	45	29	28	28
Fire										
Officers	205	197	196	197	197	188	190	191	187	191
Civilians	5	5	5	5	5	5	5	5	5	4
Other public safety	14	13	12	8	9	8	9	9	8	8
Refuse collection	90	77	71	58	58	72	77	69	74	66
Public works	88	84	83	97	99	97	119	120	119	118
Parks and recreation	118	106	91	76	85	88	80	90	87	93
Social services	26	10	21	18	20	21	19	19	17	21
Civic center	27	29	22	29	32	34	44	30	24	23
Parking system	37	37	37	37	37	38	36	35	28	26
Total	975	932	890	880	891	919	925	904	900	902

Sources: City of Charleston Payroll

THE CITY OF CHARLESTON

WEST VIRGINIA

Appendix C

Proposed Form of Bond Counsel Opinion

PROPOSED FORM OF BOND COUNSEL OPINION

Jackson Kelly PLLC, Bond Counsel, proposes to issue its approving opinion in substantially the form set forth below upon the issuance of the Bonds.

December 17, 2009

The City of Charleston
P.O. Box 2749
Charleston, WV 25330

Re: The City of Charleston, West Virginia
Civic Center Improvement Refunding Bonds, Series 2009 A

Ladies and Gentlemen:

We have acted as bond counsel to The City of Charleston, West Virginia (the "Issuer"), a municipal corporation, in connection with the issuance of its $3,275,000 Civic Center Improvement Refunding Bonds, Series 2009 A, dated the date hereof (the "Bonds"). In such capacity, we have examined such law and such certified proceedings, certifications and other documents as we have deemed necessary to render this opinion.

The Bonds are issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the Code of West Virginia, 1931, as amended (collectively, the "Act"), and under and pursuant to a Bond Ordinance duly passed by the Issuer on November 2, 2009, effective November 16, 2009, as supplemented by a Supplemental Resolution duly adopted by the Issuer on December 7, 2009 and a Certificate of Determination executed December 9, 2009 (collectively, the "Ordinance"), pursuant to and under which Act and Ordinance the Bonds are authorized and issued. Capitalized terms used and not otherwise defined herein shall have the respective meanings given them in the Ordinance.

In connection with the issuance of the Bonds, the Issuer has executed a Tax and Non-Arbitrage Certificate, dated as of the date hereof (the "Tax Certificate"), which, among other things, sets forth restrictions on the investment and expenditure of the Bonds proceeds and earnings thereon, to ensure that the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder (collectively, the "Code"), necessary to establish and maintain the excludability of interest on the Bonds from gross income for federal income tax purposes, are and will continue to be met.

Regarding questions of fact material to our opinion, we have relied upon representations of the Issuer contained in the herein-described documents and certifications furnished to us by or on behalf of the Issuer (including certifications as to matters which are material to paragraph 4 below), without undertaking to verify the same by independent investigation.

The Bonds are issued in the form of a series of fully registered Bonds.

Based upon the foregoing, we are of the opinion, under existing law, as follows:

1. The Issuer is a duly organized and presently existing municipal corporation and political subdivision of the State of West Virginia, with the power to adopt the Ordinance, which has been duly and lawfully enacted and adopted by the Issuer, is in full force and effect and is valid and binding upon the Issuer and enforceable in accordance with its terms, and no other authorization for the Ordinance is required.

2. The Issuer is duly authorized to issue the Bonds, which Bonds have been duly and validly authorized and issued in accordance with the Act and in accordance with the Ordinance, and constitutes a valid, binding special and limited revenue obligation of the Issuer as provided in the Ordinance, payable and enforceable in accordance with their terms and the terms of the Ordinance and are entitled to the benefits of the Ordinance and of the Act.

3. The Bonds are secured by the Tax Revenues, as defined in the Ordinance and from funds on deposit in the Series 2009 A Bonds Sinking Fund and the Series 2009 A Bonds Reserve Account, and are on parity with the Issuer's Civic Center Improvement Bonds, Series 1998, all as more fully described in the Ordinance. In addition, the Ordinance imposes a statutory mortgage lien on the Tax Revenues.

4. Under existing laws, regulations, rulings and judicial decisions of the United States of America, as presently written and applied, interest on the Bonds is excludable in the gross income of the owners thereof for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed upon individuals and corporations. The opinions set forth in the preceding sentences are subject to the condition that the Issuer comply, on a continuing basis, with all representations, covenants and certifications set forth in the Ordinance and the Tax Certificate and other documents relating thereto. Failure to comply with certain of such representations, covenants and certifications could cause the interest on the Bonds to be includable in a holder's gross income retroactive to the date of issuance of the Bonds. Except as described herein, we express no opinion regarding other federal tax consequences arising with respect to the Bonds.

5. The Issuer has designated the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") and has covenanted that it does not reasonably expect to issue more than $30,000,000 of tax-exempt obligations (other than certain private activity bonds and refunding bonds) during the calendar year 2009. Therefore, the Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code, and the provisions of the Code which disallow all deductibility of interest expense incurred by financial institutions on debt incurred or continued to purchase or carry most tax-exempt obligations do not apply to the Bonds.

6. Under the Act, as presently written and applied, the Bonds and any interest thereon is exempt from all taxation except inheritance, estate and transfer taxes.

It is to be understood that the rights of the owners of the Bonds and the enforceability of the Bonds, the Ordinance and the pledges set forth therein are limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights generally, by equitable principles, whether considered at law or in equity, and by the exercise of judicial discretion. Further, we express no opinion regarding tax consequences arising with respect to the Bonds other than as expressly set forth herein.

We have not been engaged, or undertaken, to review the accuracy, completeness or sufficiency of the Official Statement or other offering material related to the Bonds (except to the extent, if any, stated in the Official Statement) and we express no opinion relating thereto.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur.

We have examined the executed and authenticated Bond numbered AR-1 and in our opinion, the form of said Bond and its execution and authentication are regular and proper.

Very truly yours,

Appendix D

Form of Continuing Disclosure Certificate

Form of Continuing Disclosure Certificate

$3,275,000
CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS
SERIES 2009 A

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (this "Certificate") is executed and delivered this 17th day of December, 2009, by the City of Charleston (the "City"), in connection with the issuance of its $3,275,000 Civic Center Improvement Refunding Bonds, Series 2009 (the "Bonds"). The Bonds are being issued pursuant to a bond ordinance enacted by the Council of the City on November 16, 2009, and a supplemental resolution adopted by the Council of the City on December 7, 2009 (collectively, the "Ordinance"). The City covenants and agrees as follows:

SECTION 1. Purpose of Certificate. This Certificate is being executed and delivered by the City for the benefit of the holders and beneficial owners of the Bonds and in order to assist the Underwriter in complying with SEC Rule 15c2-12(b)(5).

SECTION 2. Definitions. In addition to the definitions set forth in the Ordinance and the Purchase Contract, which apply to any capitalized term used in this Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Financial Information" means the financial information (which shall be based on financial statements prepared in accordance with generally accepted accounting principles ("GAAP")), provided at least annually, of the type included in those sections of the final official statement with respect to the Bonds attached thereto as Appendix B, which Annual Financial Information shall include Audited Financial Statements if available on the due date set forth herein, and, if not then available, unaudited financial statements.

"Audited Financial Statements" means the City's annual financial statements, prepared in accordance with GAAP, which financial statements shall have been audited by a qualified independent auditor.

"Beneficial Owner" shall mean any person who has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any the Bonds (including persons holding the Bonds through nominees, depositories or other intermediaries).

"Bonds" shall mean the $3,275,000 Civic Center Improvement Refunding Bonds, Series 2009 A.

"Dissemination Agent" shall initially mean the City and any later appointed Dissemination Agent or any successor Dissemination Agent designated in writing by the City and which has filed with the City a written acceptance of such designation.

"EMMA" means the Electronic Municipal Market Access system described in 1934 Act Release No. 59062 and maintained by the Municipal Securities Rulemaking Board for purposes of the Rule.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Certificate.

"National Repository" shall mean the Municipal Securities Rulemaking Board, Washington, D.C., the sole Nationally Recognized Municipal Securities Information Repository for purposes of the Rule, effective as of July 1, 2009.

"Purchase Contract" shall mean the Bond Purchase Agreement dated December 9, 2009, between the Underwriter and the City, by which the Underwriter offered to purchase the Bonds from the City upon the terms set forth therein.

"Repository" shall mean the National Repository and the State Repository.

"Rule" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State" shall mean the State of West Virginia.

"State Repository" shall mean any public or private repository or entity designated by the State as the state repository for the purpose of the Rule and recognized as such by the Securities and Exchange Commission. As of the date of this Certificate, there is no State Repository.

"Underwriter" shall mean Crews & Associates, Inc., the original underwriter of the Bonds, who is required to comply with the Rule in connection with offering of the Bonds.

SECTION 3. Provision of Annual Reports.

(a) The City shall, or shall cause the Dissemination Agent to, not later than 360 days after the end of the City's fiscal year (presently June 30), commencing with the report for the Fiscal Year ending June 30, 2009, provide to each Repository Annual Financial Information and Audited Financial Statements, which are consistent with the requirements of Section 4 of this Certificate. The Annual Financial Information and Audited Financial Statements may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Certificate. If the City's fiscal year changes, the City shall give notice of such change in the same manner as for a Listed Event under Section 5(a).

(b) Not later than fifteen (15) Business Days prior to said date, the City shall provide the Annual Financial Information and Audited Financial Statements to the Dissemination Agent (if other than the City). If the City is unable to provide to the Repositories its Annual Financial Information and Audited Financial Statements by the date required in subsection (a), the City shall send a notice to the Repositories, in substantially the form attached as Exhibit A.

(c) The Dissemination Agent shall:

(i) determine each year prior to the date for providing the Annual Financial Information and Audited Financial Statements the name and address of each Repository; and

(ii) if the Dissemination Agent is other than the City, file a report with the City certifying that the Annual Financial Information and Audited Financial Statements have been provided pursuant to this Certificate, stating the date it was provided and listing the Repositories to which it was provided.

(d) Effective on July 1, 2009 and thereafter, all documents provided to the Municipal Securities Rulemaking Board shall be provided in an electronic formant and shall be accompanied by identifying information as prescribed by the Municipal Securities Rulemaking Board.

SECTION 4. Content of Annual Financial Information and Audited Financial Statements. The City's Annual Financial Information and Audited Financial Statements shall contain or include by reference the following:

Within three hundred sixty (360) days of the City's fiscal year ended June 30, 2009, and each subsequent fiscal year, for delivery to each Repository in the format required by the Rule, such information and data of the City for the prior fiscal year, including the audited financial statements, prepared in accordance with generally accepted accounting principles in effect from time to time.

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the City or related public entities, which have been submitted to each of the Repositories or the Securities and Exchange Commission. If the document included by reference is a final official statement it must be available from the Municipal Securities Rulemaking Board. The City shall clearly identify each such other document so included by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the City shall give, or cause to be given, notice of the occurrence of any of the following events, if applicable, with respect to the Bonds, if material:

1. principal and interest payment delinquencies;

2. non-payment related defaults;

3. unscheduled draws on debt service reserves reflecting financial difficulties;

4. unscheduled draws on credit enhancements reflecting financial difficulties;

5. substitution of credit or liquidity providers, or their failure to perform;

6. adverse tax opinions or events affecting the tax-exempt status of the security;

7. modifications to rights of security holders;

8. bond calls;

9. defeasances;

10. release, substitution, or sale of property securing repayment of the securities, except as provided by the Ordinance;

11. rating changes.

(b) Whenever the City obtains knowledge of the occurrence of any of the Listed Events, the City shall as soon as possible determine if such event would be material under applicable federal securities laws.

(c) If the City determines that knowledge of the occurrence of any of the Listed Events would be material under applicable federal securities laws, the City shall promptly file a notice of such occurrence with each Repository. Notwithstanding the foregoing, notice of Listed Events described in subsections (a) (4) and (5) need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to holders of affected the Bonds pursuant to the Ordinance.

SECTION 6. Termination of Reporting Obligation. The City's obligations under this Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. If such termination occurs prior to the final maturity of the Bonds, the City shall give notice of such termination in the same manner as for any of the Listed Events under Section 5(a).

SECTION 7. Dissemination Agent. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Certificate. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the City pursuant to this Certificate.

SECTION 8. Amendment, Waiver. Notwithstanding any other provision of this Certificate, the City may amend this Certificate, and any provision of this Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Sections 3(a), 4 or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of an obligated person with respect to the Bonds, or the type of business conducted;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances, and

(c) The amendment or waiver either (i) is approved by the Holders of the Bonds in the same manner as provided in the Ordinance for amendments to the Ordinance with the consent of holders of the Bonds, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or beneficial owners of the Bonds.

In the event of any amendment or waiver of a provision of this Certificate, the City shall describe such amendment in the next Annual Financial Information and Audited Financial Statements, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given in the same manner as for any of the Listed Events under Section 5(a), and (ii) the Annual Financial Information and Audited Financial Statements for the year in which the change is made should present a comparison (in

narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

SECTION 9. Additional Information. Nothing in this Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Certificate or any other means of communication, or including any other information in any Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events, in addition to that which is required by this Certificate. If the City chooses to include any information in any Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events in addition to that which is specifically required by this Certificate, the City shall have no obligation under this Certificate to update such information or include it is any future Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events.

SECTION 10. Default. In the event of a failure of the City to comply with any provision of this Certificate, any Holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Certificate. A default under this Certificate shall not be deemed an Event of Default under the Ordinance, and the sole remedy under this Certificate in the event of any failure of the City to comply with this Certificate shall be an action to compel performance.

SECTION 11. Beneficiaries. This Certificate shall inure solely to the benefit of the City, the Underwriter and holders and beneficial owners from time to time of the Bonds, and shall create no rights in any other person or entity.

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Mayor

EXHIBIT A

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: CITY OF CHARLESTON (WEST VIRGINIA)

Name of Issue: $3,275,000 CITY OF CHARLESTON CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

Date of Issuance: December 17, 2009

Notice is hereby given that the City has not provided an Annual Report with respect to the above-named bonds as required by its covenant made in connection with the above-referenced bond issue. The City anticipates that the Annual Report will be filed by _____.

Dated this ___ day of _____, 20__.

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Mayor

Appendix E

Bond Ordinance

THE CITY OF CHARLESTON

WEST VIRGINIA

Bill No. 7403

Adopted by Council:
November 2, 2009

Introduced in Council
October 19, 2009

Referred to
Finance Committee

Introduced by
Robert Reishman

A BILL AUTHORIZING THE REFUNDING OF THE CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999, OF THE CITY OF CHARLESTON; AND AUTHORIZING THE ISSUANCE OF CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A, OF THE CITY OF CHARLESTON, IN THE AMOUNT OF $3,500,000, TO FINANCE THE COST OF SUCH REFUNDING AND THE COST OF ISSUANCE FOR SUCH BONDS; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES AND SECURITY OF THE HOLDERS OF THE BONDS; PROVIDING A STATUTORY MORTGAGE LIEN ON SPECIFIED TAX REVENUES DEDICATED FOR SUCH PURPOSES; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; AND PROVIDING GENERAL TERMS AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

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ARTICLE I
STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance is adopted pursuant to the provisions of Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended (the "Act') and other applicable provisions of law.

Section 1.02. Findings and Determinations. It is hereby found, determined and declared as follows:

A. The City of Charleston (the "City" or "Issuer") is a municipal corporation and political subdivision of the State of West Virginia located in Kanawha County, West Virginia.

B. The Issuer now has a public facility known as the Charleston Civic Center (the "Facility"). In 1999 the City permanently financed the acquisition, construction, equipping and improving of the Facility through the issuance of its Civic Center Improvement Bonds, Series 1999 dated December 23, 1999 in the aggregate principal amount of $4,060,000 (the "Refunded Bonds").

C. The City may now refund the Refunded Bonds at a savings to the City. The City hereby determines that it would be a benefit to refund the Refunded Bonds with proceeds from the issuance of its Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds") in the aggregate principal amount not to exceed $3,500,000.

D. Based upon the assumed principal amount, maturity schedule and interest rates for the Series 2009 A Bonds presented to the City by the Original Purchaser, and after making allowance for the use of cash on hand of the City, the Series 2009 A Bonds show a net present value debt service savings to the City after deducting all expenses of the refunding and the costs of issuing the Series 2009 A Bonds.

E. The City shall not sell the Series 2009 A Bonds without setting forth in the Supplemental Resolution the determination set forth in paragraph D above, based upon the actual principal amount, maturity schedule and interest rates for the Series 2009 A Bonds, and the City shall not issue the Series 2009 A Bonds without having obtained from an Independent Certified Public Accountant a certification that the amount of savings stated to be achieved by the refunding shall in fact be saved, based upon their review, comparison and analysis of the net interest cost in dollars of the Series 2009 A Bonds and the net interest cost in dollars of the Prior Bonds.

F. The period of usefulness of the Facility is not less than twenty-five (25) years.

G. There are outstanding the Issuer's Civic Center Improvement Bonds, Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount of $3,635,000 with which the Series 2009 A Bonds will rank on a parity as to lien on and source of and security for payment.

H. The Issuer is not in default under the terms of any document and has complied with all requirements with respect to the issuance of the Series 2009 A Bonds.

I. The estimated revenues to be derived in each year from hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes will be sufficient to pay all the principal of and interest on the Series 2009 A Bonds (as hereinafter defined) and all debt service and other payments provided for herein.

J. The Issuer has complied with all requirements of West Virginia law relating to the issuance of the Bonds, or will have so complied prior to issuance of the Bonds.

K. It is in the best interests of the Issuer that the Bonds be sold to Crews & Associates, Inc. (the "Purchaser"), pursuant to the terms and provisions of a Bond Purchase Agreement to be entered into between the Purchaser and the City.

L. The City shall not permit at any time any of the proceeds of the Series 2009 A Bonds or other funds of the City to be used directly or indirectly in any manner which would result in the exclusion of the Series 2009 A Bonds from the treatment afforded by Section 103(a) of the Code.

M. The City will file all statements, instruments and returns necessary to assure the tax-exempt status of the Series 2009 A Bonds.

N. The Series 2009 A Bonds will not be federally guaranteed within the meaning of Section 149(b) of the Code.

Section 1.03. Ordinance to Constitute Contract. In consideration of the acceptance of the Bonds by the Purchasers, this Ordinance (the "Ordinance") shall be deemed to be and shall constitute a contract between the Issuer and the Purchasers, and the covenants and agreements set forth herein to be performed by the Issuer shall be for the benefit, protection and security of the Registered Owner of the Bonds.

Section 1.04. Definitions. The following terms shall have the following meanings herein unless the text otherwise expressly requires:

"Act" means Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code, as amended.

"City Clerk" means the City Clerk of the Governing Body.

"Commission" means the West Virginia Municipal Bonds Commission or any other agency of the State of West Virginia that succeeds to the functions of the Commission.

"Depository Bank" means the bank or trust company which is a member of FDIC and its successors and assigns or such other qualified bank or trust company designated in the Supplemental Resolution.

"Escrow Agent" shall mean the Escrow Agent with respect to each Escrow Agreement, which shall be appointed pursuant to a resolution supplemental hereto.

"Escrow Agreement" shall mean the agreements between the City and the Escrow Agent, substantially in the form of the agreement attached to a resolution supplemental hereto and by this reference made a part hereof, relating to the refunding and defeasance of the Prior Bonds.

"Escrow Fund" shall mean the escrow fund created by each Escrow Agreement.

"Facility" or "Facilities" means all the land and tangible properties of the Charleston Civic Center Coliseum and also any tangible properties which may hereafter be added to the Facility by addition, betterments, extensions and improvements thereto and properties, furniture, fixtures or equipment therefor, hereafter at any time constructed or acquired.

"FDIC" means the Federal Deposit Insurance Corporation.

"Fiscal Year" means each year beginning on July 1 and ending on the succeeding June 30.

"Governing Body" means the City Council of the Issuer.

"Government Obligations" means direct obligations of or obligations the principal of and interest on which are guaranteed by, the United States of America.

"Herein" means in this Ordinance.

"Holder of the Bonds" or any similar term means any person who shall be the registered owner of the Bonds.

"Issuer" or "City" means City of Charleston, Kanawha County, West Virginia, and, where appropriate, also means the Governing Body.

"Mayor" means the Mayor or the Acting Mayor of the Governing Body.

"Ordinance" means this Ordinance and all resolutions supplemental hereto.

"Prior Ordinance" means the Ordinance authorizing the Series 1998 Bonds enacted September 8, 1998.

"Project" means the Project as defined in the Ordinance of the City authorizing the issuance of the Refunded Bonds enacted December 6, 1999.

"Purchasers" means Crews & Associates, Inc. and any successor or successors thereto.

"Qualified Investments" means and include any of the following:

(a) Government Obligations;

(b) Government Obligations which have been stripped of their unmatured interest coupons, interest coupons stripped from Government Obligations, and receipts or certificates evidencing payments from Government Obligations or interest coupons stripped from Government Obligations;

(c) Bonds, debentures, notes or other evidence of indebtedness issued by any of the following agencies: Banks for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank Facility; Export-Import Bank of the United States; Federal Land Banks; Government National Mortgage Association; Tennessee Valley Authority; or Washington Metropolitan Area Transit Authority;

(d) Any Bonds, debenture, note, participation certificate or other similar obligations issued by the Federal National Mortgage Association to the extent such obligation is guaranteed by the Government National Mortgage Association or issued by any other federal agency and backed by the full faith and credit of the United States of America;

(e) Time accounts (including accounts evidenced by time certificates of deposit, time deposits or other similar banking arrangements) which, to the extent not insured by the FDIC or Federal Savings and Loan Insurance Corporation, shall be secured by a pledge of Government Obligations, provided, that said Government Obligations pledged either must mature as nearly as practicable coincident with the maturity of said lime accounts or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said time accounts;

(f) Money market funds or similar funds whose only assets are investments of the type described in paragraphs (a) through (e) above;

(g) Repurchase agreements, fully secured by investments of the types described in paragraphs (a) through (e) above, with banks or national banking associations which are members of FDIC or with government bond dealers recognized as primary dealers by the Federal Reserve Bank of New York provided, that said investments securing said repurchase agreements either must mature as nearly as practicable coincident with the maturity of said repurchase agreements or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said repurchase agreements, and provided further that the holder of such repurchase agreement shall have a prior perfected security interest in the collateral therefor, must have (or its agent must have) possession of such collateral, and such collateral must be free of all claims by third parties;

(h) The West Virginia "consolidated fund" managed by the West Virginia State Board of Treasury Investments pursuant to Chapter 12, Article 6C, of the West Virginia Code of 1931, as amended; and

(i) Obligations of states or political subdivisions or agencies thereof the interest on which is excluded from gross income for federal income tax purposes, and which are rated at least "A" by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

"Redemption Accounts" means the redemption account within the Series 2009 A Sinking Fund established by Section 4.01 of this Ordinance.

"Redemption Price" means the price paid for redemption of the Series 2009 A Bonds as set forth in the redemption provisions determined in the Supplemental Resolution.

"Refunded Bonds" or "Series 1999 Bonds" means the $4,060,000 City of Charleston Civic Center Improvement Bonds, Series 1999, to be refunded by the Series 2009 A Bonds.

"Registrar" or "Bond Registrar" means the Bank or Trust Company designated by the Issuer in the Supplemental Resolution.

"Representation Letter" means the DTC Letter of Representation of the City.

"Series 1998 Bonds" means the City's Civic Center Improvement Bonds, Series 1998 issued on September 11, 1998, in the aggregate principal amount of $3,635,000.

"Series 2009 A Bonds" or "Bonds" means the City's Civic Center Improvement Refunding Bonds, Series 2009 A, authorized by this Ordinance.

"Tax Revenues" means (i) the specified tax revenues dedicated for such purposes by the City to pay debt service on the Series 2009 A Bonds and consisting of coal severance taxes and hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) received or collected by the City and (ii) any other revenues dedicated for such purposes by the City to pay debt service on the Series 2009 A Bonds and the Series 1998 Bonds and on any additional bonds issued under the Ordinance.

"Term Bonds" means the Series 2009 A Bonds subject to mandatory sinking fund redemption, as described by Section 3.09 of this Ordinance.

Words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include firms and corporations; words importing the masculine, feminine or neuter genders shall include any other gender; and any requirement for execution, sealing and/or attestation of the Bonds or any certificate or other document by the City Clerk shall mean that such Bond certificate or other document which may be executed, sealed and/or attested by an Acting City Clerk.

ARTICLE II

AUTHORIZATION OF REFUNDING AND REDEMPTION OF THE SERIES 1999 BONDS

Section 2.01. Authorization of Refunding and Redemption of the Series 1999 Bonds. The lien of the Series 1999 Bonds outstanding as of the date of issuance of the Note imposed by the Prior Ordinance on the Tax Revenues is hereby ordered terminated, discharged and released upon the payment onto the Series 1999 Escrow Fund from the proceeds of the Series 2009 A Bonds, together with other moneys available therefor, including those moneys transferred as provided below, of the following: (a) an amount equal to the fiscal and paying agent charges, and (b) an amount which will be simultaneously invested in United States Treasury Obligations bearing interest and having maturities sufficient to provide (i) for the payment of the principal of the Series 1999 Bonds as the same mature on each principal payment date established with respect thereto prior to the Series 1999 Bonds Redemption Date, if any, established for such Series 1999 Bonds, (ii) for the payment of the redemption price of the Series 1999 Bonds outstanding on the Series 1999 Bonds Redemption Date, if any, established for such Series 1999 Bonds, and (iii) for the payment of the interest on the Series 1999 Bonds as the same becomes due. Contemporaneously with the deposit of proceeds of the Series 2009 A Bonds into the Series 1999 Escrow Fund, and as prescribed by the Series 1999 Escrow Agreement, the amounts on deposit in the sinking fund created and maintained on behalf of the Series 1999 Bonds shall be deposited into the Series 1999 Escrow Fund and simultaneously invested as provided in the Series 1999 Escrow Agreement. The proceeds of the Bonds hereby authorized shall be applied as provided in Article IV hereof

ARTICLE III

AUTHORIZATION, TERMS, EXECUTION, REGISTRATION AND ISSUANCE OF BONDS

Section 3.01. Authorization of Bonds. Subject and pursuant to the provisions hereof, the Bonds of the Issuer to be known as "City of Charleston, Civic Center Improvement Refunding Bonds, Series 2009 A" in the principal amount not to exceed $3,500,000, is hereby authorized to be issued for the purpose of financing the cost of refunding the Refunded Bonds.

Section 3.02. Description of Bonds. The Bonds shall be issued in registered form, from No. R-1 upward, and shall be dated on the date of delivery. The Bonds shall bear interest from the date, payable semi-annually at the rates per annum and shall be sold for the par value thereof as set forth herein or in a Supplemental Resolution. The Bonds shall be payable as to principal at the office of the Paying Agent in any coin or currency which on the respective date of payment of principal and interest, is legal tender for the payment of public or private debts under the laws of the United States of America. Interest on the Bonds shall be paid by check or draft of the

Paying Agent mailed to the Registered Owner thereof at the address that appears on the books of the Registrar or, in the event of a default in the payment on the Series 2009 A Bonds, that special record date to be fixed by the Registrar by notice given to the Registered Owners not less than ten (10) days prior to said special record date (the "Special Record Date") or, if requested in the case of such an owner of $1,000,000 or more in principal amount of Series 2009 A Bonds, by wire transfer to a domestic bank account specified in writing at least five (5) days prior to the Record Date by such owner.

The Series 2009 A Bonds shall, at the option of the City, be redeemable in whole or in part, at the times, in the manner, and upon payment of the redemption prices, as provided in the Supplemental Resolution.

Section 3.03. Execution of Bonds. The Bonds shall be executed in the name of the Issuer by the Mayor or and its corporate seal shall be affixed thereto and attested by the City Clerk, and the Mayor and the City Clerk are hereby authorized to execute the Bonds and such other documents as are necessary to finalize this transaction. In case any one or more of the officers who shall have signed or sealed the Bonds shall cease to be such officer of the Issuer before the Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any Bonds may be signed and sealed on behalf of the Issuer by such person as at the actual time of the execution of such Bonds shall hold the proper office in the Issuer, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

Section 3.04. Authentication and Registration. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Ordinance unless and until the Certificate of Authentication and Registration on such Bond, substantially in the form set forth in a resolution supplemental hereto, shall have been duly manually executed by the Registrar. Any such executed Certificate of Authentication and Registration upon any such Bond shall be-conclusive evidence that such Bond has been authenticated, registered, and delivered under this Ordinance. The Certificate of Authentication and Registration on any Bond shall be deemed to have been executed by the Registrar if manually signed by any authorized officer of the Registrar, but it shall not be necessary that the same officer sign the Certificate of Authentication and Registration on all of the Bonds issued hereunder.

Section 3.05. Book Entry System for Bonds. A. Each series of the Series 2009 A Bonds shall initially be issued in the form of one fully-registered bond for the aggregate principal amount of the Series 2009 A Bonds of each maturity, registered in the name of CEDE & CO., as nominee of DTC. Except as provided in paragraph E below, all of the Series 2009 A Bonds shall be registered in the registration books kept by the Registrar in the name of CEDE & CO., as nominee of DTC; provided that if DTC shall request that the Series 2009 A Bonds be registered in the name of a different nominee, the Registrar shall exchange all or any portion of the Series 2009 A Bonds registered in the name of such nominee or nominees. No person other than DTC or its nominee shall be entitled to receive from the City or the Registrar either a Series 2009 A Bond or any other evidence of ownership of the Series 2009 A Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all

or any portion of the Series 2009 A Bonds on the registration books maintained by the Registrar, in connection with discontinuing the book entry system as provided in paragraph E below.

B. At or prior to settlement for the Series 2009 A Bonds, the City and the Registrar shall execute or signify their approval of a representation letter addressed to DTC in a form satisfactory to DTC (the "Representation Letter"). Any successor Registrar shall, in its written acceptance of its duties under this Ordinance, agree to take any actions necessary from time to time to comply with the requirements of the Representation Letter.

C. So long as the Series 2009 A Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or Redemption Price of or interest on such Series 2009 A Bonds shall be made to DTC or its nominee at the addresses set forth in the Representation Letter in New York Clearing House or equivalent next day funds on the dates provided for such payments to be made to any Registered Owner under this Ordinance. Each such payment to DTC or its nominee shall be valid and effective to fully discharge all liability of the City and the Registrar with respect to the principal or Redemption Price of or interest on the Series 2009 A Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the Series 2009 A Bonds Outstanding of any maturity, the Registrar shall not require surrender by DTC of the Series 2009 A Bonds so redeemed, but DTC may return such Series 2009 A Bonds and make an appropriate notation on the Series 2009 A Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Registrar, upon request, a written confirmation of such partial redemption. The records maintained by the Registrar shall be conclusive as to the amount of the Series 2009 A Bonds of such maturity which have been redeemed.

D. The City, the Paying Agent and the Registrar may treat DTC as the sole and exclusive owner of the Series 2009 A Bonds registered in its name or the name of its nominee for the purposes of payment of the principal or Redemption Price of or interest on the Series 2009 A Bonds, selecting the Series 2009 A Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Registered Owners under this Ordinance, registering the transfer of Series 2009 A Bonds, obtaining any consent or other action to be taken by the Registered Owners and for all other purposes whatsoever; and neither the City nor the Registrar shall be affected by any notice to the contrary. Neither the City nor the Registrar shall have any responsibility or obligation to any direct or indirect participant in DTC, any person claiming a beneficial ownership interest in the Series 2009 A Bonds under or through DTC or any such participant, or any other person which is not shown on the registration books of the Registrar as being a Registered Owner with respect to (i) the Series 2009 A Bonds, (ii) the accuracy of any records maintained by DTC or any such participant, (iii) the payment by DTC or any such participant of any amount in respect of the principal or Redemption Price of or interest on the Series 2009 A Bonds, (iv) any notice which is permitted or required to be given to the Registered Owners under this Ordinance, (v) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the Series 2009 A Bonds or (vi) any consent given or other action taken by DTC as Registered Owner.

E. The book entry system for registration of the ownership of the Series 2009 A Bonds may be discontinued at any time if either: (i) DTC determines to resign as securities

depository for the Series 2009 A Bonds; or (ii) the City determines that continuation of the system of book entry transfers through DTC (or through a successor securities depository) is not in the best interest of the beneficial owners of the Series 2009 A Bonds. In either of such events (unless in the case described in clause (ii) above, the City appoints a successor securities depository), the Series 2009 A Bonds shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated by DTC, but without any liability on the part of the City or the Registrar for the accuracy of such designation. Whenever DTC requests the City and the Registrar to do so, the City and the Registrar shall cooperate with DTC in taking appropriate action after reasonable notice to arrange for another securities depository to maintain custody of certificates evidencing the Series 2009 A Bonds.

Section 3.06 Negotiability, Registration, Transfer and Exchange of Bonds. The Bonds shall be and have all the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, but the Bonds may only be transferred by transfer of the registration thereof upon the books required to be kept pursuant to Section 3.05 hereof, by the party in whose name it is registered, in person or by attorney duly authorized in writing, upon surrender of the Bonds for cancellation, accompanied by delivery of a written instrument of transfer, duly executed in a form acceptable to the Registrar. No interest in the Bonds shall be transferable except by means of transfer of registration of the Bonds representing such interest and delivery of a new Bond or Bonds in exchange therefor in accordance with this Bond Ordinance.

Whenever the Bonds shall be surrendered for registration of transfer, the Issuer shall execute and deliver a new Bond or Bonds in authorized denominations, for a like aggregate principal amount. The Registrar shall require the payment by the new owner requesting such transfer of any tax or other governmental charge required to be paid with respect to such transfer, but the Issuer shall pay any other expenses incurred by the Registrar with respect to such transfer,

No registration of transfer of a Bond shall be permitted to be made after the 15th day next preceding any installment payment date on that Bond.

Section 3.07. Registrar. The Registrar will keep or cause to be kept by its agent at its office, sufficient books for the registration and transfer of the Bonds, and upon presentation for such purpose, the Registrar shall, under such reasonable regulations as it may prescribe, register the Bonds initially issued pursuant hereto and register the transfer, or cause to be registered by its agent, on such books, the transfer of the Bonds as hereinbefore provided.

The Registrar shall accept the Bonds for registration or transfer only if ownership thereof is to be registered in the name of an individual (including joint ownership), a corporation, a partnership or a trust, and only upon receipt of the social security number of each individual, the federal employer identification number of each corporation or partnership or social security numbers of the settlor and beneficiaries of each trust and the name of the trustee of each trust and/or such other identifying number and information as may be required by law.

Section 3.08. Bond Mutilated, Destroyed. Stolen or Lost, In case any of the Bonds shall become mutilated or be destroyed, stolen or lost, the Issuer may in its discretion issue and deliver a new Bond of like tenor as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the holder's furnishing the Issuer proof of his, her or its ownership thereof and complying with such other reasonable regulations and conditions as the Issuer may require. The Bond so surrendered shall be canceled and held for the account of the Issuer, If the Bond shall have matured or be about to mature, instead of issuing a substitute Bond the Issuer may pay the same, and if such Bond be destroyed, stolen or lost, without surrender thereof.

Section 3.09. Term Bonds. In the event Term Bonds are issued pursuant to this Ordinance, the following provisions shall apply:

A. The amounts to be deposited, apportioned and set apart by the City from the Revenue Fund and into the Redemption Accounts for the Series 2009 A Bonds in accordance with Subsection 4.04(B) shall include (after credit as provided below) on the first of each month, beginning on the first day of that month which is 12 months prior to the first mandatory Redemption Date of said Term Bonds, a sum equal to $1/12^{th}$ of the amount required to redeem the principal amount of such Term Bonds which are to be redeemed as of the next ensuing mandatory Redemption Date, which amounts and dates, if any, with respect to a series of Bonds shall be set forth in the Supplemental Resolution relating thereto.

B. At its option, to be exercised on or before the 60th day next preceding any such mandatory Redemption Date, the City may (a) deliver to the Registrar for cancellation such Term Bonds in any aggregate principal amount desired or (b) receive a credit in respect of its mandatory redemption obligation for any such Term Bonds which prior to said date have been redeemed (otherwise than pursuant to this section) and canceled by the Registrar and not theretofore applied as a credit against any such mandatory redemption obligation. Each Term Bond so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on such mandatory Redemption Date, and Term Bonds delivered in excess of such mandatory redemption obligation shall be credited against future mandatory redemption obligations in the order directed by the City, and the principal amount of such Term Bonds to be redeemed pursuant to mandatory sinking fund redemption shall be accordingly reduced.

C. The City shall on or before the 60th day next preceding each mandatory Redemption Date furnish the Registrar and the Commission with its certificate indicating whether and to what extent the provisions of (a) and (b) of the preceding paragraph are to be utilized with respect to such mandatory redemption payment and stating, in the case of the credit provided for in (b) of the preceding paragraph, that such credit has not theretofore been applied against any mandatory redemption obligation.

D. After said 60th day but prior to the date on which the Registrar selects the Term Bonds to be redeemed, the Commission may use the moneys in the Redemption Accounts for the Series 2009 A Bonds to purchase Term Bonds at a price less than the par value thereof and accrued interest thereon. The Commission shall advise the City and the Registrar of any

Term Bonds so purchased, and they shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on such mandatory Redemption Date, and any excess shall be credited against future mandatory redemption obligations in the order directed by the City, and the principal amount of such Term Bonds to be redeemed pursuant to mandatory sinking fund redemption shall be accordingly reduced.

E. The Registrar shall call for redemption, in the manner provided herein, an aggregate principal amount of such Term Bonds, at the principal amount thereof plus interest accrued to the Redemption Date (interest to be paid from the Sinking Funds of the Series 2009 A Bonds), as will exhaust as nearly as practicable the Redemption Account payment designated to be made in accordance with paragraph (A) of this section. Such redemption shall be by random selection made on the 45th day preceding the mandatory Redemption Date, in such manner as may be determined by the Registrar. For purposes of this section, "Term Bonds" shall include any portion of a fully registered Term Bond, in integrals of $5,000.

Section 3.10. Bonds Secured by Pledge of Revenues. The payment of the debt service of the Bonds shall be secured forthwith by a lien on the Tax Revenues derived from and a statutory mortgage lien on the hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14 (b) of the Code of West Virginia of 1931, as amended) and coal severance taxes pledged therefor, Such lien shall be on a parity with the liens securing $3,635,000 City of Charleston (West Virginia), Civic Center Improvement Bonds, Series 1998 (the 'Series 1998 Bonds") and any other additional bonds, issued pursuant to Section 5.02 of this Ordinance.

Section 3.11. Notice of Redemption. (a) The Registrar shall cause notice of any redemption of Bonds to be mailed by first class mail to the Owners of all Bonds to be redeemed at the addresses thereof appearing in the Bond Register. Each such notice shall (i) be mailed not more than 60 days nor less than 30 days prior to the redemption date, (ii) identify the Bonds to be redeemed (specifying the CUSIP numbers, if any, assigned to the Bonds), (iii) specify the redemption date and the Redemption Price, and (iv) state that on the redemption date the Bonds called for redemption will be payable at the principal corporate trust office of the Paying Agent, that from that date the Bonds called for redemption will be deemed to be paid, and interest will cease to accrue, and that no representation is made as to the accuracy or correctness of the CUSIP numbers printed therein or notice of redemption or mailing thereof (including any failure to mail such notice), shall affect the validity of the redemption proceedings for any other Bonds for which notice was properly given.

(b) If at the time of mailing of any notice of redemption the City shall not have deposited with the Paying Agent moneys sufficient to redeem all the Bonds called for redemption, such notice shall state that it is subject to the deposit of such moneys with the Paying Agent not later than the opening of business on the redemption date and shall be of no effect unless such moneys are so deposited. If such moneys are not deposited by such date and time, the Registrar promptly shall notify the Owners of all Bonds called for redemption of such fact.

(c) So long as DTC (as CEDE & CO.) is the Registered Owner of the Series 2009 A Bonds, the Registrar shall send all notices of redemption to DTC and shall verify that DTC has received notice. Copies of all redemption notices relating to optional redemption of the Series 2009 A Bonds shall also be sent to registered securities depositories.

All official notices of redemption shall be dated and shall state:

(1) The Redemption Date,

(2) The Redemption Price,

(3) If less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(4) That on the Redemption Date, the Redemption Price and interest accrued will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date,

(5) The place where such Bonds are to be surrendered for payment of the Redemption Price, which place of payment shall be the principal office of the Paying Agent, and

(6) Such other information, if any, as shall be required for DTC-eligible Bonds.

Section 3.12. Form of Bond. Subject to the provisions hereof the text of the Bond and the other details thereof shall be of substantially the following tenor, with such omissions, insertions and variations as may be authorized or permitted hereby or any supplemental resolution adopted after the date of adoption hereof and prior to the issuance thereof

(FORM OF BOND)

No.R-__ $_____

CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS, SERIES 2009 A

INTEREST RATE	BOND DATE	MATURITY DATE	CUSIP
_____%	_____ 1, 2009	December 1, 20__	_____

REGISTERED OWNER: THE DEPOSITORY TRUST COMPANY

PRINCIPAL AMOUNT: $ _____

FOR VALUE RECEIVED, the CITY OF CHARLESTON, a municipal corporation and political subdivision of the State of West Virginia, in Kanawha County of said State (herein called "Issuer") hereby promises to pay to the order of The Depository Trust Company, or its registered assigns, at New York New York or at such other place as may hereafter be designated in writing the principal sum of _____ and 00/100 Dollars ($), plus interest on the unpaid principal balance at the rate of_____ (_%) per annum. The said principal and interest shall be paid in the following installments on the following dates: Semiannual installments of principal and interest on June 1 and December 1 of each year, beginning _____ 1, 2010, except that the final installment shall be paid on the Maturity Date, and except that prepayments may be made as provided hereinbelow. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

Every payment made on any indebtedness evidenced by this Bonds shall be applied first to interest computed to the effective date of the payment and then to the principal. Payments shall be made at the office of the West Virginia Municipal Bond Commission, Charleston, West Virginia, and shall be mailed to the registered owner hereof at the address as it appears on the books of the Registrar.

At the option of the City, this Bond is subject to redemption prior to maturity on or after _____ 1, 20__, in whole or in part, at any time, in inverse order of maturity by lot within a maturity, at par, plus interest, if any, accrued to the date for redemption.

If the Registered Owner at any time assigns this Bond and insures the payment thereof; Issuer shall continue to make payments to the Registered Owner as collection agent for the holder.

THIS BOND IS ISSUED ON A PARITY WITH RESPECT TO LIENS, PLEDGE AND SOURCE OF SECURITY FOR PAYMENT, AND IN ALL RESPECTS, WITH THE CITY'S CIVIC CENTER IMPROVEMENT BONDS, SERIES 1998, DATED SEPTEMBER 1, 1998,

ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $3,635,000 (THE "SERIES 1998 BONDS").

This Bond, the Series 1998 Bonds and any other additional bonds ranking on a parity herewith which may be issued and outstanding for the purpose of providing funds for financing costs of construction of improvements to the Facility (the "Facility") of the Issuer or refunding other parity bonds, is payable solely from (i) the City's receipt or collection of hotel-motel occupancy taxes (as limited by the amount payable by the Issuer under the provisions of Chapter 7, Article 18, Section 14(b) of the Code of West Virginia of 1931, as amended) and coal severance taxes, and (ii) any other revenues dedicate for such purposes by the City to pay debt service on the Series 2009 A Bonds, Series 1998 Bonds and on any additional bonds issued under the Ordinance (the "Tax Revenues"). This Bond does not in any manner constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation nor shall the City be obligated to pay the same or the interest hereon except from said special fund provided from the collection of the Tax Revenues.

Registration of this Bond is transferable by the registered owner hereof in person or by his, her or its attorney duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the herein defined Bond Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds, of authorized denomination or denominations, for the like principal amount, will be issued to the transferee in exchange herefor.

This Bond, under the provisions of the Act, is and has all the qualities and incidents of a negotiable instrument under the Uniform Commercial Code of the State of West Virginia, but may only be transferred by transfer of registration hereof with the Bond Registrar.

This Bond has been issued under and in full compliance with the Constitution and statutes of the State of West Virginia, including, among others, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the West Virginia Code (herein called the "Act").

IN WITNESS WHEREOF, the CITY OF CHARLESTON has caused this Bond to be executed by its Mayor and its corporate seal to be hereunto affixed or imprinted hereon and attested by its City Clerk, all as of the date hereinabove written.

CITY OF CHARLESTON

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This is to certify that this Bond is one of the Bonds described in and issued under the provisions of the within-mentioned Bond Ordinance and has been duly registered in the name of the registered owner set forth above.

Dated: _____, 2009

_____,
as Registrar

By: _____
Authorized Officer

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sells, assigns, and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ Attorney to transfer the said Bond on the books kept for registration of the within Bond of the said Issuer with full power of substitution in the premises.

DATED:_____

In the presence of:

ARTICLE IV

REVENUES AND APPLICATION THEREOF; DISPOSITION OF BOND PROCEEDS; FUNDS AND ACCOUNTS

Section 4.01. Establishment of Funds and Accounts with Depository Bank. The following special funds or accounts are created and established with and shall be held by the Depository Bank, separate, distinct and apart from all other funds or accounts of the Depository Bank and from each other:

(1) Revenue Fund (established by the Prior Ordinance);

(2) Costs of Issuance Fund; and

(3) Series 2009 A Bonds Rebate Fund.

Section 4,02. Establishment of Funds and Accounts with Commission. The following special fund is hereby created and established with the Commission:

(1) Series 2009 A Bonds Sinking Fund (including a Redemption Account, if necessary).

Section 4.03. Disposition of Proceeds of Series 2009 A Bonds. Upon the issuance and delivery of the Series 2009 A Bonds, the City shall forthwith deposit the proceeds thereof as follows:

A. An amount of the proceeds of the Series 2009 A Bonds which, together with other moneys or securities deposited therein and the earnings thereon, shall be sufficient to accomplish the refunding and defeasance of the Series 1999 Bonds (which amount shall be set forth in the Escrow Agreement) shall be deposited in the Escrow Fund.

B. The balance of the proceeds of the Series 2009 A Bonds shall be deposited with the Depository Bank in the Costs of Issuance Fund and shall be drawn out, used and applied by the City solely to pay costs of issuance of the Series 2009 A Bonds and miscellaneous costs of refunding the Prior Bonds at the written direction of the City. All such costs of issuance shall be paid within 60 days of the Closing Date. Moneys not to be applied immediately to pay such costs of issuance and refunding may be invested in accordance with this Ordinance, subject however, to applicable yield restrictions as may be in effect under the Code. If for any reason such proceeds, or any part thereof, are not necessary for, or are not applied to such purpose within 6 months after the Closing Date, such unapplied proceeds shall be transferred by the City to the Redemption Accounts for the Series 2009 A Bonds. All such proceeds shall constitute a trust fund for such purposes, and there hereby is created a lien upon such moneys until so applied in favor of the Registered Owners of the Series 2009 A Bonds.

Section 4.04. Covenants of the Issuer as to Revenues and Funds, So long as any of the Series 2009 A Bonds shall be outstanding and unpaid, or until there shall have been set apart in the Series 2009 A Bonds Sinking Fund a sum sufficient to pay, when due or at the earliest practical prepayment date, the entire principal of the Bonds remaining unpaid, together with interest accrued and to accrue thereon, the Issuer further covenants with the holder of the Series 2009 A Bonds as follows:

(A) Revenue Fund. The Tax Revenues shall be deposited as collected by the Issuer in a special fund in a bank or trust company in the State of West Virginia which is a member of FDIC, which Fund, known as the "Revenue Fund" established with the Depository Bank. The Revenue Fund shall constitute a trust fund for the purposes provided herein and shall be kept separate and distinct from all other funds of the Issuer and used only for the purposes and in the manner provided herein. Provided, however, the amount of Tax Revenues on deposit in the Revenue Fund shall be sufficient to make the next deposit of interest and/or principal into the Series 2009 Bonds Sinking Fund, with any excess Tax Revenues available to the Issuer.

(B) Disposition of Revenues. The Tax Revenues at any time of interest and/or principal on deposit in the Revenue Fund shall be disposed of as follows:

The Issuer shall on or before the due date of payment of each installment of interest and/or principal on the Bonds, transfer from the Revenue Fund and simultaneously deposit into (i) the Series 1998 Bonds Sinking Fund, the amount required to pay the interest on the Series 1998 Bonds, and to amortize the principal of the Series 1998 Bonds over the life of the Series 1998 Bonds, and (ii) the Series 2009 A Bonds Sinking Fund (or such other place as may be provided pursuant to the Bonds), the amount required to pay the interest on the Series 2009 A Bonds, and to amortize the principal of the Series 2009 A Bonds over the life of the Series 2009 A Bonds.

The Commission is hereby designated as the Fiscal Agent for the administration of the Series 2009 A Bonds Sinking Fund, and the Depository Bank is hereby designated as the Fiscal Agent for the administration of the other accounts herein provided, and all amounts required the other accounts will be deposited therein by the Issuer upon transfers of funds from the Revenue Fund at the times provided herein, together with written advice stating the amount remitted for deposit into each such fund.

All the funds provided for in this Section shall constitute trust funds and shall be used only for the purposes and in the order provided herein, and until so used, the Bondholder shall have a lien thereon for further securing payment of the Bonds and the interest thereon, but the Commission and the Depository Bank shall not be a trustee as to such funds.

The Commission and the Depository Bank at the direction of the Issuer, shall keep all funds invested and reinvested to the fullest extent possible in accordance with applicable law, and to the extent practicable, in Qualified Investments having maturities consonant with the required use thereof Investments in any fund or account under this Bond Ordinance shall, unless otherwise provided herein or required by law, be valued at the lower of cost or the then current market value, or at the redemption price thereof if then redeemable at the option of the holder,

including value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held by the "consolidated fund" managed by the West Virginia Board of Treasury Investments. Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account.

(C) Change of Depository Agent and Fiscal Agent. The Issuer may designate another bank or trust company insured by FDIC as Fiscal Agent and Depository Bank if the aforesaid Bank should cease for any reason to serve or if the Governing Body determines by ordinance that said Bank or its successor should no longer serve as Fiscal Agent or Depository Bank. Upon any such change, the Governing Body will cause notice of the change to be sent by registered or certified mail to the Purchasers,

(D) Charges and Fees. The Issuer shall remit from the Revenue Fund to the Commission and to the Depository Bank such additional sums as shall be necessary to pay the charges and fees of the Commission and the Depository Bank then due.

(E) Investment of Excess Balances. The moneys in excess of the sum insured by the maximum amounts insured by FDIC in any of such funds or accounts shall at all times be secured, to the full extent thereof in excess of such insured sum, in a lawful manner for securing deposits of state and municipal funds under the laws of the State.

(F) Remittances. Any remittances made by the Issuer to the Commission and to the Depository Bank shall clearly identify the fund or account into which each amount is to be deposited,

ARTICLE V

GENERAL COVENANTS

Section 5.01. General Statement. So long as the Bonds shall be outstanding and unpaid, the covenants and agreements contained herein shall be and constitute valid and legally binding covenants between the Issuer and the Purchasers.

Section 5.02. Issuance of Additional Parity Bonds or Obligations. Additional bonds or obligations payable out of the Tax Revenues pledged toward repayment of the Series 2009 A Bonds may be issued at any time upon the Issuer's completion, execution and tender of its certificate demonstrating a debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Series 2009 A Bonds, the Series 1998 Bonds and any additional parity bonds issued during the most recent fiscal year and a projected debt service coverage ratio of 110% of Tax Revenues to pay debt service on the Series 2009 A Bonds, the Series 1998 Bonds, any additional bonds issued and the additional parity bonds to be issued over the next 3 years. In the event that the collection of Tax Revenues falls below one hundred ten percent (110%) the City will use its best efforts to request and secure legislative approval to increase the rates and /or percentages from the different components of Tax Revenues which are paid to the City.

Section 5.03. Insurance and Bonds. The Issuer hereby covenants and agrees that it will, as an expense of construction, operation and maintenance of the Facility, procure, carry and maintain, so long as the Bonds remains outstanding, insurance with a reputable insurance carrier or carriers covering the following risks and in the following amounts:

(a) Real Property Insurance, to be procured upon any portion of the Facility now in use, in an amount equal to the full insurable value thereof. In the event of any damage to or destruction of any portion of the Facility, the Issuer will promptly arrange for the application of the insurance proceeds for the repair or reconstruction of such damaged or destroyed portion.

(b) Public Liability Insurance, with limits of not less than $500,000 for one or more persons injured or killed in one accident to protect the Issuer from claims for bodily injury and/or death, and not less than $200,000 to protect the Issuer from claims for damage to property of others which may arise from the operation of the Facility, such insurance to be procured not later than the date of delivery of the Bonds.

(c) Vehicular Public Liability Insurance, in the event the Issuer owns or operates any vehicle in the operation of the Facility, or in the event that any vehicle not owned by the Issuer is operated at any time or times for the benefit of the Issuer, with limits of not less than $500,000 for one or more persons injured or killed in one accident to protect the Issuer from claims for bodily injury and/or death, and not less than $200,000 to protect the Issuer from claims for damage to property of others which may arise from such operation of vehicles, such insurance to be procured prior to acquisition or commencement of operation of any such vehicle for the Issuer,

(d) Workers' Compensation Coverage for all Employees of the City Eligible Therefor and Performance and Payment Bonds. Workers' compensation insurance will be maintained as required by the laws of the State of West Virginia

(e) Fidelity Bonds will be provided as to every member of the Governing Body and every officer and employee of the City having custody of the Revenue Fund or of any revenues or other funds of the Facility in an amount at least equal to the total annual debt service requirements for all outstanding loans.

(f) Flood Insurance to be procured, to the extent available at reasonable cost to the Issuer.

(g) Provided, however, and in lieu of and notwithstanding the foregoing provisions of this Section and so long as the Bonds are outstanding, the Issuer will carry insurance and Bonds or cause insurance and Bonds to be carried for the protection of the Issuer of such types and in such amounts as the Purchasers may specify, with insurance carriers or Bonding companies acceptable to the Purchasers.

Section 5.04. Statutory Mortgage. For the further protection of the holders of the Bonds, a statutory mortgage lien upon the Tax Revenues is granted and created by the Act, which statutory mortgage lien is hereby recognized and declared to be valid and binding and shall take

effect immediately upon delivery of the Bonds. Such statutory mortgage lien shall be on a parity with the statutory mortgage lien granted on behalf of the holders of the Series 1998 Bonds.

Section 5.05. Events of Default. Each of the following events is hereby declared an "Event of Default":

(A) Failure to make payment of any monthly amortization installment at the date specified for payment thereof on the Series 2009 A Bonds, the Series 1998 Bonds or any additional parity bonds issued and/or;

(B) Failure duly and punctually to observe or perform any of the covenants, conditions and agreements on the part of the Issuer contained in the Bonds or herein, or violation of or failure to observe any provision of any pertinent law or of this Bond Ordinance.

Section 5.06. Enforcement. Upon the happening of any Event of Default specified above, then, and in every such case, the Registered Owner may proceed to protect and enforce its rights by an appropriate action in any court of competent jurisdiction, either for the specific performance of any covenant or agreement, or execution of any power, or for the enforcement of any proper legal or equitable remedy as shall be deemed most effectual to protect and enforce such rights and shall have all rights prescribed by the Act, W.Va. Code and other applicable law.

Section 5.07. Reserved.

Section 5.08. Tax Covenants as to Tax Exempt Status of Bonds.

1. The Issuer covenants that (a) it shall not permit or cause to be done any act or thing which would result in the loss of exemption from tax of interest on the Bonds under Section 103(a) of the Internal Revenue Code and the regulations thereunder, or under any successor or similar provision of the Internal Revenue Code hereinafter enacted and applicable to the Bonds and regulations thereunder (b) it shall not invest or otherwise use or permit or cause to be invested or used, any of the proceeds of the Bonds, or moneys deemed to be proceeds of the Bonds under the Internal Revenue Code, directly or indirectly, in any manner which would result in such Bonds being classified as an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Service Code or regulations thereunder, and each shall comply with the requirements of such Section and (c) no part of the proceeds of the Bonds or any funds held under the Ordinance shall at any time be used directly or indirectly for any purpose for which would cause the Bonds to be subject to treatment as a "private activity bond" under the Internal Revenue Code or regulations thereunder and to that end the Issuer will comply with the applicable law as long as the Bonds are outstanding.

2. The Issuer hereby further covenants and agrees as follows:

A. PRIVATE BUSINESS USE LIMITATION. The Issuer shall assure that (i) not in excess of ten percent (10%) of the Net Proceeds of the Bonds are used for private business use if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Bonds during the term thereof is, under the terms of the Bonds or any

underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a private business use or in payments in respect of property used or to be used for a private business use or is to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for a private business use, and that (ii) in the event that both (A) in excess of five percent (5%) of the Net Proceeds of the Bonds are used for a private business use, and (B) an amount in excess of five percent *(5%)* of the principal or five percent (5%) of the interest due on the Bonds during the term thereof is, under the terms of the Bonds or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for said private business use or in payments in respect of property used or to be used for the Issuer in respect of property or borrowed money used or to be used for said private business use, then said excess over said five percent (5%) of Net Proceeds of the Bonds used for a private business use shall be used for a Private Business Use related to the governmental use of the Project, or if the Bonds are for the purpose of financing more than one project, a portion of the Project, and shall not exceed the proceeds used for the governmental use of that portion of the Project to which such private business use is related.

B. PRIVATE LOAN LIMITATION. The Issuer shall assure that not in excess of five percent (5%) of the Net Proceeds of the Bonds are used, directly or indirectly, to make or finance a loan (other than loans constituting Nonpurpose Investments) to persons other than state or local governmental units.

C. FEDERAL GUARANTEE PROHIBITION. The Issuer shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Bonds to be "federally guaranteed" within the meaning of Section 149 (b) of the Code and Regulations promulgated thereunder.

D. INFORMATION RETURN. The Issuer will file all statements, instruments and returns necessary to assure the tax-exempt status of the Bonds and the interest thereof including without limitation, the information return required under Section 149(e) of the Code.

E. FURTHER ACTIONS. The Issuer will take any and all actions that may be required of it (including those deemed necessary by the Holder) so that the interest on the Bonds will be and remain excludable from gross income for federal income tax purposes, and will not take any actions, or fail to take any actions (including those determined by the Holder) which would adversely affect such exclusion.

Section 5.09. Designation of Series 2009 A Bonds as "Qualified Tax-Exempt Obligations". The City hereby designates the Series 2009 A Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3)(B) of the Code and covenants that the Series 2009 A Bonds do not constitute private activity bonds as defined in Section 141 of the Code, and that not more that $30,000,000 in aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income tax purposes (excluding, however, obligations issued to currently refund any obligation of the City to the extent the amount of the refunding obligation does not exceed the amount of the refunded obligation and private activity bonds, as defined in Section 141 of the Code, other than qualified 501(c)(3) bonds as defined in Section 145 of the Code), including the Series 2009 A Bonds, have

been or shall be issued by the City, including all subordinate entities of the City, during the calendar year 2009.

ARTICLE VI

INVESTMENTS; NON-ARBITRAGE

Section 6.01. Investments. Any moneys held as a part of the funds and accounts created by this Ordinance, other than the Revenue Fund, shall be invested and reinvested by the Commission, the Depository Bank, or such other bank or national banking association holding such fund or account, as the case may be, at the written direction of the City in any Qualified Investments to the fullest extent possible under applicable laws, this Ordinance, the need for such moneys for the purposes set forth herein and the specific restrictions and provisions set forth in this Section 6.01.

Any investment shall be held in and at all times deemed a part of the fund or account in which such moneys were originally held, and the interest accruing thereon and any profit or loss realized from such investment shall be credited or charged to the appropriate fund or account. The investments held for any fund or account shall be valued at the lower of cost or then current market value, or at the redemption price thereof if then redeemable at the option of the holder, including the value of accrued interest and giving effect to the amortization of discount, or at par if such investment is held in the "Consolidated Fund." The Commission shall sell and reduce to cash a sufficient amount of such investments whenever the cash balance in any fund or account is insufficient to make the payments required from such fund or account, regardless of the loss on such liquidation. The Depository Bank may make any and all investments permitted by this section through its own bond department and shall not be responsible for any losses from such investments, other than for its own negligence or willful misconduct.

The Depository Bank shall keep complete and accurate records of all funds, accounts and investments, and shall distribute to the City, at least once each year, or more often as reasonably requested by the City, a summary of such funds, accounts and investment earnings. The City shall retain all such records and any additional records with respect to such funds, accounts and investment earnings so long as any of the Series 2009 A Bonds are Outstanding and as long thereafter as necessary to comply with the Code and to assure the exclusion of interest on the Series 2009 A Bonds from gross income for federal income tax purposes.

Section 6.02. Arbitrage. The City covenants that (i) it will restrict the use of the proceeds of the Series 2009 A Bonds in such manner and to such extent as may be necessary, so that the Series 2009 A Bonds will not constitute "arbitrage bonds" under Section 148 of the Code and the Regulations prescribed thereunder, and (ii) it will take all actions that may be required of it (including, without implied limitation, the timely filing of a federal information return with respect to the Series 2009 A Bonds) so that the interest on the Series 2009 A Bonds will be and remain excluded from gross income for federal income tax purposes, and will not take any actions which would adversely affect such exclusion.

Section 6.03. Tax Certificate and Rebate. The City shall deliver a certificate of arbitrage, a tax certificate or other similar certificate to be prepared by nationally recognized bond counsel or tax counsel relating to payment of arbitrage rebate and other tax matters as a condition to issuance of the Series 2009 A Bonds. In addition, the City covenants to comply with all Regulations from time to time in effect and applicable to the Series 2009 A Bonds as may be necessary in order to fully comply with Section 148(f) of the Code, and covenants to take such actions, and refrain from taking such actions, as may be necessary to fully comply with such Section 148(f) of the Code and such Regulations, regardless of whether such actions may be contrary to any of the provisions of this Ordinance.

The City shall calculate, annually, the rebatable arbitrage, determined in accordance with Section 148(f) of the Code. Upon completion of each such annual calculation, the City shall deposit, or cause to be deposited, in the respective Rebate Fund such sums as are necessary to cause the aggregate amount on deposit in such Rebate Funds to equal the sum determined to be subject to rebate to the United States, which, notwithstanding anything herein to the contrary, shall be paid from investment earnings on the underlying fund or account established hereunder and on which such rebatable arbitrage was earned or from other lawfully available sources. Notwithstanding anything herein to the contrary, such Rebate Funds shall be held free and clear of any lien or pledge hereunder and used only for payment of rebatable arbitrage to the United States. The City shall pay, or cause to be paid, to the United States, from such Rebate Funds, the rebatable arbitrage in accordance with Section 148(f) of the Code and such Regulations. In the event that there are any amounts remaining in such Rebate Funds following all such payments required by the preceding sentence, the Depository Bank shall pay said amounts to the City to be used for any lawful purpose. The City shall remit payments to the United States in the time and at the address prescribed by the Regulations as the same may be from time to time in effect with such reports and statements as may be prescribed by such Regulations. In the event that, for any reason, amounts in such Rebate Funds are insufficient to make the payments to the United States which are required, the City shall assure that such payments are made by the City to the United States, on a timely basis, from any funds lawfully available therefor. The City at its expense, may provide for the employment of independent attorneys, accountants or consultants compensated on such reasonable basis as the City may deem appropriate in order to assure compliance with this Section 6.03. The City shall keep and retain, or cause to be kept and retained, records of the determinations made pursuant to this Section 6.03 in accordance with the requirements of Section 148(f) of the Code and such Regulations. In the event the City fails to make such rebates as required, the City shall pay the required rebate amounts and any and all penalties and interest from lawfully available sources, and obtain a waiver from the Internal Revenue Service, if necessary, in order to maintain the exclusion of interest on the Series 2009 A Bonds from gross income for federal income tax purposes.

ARTICLE VII

MISCELLANEOUS

Section 7.01. Defeasance of Bonds. If the Issuer shall pay or there shall otherwise be paid, to the Holder of the Bonds, the principal of and interest due or to become due thereon, at the times and in the manner stipulated therein and in this Bond Ordinance, then with respect to the Bonds, the pledge of Tax Revenues and other moneys and securities pledged under this Bonds Ordinance and all covenants, agreements and other obligations of the Issuer to the Registered Owner of the Bonds, shall thereupon cease, terminate and become void and be discharged and satisfied.

Section 7.02. Reserved.

Section 7.03. Delivery of Bonds. The Mayor and City Clerk of the Governing Body are hereby authorized and directed to cause the Series 2009 A Bonds to be delivered to the Registered Holder as soon as the Purchasers will accept such delivery.

Section 7.04. Severability of Invalid Provision. If any one or more of the covenants, agreements or provisions hereof should be held contrary to any express provision of law or contrary to the policy of express law, although not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions hereof and shall in no way affect the validity of all the other provisions hereof or the Bonds,

Section 7.05. Conflicting Provisions Repealed. All ordinances and orders, or parts thereof, in conflict with the provisions hereof are, to the extent of such conflicts, hereby repealed.

Section 7.06. Table of Contents and Headings. The Table of Contents and headings of the articles, sections and subsections hereof are for convenience only and shall neither control nor affect in any way the meaning or construction of any of the provisions hereof.

Section 7.07. Modification or Amendment. The Bond Ordinance may not be modified or amended in any material manner after final passage without the prior written consent of the Purchasers and/or holder of the Bonds,

Section 7.08. Covenant of Due Procedure. Etc. The Issuer 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 applicable thereto; and that the Mayor, City Clerk and members of the Governing Body were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 7.09. Supplemental Resolutions. The Issuer may pass such supplemental resolutions, if necessary, to effectuate the purposes and intent of this Ordinance.

Section 7.10. Effective Time. This Ordinance shall take effect immediately upon its adoption.

Section 7.11 Statutory Notice and Public Hearing. A notice of public hearing and abstract of this Bond Ordinance in the form set forth in Exhibit A attached hereto and incorporated by reference, shall be published once a week for two (2) successive weeks within a period of fourteen (14) consecutive days, with at least six (6) full days intervening between each publication, in the Charleston Gazette, a qualified newspaper published and of general circulation in the City of Charleston, together with a notice stating that this Bond Ordinance will be adopted and that the Issuer contemplates the issuance of the Bonds, and that any person interested may appear before the City Council upon a date certain, not less than ten (10) days subsequent to the date of the first publication of such notice and abstract of this Bond Ordinance, and present protests, and that a certified copy of the Ordinance is on file with the Governing Body for review by interested persons during office hours of the Governing Body. At such hearing, all objection and suggestions will be heard, and the Governing Body shall take such action as it shall deem proper in the premises.

Passed on First Reading – October 19, 2009.

Passed on Second Reading – November 2, 2009.

Passed Following Public Hearing – November 16, 2009.

CITY OF CHARLESTON

[SEAL]

By: _____
Mayor

Attest:

By:_____
City Clerk

CERTIFICATION

I, James W. Reishman, City Clerk of the City of Charleston, hereby certify that the foregoing is a true and correct copy of an Ordinance enacted at a meeting of the City Council of the City of Charleston held on November 2, 2009, and effective following a public hearing thereon held on November 16, 2009. I further hereby certify that the action of said City Council set forth therein remains in full force and effect and has not been amended or repealed.

WITNESS my signature on this ____ day of _____, 2009.

_____
Clerk

{C1612611.1}

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

The foregoing instrument was acknowledged before me this ___ day of _____, 2009, by Danny Jones, the Mayor of the City of Charleston, a municipal corporation and a political subdivision of the State of West Virginia, on behalf of said municipality.

My commission expires _____.

_____
NOTARY PUBLIC

Prepared by:
S. Ryan White, Esquire
JACKSON KELLY PLLC
P.O. Box 553
1600 Laidley Towner
Charleston, WV 25322

EXHIBIT A

THE CITY OF CHARLESTON, WEST VIRGINIA

NOTICE OF PUBLIC HEARING AND ABSTRACT OF BOND ORDINANCE

Notice is hereby given to any person interested that on November 2, 2009, the Council of The City of Charleston, West Virginia (the "City") adopted an ordinance which, among other things:

1. Authorizing the refunding of the Civic Center Improvement Bonds, Series 1999 of The City of Charleston; authorizing the issuance of not more than $3,500,000 in Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), the proceeds of which, shall be used, along with other funds and moneys of, or available to, The City of Charleston which may be lawfully expended for such purposes, to finance the cost of such refunding and to pay other costs of issuance; providing for the rights and remedies of and security for the holders of such bonds, providing a statutory mortgage lien on specified tax revenues dedicated for such purposes and providing general terms and providing when the ordinance shall take effect.

2. Directed that the Series 2009 A Bonds be issued in such principal amounts, bear interest at such rate or rates, not exceeding the then legal maximum rate, mature on such dates and in such amounts and redeemable, in whole or in part, as prescribed in a supplemental resolution.

3. Directed the continuation of the Revenue Fund and the disposition of the Tax Revenues; provided for the payment of operating expenses; provided for the monthly payment of principal and interest when due; provided for the creation of a Sinking Fund for the Series 2009 A Bonds.

4. Provided that the Series 2009 A Bonds shall not be or constitute a corporate indebtedness of the City within the meaning of any constitutional or statutory provision or limitation, but shall be payable solely from the pledged Tax Revenues; pledged the Tax Revenues to payment of the Series 2009 A Bonds and established the rights of the registered owners of the Bonds to such Tax Revenues.

5. Provided certain conditions for the issuance of additional bonds.

6. Established the events of default and the remedies of the registered owners.

The City contemplates the issuance of the Series 2009 A Bonds described in, and under the conditions set forth in the Ordinance abstracted above. Any person interested may appear before the Council of the City of Charleston at a regular meeting on November 16, 2009,

at 7:00 p.m., in the Council Chambers, City Hall, Charleston, West Virginia, and present protests and be heard as to whether the above-described Ordinance shall be put into effect.

A certified copy of the Ordinance as adopted by the Council of City on November 2, 2009, is on file with the City Clerk for review by interested persons at the City Hall during regular office hours, to-wit: 8:00 a.m. to 4:00 p.m., Monday through Friday.

James M. Reishman
City Clerk -- The City of Charleston, West Virginia

THE CITY OF CHARLESTON

WEST VIRGINIA

$3,275,000
CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS
SERIES 2009 A

CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (this "Certificate") is executed and delivered this 17th day of December, 2009, by the City of Charleston (the "City"), in connection with the issuance of its $3,275,000 Civic Center Improvement Refunding Bonds, Series 2009 (the "Bonds"). The Bonds are being issued pursuant to a bond ordinance enacted by the Council of the City on November 16, 2009, and a supplemental resolution adopted by the Council of the City on December 7, 2009 (collectively, the "Ordinance"). The City covenants and agrees as follows:

SECTION 1. Purpose of Certificate. This Certificate is being executed and delivered by the City for the benefit of the holders and beneficial owners of the Bonds and in order to assist the Underwriter in complying with SEC Rule 15c2-12(b)(5).

SECTION 2. Definitions. In addition to the definitions set forth in the Ordinance and the Purchase Contract, which apply to any capitalized term used in this Certificate unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Financial Information" means the financial information (which shall be based on financial statements prepared in accordance with generally accepted accounting principles ("GAAP")), provided at least annually, of the type included in those sections of the final official statement with respect to the Bonds attached thereto as Appendix B, which Annual Financial Information shall include Audited Financial Statements if available on the due date set forth herein, and, if not then available, unaudited financial statements.

"Audited Financial Statements" means the City's annual financial statements, prepared in accordance with GAAP, which financial statements shall have been audited by a qualified independent auditor.

"Beneficial Owner" shall mean any person who has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any the Bonds (including persons holding the Bonds through nominees, depositories or other intermediaries).

"Bonds" shall mean the $3,275,000 Civic Center Improvement Refunding Bonds, Series 2009 A.

"Dissemination Agent" shall initially mean the City and any later appointed Dissemination Agent or any successor Dissemination Agent designated in writing by the City and which has filed with the City a written acceptance of such designation.

"EMMA" means the Electronic Municipal Market Access system described in 1934 Act Release No. 59062 and maintained by the Municipal Securities Rulemaking Board for purposes of the Rule.

"Listed Events" shall mean any of the events listed in Section 5(a) of this Certificate.

"National Repository" shall mean the Municipal Securities Rulemaking Board, Washington, D.C., the sole Nationally Recognized Municipal Securities Information Repository for purposes of the Rule, effective as of July 1, 2009.

"Purchase Contract" shall mean the Bond Purchase Agreement dated December 9, 2009, between the Underwriter and the City, by which the Underwriter offered to purchase the Bonds from the City upon the terms set forth therein.

"Repository" shall mean the National Repository and the State Repository.

"Rule" shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State" shall mean the State of West Virginia.

"State Repository" shall mean any public or private repository or entity designated by the State as the state repository for the purpose of the Rule and recognized as such by the Securities and Exchange Commission. As of the date of this Certificate, there is no State Repository.

"Underwriter" shall mean Crews & Associates, Inc., the original underwriter of the Bonds, who is required to comply with the Rule in connection with offering of the Bonds.

SECTION 3. Provision of Annual Reports.

(a) The City shall, or shall cause the Dissemination Agent to, not later than 360 days after the end of the City's fiscal year (presently June 30), commencing with the report for the Fiscal Year ending June 30, 2009, provide to each Repository Annual Financial Information and Audited Financial Statements, which are consistent with the requirements of Section 4 of this Certificate. The Annual Financial Information and Audited Financial Statements may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Certificate. If the City's fiscal year changes, the City shall give notice of such change in the same manner as for a Listed Event under Section 5(a).

(b) Not later than fifteen (15) Business Days prior to said date, the City shall provide the Annual Financial Information and Audited Financial Statements to the Dissemination Agent (if other than the City). If the City is unable to provide to the Repositories its Annual Financial Information and Audited Financial Statements by the date required in subsection (a), the City shall send a notice to the Repositories, in substantially the form attached as Exhibit A.

(c) The Dissemination Agent shall:

(i) determine each year prior to the date for providing the Annual Financial Information and Audited Financial Statements the name and address of each Repository; and

(ii) if the Dissemination Agent is other than the City, file a report with the City certifying that the Annual Financial Information and Audited Financial Statements have been provided pursuant to this Certificate, stating the date it was provided and listing the Repositories to which it was provided.

(d) Effective on July 1, 2009 and thereafter, all documents provided to the Municipal Securities Rulemaking Board shall be provided in an electronic formant and shall be accompanied by identifying information as prescribed by the Municipal Securities Rulemaking Board.

SECTION 4. Content of Annual Financial Information and Audited Financial Statements. The City's Annual Financial Information and Audited Financial Statements shall contain or include by reference the following:

Within three hundred sixty (360) days of the City's fiscal year ended June 30, 2009, and each subsequent fiscal year, for delivery to each Repository in the format required by the Rule, such information and data of the City for the prior fiscal year, including the audited financial statements, prepared in accordance with generally accepted accounting principles in effect from time to time.

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the City or related public entities, which have been submitted to each of the Repositories or the Securities and Exchange Commission. If the document included by reference is a final official statement it must be available from the Municipal Securities Rulemaking Board. The City shall clearly identify each such other document so included by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the City shall give, or cause to be given, notice of the occurrence of any of the following events, if applicable, with respect to the Bonds, if material:

1. principal and interest payment delinquencies;

2. non-payment related defaults;

3. unscheduled draws on debt service reserves reflecting financial difficulties;

4. unscheduled draws on credit enhancements reflecting financial difficulties;

5. substitution of credit or liquidity providers, or their failure to perform;

6. adverse tax opinions or events affecting the tax-exempt status of the security;

7. modifications to rights of security holders;

8. bond calls;

9. defeasances;

10. release, substitution, or sale of property securing repayment of the securities, except as provided by the Ordinance;

11. rating changes.

(b) Whenever the City obtains knowledge of the occurrence of any of the Listed Events, the City shall as soon as possible determine if such event would be material under applicable federal securities laws.

(c) If the City determines that knowledge of the occurrence of any of the Listed Events would be material under applicable federal securities laws, the City shall promptly file a notice of such occurrence with each Repository. Notwithstanding the foregoing, notice of Listed Events described in subsections (a) (4) and (5) need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to holders of affected the Bonds pursuant to the Ordinance.

SECTION 6. Termination of Reporting Obligation. The City's obligations under this Certificate shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. If such termination occurs prior to the final maturity of the Bonds, the City shall give notice of such termination in the same manner as for any of the Listed Events under Section 5(a).

SECTION 7. Dissemination Agent. The City may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Certificate. The Dissemination Agent shall not be responsible in any manner for the content of any notice or report prepared by the City pursuant to this Certificate.

SECTION 8. Amendment, Waiver. Notwithstanding any other provision of this Certificate, the City may amend this Certificate, and any provision of this Certificate may be waived, provided that the following conditions are satisfied:

(a) If the amendment or waiver relates to the provisions of Sections 3(a), 4 or 5(a), it may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of an obligated person with respect to the Bonds, or the type of business conducted;

(b) The undertaking, as amended or taking into account such waiver, would, in the opinion of nationally recognized bond counsel, have complied with the requirements of the Rule at the time of the original issuance of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances, and

(c) The amendment or waiver either (i) is approved by the Holders of the Bonds in the same manner as provided in the Ordinance for amendments to the Ordinance with the consent of holders of the Bonds, or (ii) does not, in the opinion of nationally recognized bond counsel, materially impair the interests of the holders or beneficial owners of the Bonds.

In the event of any amendment or waiver of a provision of this Certificate, the City shall describe such amendment in the next Annual Financial Information and Audited Financial Statements, and shall include, as applicable, a narrative explanation of the reason for the amendment or waiver and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (i) notice of such change shall be given in the same manner as for any of the Listed Events under Section 5(a), and (ii) the Annual Financial Information and Audited Financial Statements for the year in which the change is made should present a comparison (in

narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

SECTION 9. Additional Information. Nothing in this Certificate shall be deemed to prevent the City from disseminating any other information, using the means of dissemination set forth in this Certificate or any other means of communication, or including any other information in any Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events, in addition to that which is required by this Certificate. If the City chooses to include any information in any Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events in addition to that which is specifically required by this Certificate, the City shall have no obligation under this Certificate to update such information or include it is any future Annual Financial Information and Audited Financial Statements or notice of occurrence of any of the Listed Events.

SECTION 10. Default. In the event of a failure of the City to comply with any provision of this Certificate, any Holder or Beneficial Owner of the Bonds may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Certificate. A default under this Certificate shall not be deemed an Event of Default under the Ordinance, and the sole remedy under this Certificate in the event of any failure of the City to comply with this Certificate shall be an action to compel performance.

SECTION 11. Beneficiaries. This Certificate shall inure solely to the benefit of the City, the Underwriter and holders and beneficial owners from time to time of the Bonds, and shall create no rights in any other person or entity.

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Mayor

THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

GENERAL CERTIFICATE ON:

1. TERMS
2. NO LITIGATION
3. GOVERNMENTAL APPROVALS
4. SIGNATURES
5. DELIVERY AND PAYMENT
6. NO ADVERSE FINANCIAL CHANGE
7. MEETINGS
8. INCUMBENCY AND OFFICIAL NAME
9. PUBLICATION AND PUBLIC HEARING ON BOND ORDINANCE
10. INSURANCE
11. OFFICIAL STATEMENT CERTIFICATION
12. CERTIFICATIONS UNDER BOND PURCHASE AGREEMENT SECTION 8(C)(5)
13. DESIGNATION OF REGISTRAR, PAYING AGENT AND DEPOSITORY BANK
14. IRS INFORMATION RETURN
15. SPECIMEN BONDS
16. RELIANCE
17. CONFLICTS OF INTEREST
18. QUALIFIED TAX-EXEMPT OBLIGATIONS
19. COUNTERPARTS

We, the undersigned Mayor and City Clerk of The City of Charleston, West Virginia (the "Issuer"), and the undersigned City Attorney to the Issuer, hereby certify in connection with The City of Charleston, West Virginia Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), as follows:

1. TERMS: All capitalized words and terms used in this General Certificate and not otherwise defined herein shall have the same meanings set forth in the Bond Ordinance duly enacted on November 16, 2009, as supplemented by a Supplemental Resolution duly adopted on December 7, 2009, and a Certificate of Determination dated December 9, 2009 (collectively, the "Ordinance"), and the Bond Purchase Agreement dated December 9, 2009 (the "Bond Purchase Agreement"), by and between the Issuer and Crews & Associates, Inc. (the "Underwriter").

2. NO LITIGATION: No controversy or litigation of any nature is now pending or threatened, restraining, enjoining, or affecting in any manner the issuance and

delivery of the Series 2009 A Bonds, or the collection of the Gross Revenues of the System nor in any manner questioning the proceedings and authority by which the Issuer authorized the issuance and sale of the Series 2009 A Bonds, nor in any manner affecting the validity or enforceability of the Series 2009 A Bonds, the Ordinance, the Bond Purchase Agreement or any agreement or instrument relating thereto, used or contemplated by the Bond Purchase Agreement or any provisions made or authorized for the payment of the Series 2009 A Bonds; nor in any manner questioning the valid existence of the Issuer, the City Council or the authority or titles of the Mayor, City Clerk, and the council members of the Issuer to their respective offices; nor in any manner questioning any proceeding, procedure, action or thing followed, taken or done in connection with the issuance, sale and delivery of the Series 2009 A Bonds, which is not set forth in the Official Statement relating to the Series 2009 A Bonds.

3. GOVERNMENTAL APPROVALS: All applicable and necessary approvals and certificates required by law for the issuance of the Series 2009 A Bonds have been or will be duly and timely obtained and remain in full force and effect.

4. SIGNATURES: As of the date hereof, the Series 2009 A Bonds were duly signed by the manual signature of the Mayor and the official seal of the Issuer, which seal is impressed upon this Certificate, was impressed thereon and attested by manual signature of the City Clerk of the Issuer.

5. DELIVERY AND PAYMENT: The undersigned Mayor did, on the date hereof, deliver to the Underwriter, the entire issue of the Series 2009 A Bonds, in various denominations and numbered AR-1 to AR-5, inclusive.

6. NO ADVERSE FINANCIAL CHANGE: There has been no adverse change in the financial condition of the Issuer or the System of the Issuer since December 9, 2009.

7. MEETINGS: All actions, ordinances, resolutions, orders and agreements taken by and entered into by or on behalf of the Issuer in any way connected with the issuance of the Series 2009 A Bonds, the operation of the System, including without limitation, the imposition of rates and charges, were authorized or enacted at meetings of the Council of the Issuer duly and regularly called and held pursuant to the Rules of Procedure of the Council of the Issuer and all applicable statutes, including without limitation, Chapter 6, Article 9A of the Code of West Virginia, 1931, as amended, and a quorum of duly elected, appointed, qualified and acting members of the Council was present and acting at all times during all such meetings. All notices required to be posted and/or published were so posted and/or published.

8. INCUMBENCY AND OFFICIAL NAME: The proper corporate title of the Issuer is "The City of Charleston." The Issuer is a municipal corporation of

the State of West Virginia in Kanawha County of said State. The Governing Body of the Issuer is its Council, consisting of twenty-six Council members, the Mayor and the City Clerk, all duly elected or appointed, qualified and acting, whose names and dates of commencement and termination of their current terms of office are listed below:

Office	Name	Date Of Commencement Of Office	Date Of Termination Of Office
Mayor	Danny Jones	July 1, 2007	June 30, 2011
City Clerk	James M. Reishman	July 1, 2007	June 30, 2011
Council Member	Patrick Jones	July 1, 2007	June 30, 2011
Council Member	William Kirk	July 1, 2007	June 30, 2011
Council Member	James Lanham	July 1, 2007	June 30, 2011
Council Member	James Ealy	July 1, 2007	June 30, 2011
Council Member	Teresa Reed	July 1, 2007	June 30, 2011
Council Member	Edward Talkington	July 1, 2007	June 30, 2011
Council Member	Adam Henry Knauff	July 1, 2007	June 30, 2011
Council Member	Bob White	July 1, 2007	June 30, 2011
Council Member	Cubert Smith	July 1, 2007	June 30, 2011
Council Member	Robert Sheets	July 1, 2007	June 30, 2011
Council Member	Marc R. Weintraub	July 1, 2007	June 30, 2011
Council Member	Jim Harris, Jr.	July 1, 2007	June 30, 2011
Council Member	Susie Salisbury	July 1, 2007	June 30, 2011
Council Member	Jack E. Harrison	July 1, 2007	June 30, 2011
Council Member	David Kent Higgins	July 1, 2007	June 30, 2011
Council Member	Lewis Payne	July 1, 2007	June 30, 2011
Council Member	Bobby Reishman	July 1, 2007	June 30, 2011
Council Member	John H. Miller, Jr.	July 1, 2007	June 30, 2011
Council Member	Greg Burton	July 1, 2007	June 30, 2011
Council Member	Cheryle M. Hall	July 1, 2007	June 30, 2011
Council Member	Mike Clowser	July 1, 2007	June 30, 2011
Council Member	Mary Jean Davis	July 1, 2007	June 30, 2011
Council Member	Tom Lane	July 1, 2007	June 30, 2011
Council Member	Kasey Russell	July 1, 2007	June 30, 2011
Council Member	Harry Deitzler	July 1, 2007	June 30, 2011
Council Member	Jerry L. Ware	July 1, 2007	June 30, 2011
Council Member	Will Hanna	July 1, 2007	June 30, 2011

The duly appointed and acting City Attorney for the Issuer is Paul D. Ellis, Esquire, of Charleston, West Virginia.

9. PUBLICATION AND PUBLIC HEARING ON BOND ORDINANCE: Upon adoption of the Bond Ordinance, an abstract thereof, determined by the Governing Body to contain sufficient information as to give notice of the contents thereof, was published once each week for two successive weeks, with not less than six full days between each publication, the first such publication occurring not less than ten days before the date stated below for the public hearing, in the Charleston Gazette, one qualified newspaper published and of general circulation in the Issuer, together with a notice to all persons concerned, stating that the Bond Ordinance had been adopted and that the Issuer contemplated the issuance of the Series 2009 A Bonds described in the Bond Ordinance, stating that any person interested may appear before the Governing Body at the public hearing held at a public meeting of the Governing Body on November 16, 2009, at 7:00 p.m., prevailing time, in the council chambers of the City Hall in Charleston, West Virginia, and present protests, and stating that a certified copy of the Bond Ordinance was on file at the office of the City Clerk of the Issuer for review by interested parties during the office hours of the Issuer. At such hearing all objections and suggestions were heard by the Governing Body and the Bond Ordinance became finally adopted, enacted and effective as of the date of such public hearing and remains in full force and effect.

10. INSURANCE: The Issuer will maintain all insurance required under the Ordinance.

11. OFFICIAL STATEMENT CERTIFICATION: At and since the date of the Official Statement nothing has come to the attention of any signer hereof which would lead any such signer to believe that the Official Statement contains an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements therein, in the light of the circumstances under which they were made, not misleading.

12. CERTIFICATIONS UNDER BOND PURCHASE AGREEMENT SECTION 8(c)(5): In addition to the foregoing, the undersigned hereby certifies, as of the date hereof, that: (i) the representations and warranties of the Issuer contained in the Bond Purchase Agreement are true and correct in all material respects on and as of the date of the Closing as if made on the date of the Closing; (ii) (a) except as set forth in the Official Statement, no litigation is pending or, to their knowledge, threatened in any court to restrain or enjoin the issuance or delivery of any of the Series 2009 A Bonds, or in any way contesting or affecting the validity of the Series 2009 A Bonds, the Ordinance, or the Bond Purchase Agreement, or contesting the powers of the Issuer or any authority for the issuance of the Series 2009 A Bonds or the Ordinance, and (b) except as set forth in the Official Statement, there is no litigation pending, or, to the knowledge of the Mayor, threatened against the Issuer in any way affecting the existence of the Issuer or the titles

of its officers to their respective offices, or seeking to restrain or to enjoin the issuance or delivery of the Series 2009 A Bonds, or the collection of revenues and assets of the Issuer pledged or to be pledged to pay the principal of and interest on the Series 2009 A Bonds, or the pledge thereof, or in any way contesting or affecting the validity or enforceability of the Series 2009 A Bonds, the Ordinance or the Bond Purchase Agreement, or contesting the powers of the Issuer with respect to the Series 2009 A Bonds, the Ordinance or the Bond Purchase Agreement or any transaction described in or contemplated by the Official Statement, which certificates shall be in form and substance acceptable to us; and (iii) to the best of our knowledge, no event affecting the Issuer has occurred since the date of the Official Statement which should be disclosed in the Official Statement for the purposes for which it is to be used or which it is necessary to disclose therein in order to make the statements and information therein not misleading in any respect.

13. DESIGNATION OF REGISTRAR, PAYING AGENT AND DEPOSITORY BANK: The Issuer hereby confirms the appointment of Bank of New York Mellon, West Paterson, New Jersey, as the Registrar and the Depository Bank, and the West Virginia Municipal Bond Commission as Paying Agent.

14. IRS INFORMATION RETURN: On the date hereof, the undersigned Mayor did officially sign a properly completed IRS Form 8038-G for the Series 2009 A Bonds and will cause such executed Form 8038-G to be filed in a timely manner with the applicable Internal Revenue Service Center. The information set forth in such Form 8038-G is true, correct and complete in all respects.

15. SPECIMEN BONDS: Attached hereto as Exhibit A is a specimen of the Series 2009 A Bonds which, except as to execution and authentication, is identical in all respects with the form attached to the Ordinance.

16. RELIANCE: The undersigned acknowledge that it is intended that interest on the Series 2009 A Bonds be exempt from federal income tax in the hands of the owners thereof, that the firm of Jackson Kelly PLLC is rendering opinions on the date hereof to said effect and with respect to other matters, and that, in rendering such opinions, said firm is relying, among other things, upon the statements made herein. Said firm is entitled to rely upon such statements.

17. CONFLICT OF INTEREST: No member, officer or employee of the Issuer or the City Council has a substantial financial interest, direct, indirect or by reason of ownership of stock in any corporation, in any contract with the Issuer or in the sale of any land, materials, supplies or services to the Issuer to any contractor supplying the Issuer, relating to the Series 2009 A Bonds or the Ordinance, including, without limitation, with respect to the Depository Bank. For purposes of this paragraph, a "substantial financial interest" shall include, without limitation, an interest amounting to more than 5% of the particular business enterprise or contract.

18. QUALIFIED TAX-EXEMPT OBLIGATIONS: The Issuer has designated the Series 2009 A Bonds as "qualified tax-exempt obligations" for calendar year 2009 within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

19. COUNTERPARTS: This Certificate may be executed in counterparts and all such parts shall be deemed to be the Certificate.

WITNESS our signatures and the official corporate seal of The City of Charleston, West Virginia, on this 17th day of December, 2009.

[SEAL]

Signature	Official Title
_____	Mayor
_____	City Clerk
_____	City Attorney

{C1622312.1}

EXHIBIT A

See Specimen Series 2009 A Bond (Tab No. 6).

THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

CERTIFICATE OF UNDERWRITER

The undersigned hereby certifies the following as of the date of this certificate, relating to the sale and delivery of the above-captioned bonds (the "Series 2009 A Bonds") by The City of Charleston (the "Issuer").

1. The Series 2009 A Bonds have been purchased for reoffering by, and are being delivered on this date to Crews & Associates, Inc. (the "Underwriter"). The Series 2009 A Bonds have been reoffered, and a substantial amount (at least 10 percent of each maturity) thereof sold to purchasers other than bond houses, brokers or other intermediaries at initial offering prices (net of accrued interest) not exceeding the respective prices of or, in the case of obligations sold on a yield basis, at yields (net of accrued interest) no lower than the respective yields on the Series 2009 A Bonds set forth on the cover of the Official Statement, dated December 9, 2009, relating to the Series 2009 A Bonds. The Initial Offering Price of the Series 2009 A Bonds is $3,275,000.00.

2. The undersigned certifies that, calculated in the manner provided by the Code and the Regulations thereunder, and on the basis of the Issue Price, the Yield on the Series 2009 A Bonds is 4.114061% per annum. The foregoing yield refers to the discount rate which, when used in computing the present worth of all payments of principal and interest to be paid on the Series 2009 A Bonds, produces an amount equal to the Issue Price of the Series 2009 A Bonds. The calculation of the foregoing yield is made on the basis of semi-annual compounding using a 360-day year and upon the assumption that payments are made on the last day of each semi-annual interest period ending June 1 and December 1. The calculation of the foregoing yield has been made assuming no optional redemption of the Series 2009 A Bonds prior to the maturity date thereof.

3. The undersigned certifies that, calculated in the manner provided by the Code and the Regulations thereunder, the weighted average maturity of the Series 2009 A Bonds is 8.797 years.

4. The CUSIP Number assigned to the final maturity of the Issuer is 160519CA0.

5. To the best of the knowledge and belief of the undersigned, no other governmental obligations are being issued by the Issuer, or any related entity, at substantially the same time and pursuant to a common plan of financing and which will be paid out of substantially the same source of funds or which will have substantially the

same claim to be paid out of substantially the same source of funds as the Series 2009 A Bonds or which will be paid directly or indirectly from proceeds derived from the sale of the Series 2009 A Bonds.

6. To the best knowledge and belief of the undersigned, there are no other facts, estimates or circumstances that would materially change the expectations set forth herein, and in the Tax and Non-Arbitrage Certificate of the Issuer, and said expectations are reasonable.

WITNESS my signature on this 17th day of December, 2009.

CREWS & ASSOCIATES, INC.

By: _____

Its: Vice President

THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

REGISTRAR'S CERTIFICATE

Bank of New York Mellon, West Paterson, New Jersey (the "Bank"), as Registrar for the above-captioned Series 2009 A Bonds (the "Series 2009 A Bonds"), hereby certifies as follows, all capitalized terms used herein have the same meanings set forth in the Bond Ordinance of The City of Charleston (the "Issuer") enacted on December 7, 2009, as supplemented by a Supplemental Resolution adopted on December 7, 2009 (collectively, the "Ordinance"):

1. The Bank is a New York Mellon banking corporation duly organized, validly existing, and in good standing under the laws of New York, and is lawfully empowered, pursuant to such laws, to accept the duties and obligations contemplated and as provided under the Ordinance and to serve in the capacities of Registrar under the Ordinance.

2. The Bank has duly authorized, by all necessary action, the authentication of the Series 2009 A Bonds and the execution and delivery of this Certificate and the acceptance of all duties of Registrar under the Ordinance, and any and all other documents and agreements as may be required to be executed, delivered and received by the Bank in order to carry out, give effect to, and consummate the transactions contemplated thereby.

3. The person indicated in paragraph 4 below was at the time of the authentication of the Series 2009 A Bonds, and is now, a duly elected, qualified and acting incumbent in his or her office; and, pursuant to authorization from the Board of Directors of the Bank, such person, in his or her official capacity, was and is authorized to authenticate the Series 2009 A Bonds for and on behalf of the Bank.

4. Appearing opposite the name and title of the person indicated below is a true and correct specimen of his or her signature.

Name	Title	Signature
Thomas A. Vlahakis	Vice President	

5. There have been filed with the Bank all of the documents listed in the Ordinance and the Series 2009 A Bonds have been duly authenticated and delivered to the Original Purchaser, and proceeds of the Series 2009 A Bonds have been deposited as required by the Ordinance.

6. Attached hereto as Exhibit A is a correct listing of the Series 2009 A Bonds numbers, CUSIP numbers, maturity dates, principal amounts and interest rates of the Series 2009 A Bonds.

WITNESS my signature on this 17th day of December, 2009.

BANK OF NEW YORK MELLON

By: _____

Its: Vice President

EXHIBIT A

SERIES 2009 A BONDS TERMS

Bond No.	CUSIP	Maturity Date	Principal Amount	Interest Rate	Yield
AR-1	160519BW3	June 1, 2012	$475,000	3.000%	3.000%
AR-2	160519BX1	June 1, 2015	580,000	3.500	3.500
AR-3	160519BY9	June 1, 2018	655,000	4.000	4.000
AR-4	160519BZ6	June 1, 2021	730,000	4.200	4.200
AR-5	160519CA0	June 1, 2024	835,000	4.400	4.400

Herman & Cormany
Certified Public Accountants, A.C.

Accountants & Consultants

December 17, 2009

The City of Charleston
P.O. Box 2749
Charleston, WV 25330

Jackson Kelly PLLC
P.O. Box 553
Charleston, West Virginia 25322

Crews & Associates, Inc.
P.O. Box 2764
Charleston, West Virginia 25330-2764

THE CITY OF CHARLESTON, WEST VIRGINIA
$3,275,000 Civic Center Improvement Refunding Bonds, Series 2009 A

CERTIFICATE OF CERTIFIED PUBLIC ACCOUNTANT

The undersigned hereby certifies as follows:

1. I am a certified public accountant licensed to practice in the State of West Virginia and independent from The City of Charleston, West Virginia (the "City").

2. Attached as Exhibit A and incorporated herein by reference is a schedule reflecting the debt service on the City's Civic Center Improvement Bonds, Series 1999 (the "Prior Bonds"); attached as Exhibit B and incorporated herein by reference is a schedule reflecting the debt service on the City's Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"); and attached as Exhibit C and incorporated herein by reference is a schedule showing the net savings to the City from the refunding. These debt service schedules were based on the principal and interest schedules of the respective bond issues.

1031 Quarrier Street, Suite 511 • Charleston, WV 25301-2397 • (304) 345-2320 • (304) 345-2325 fax
www.herman-cormanycpas.com

CPA

3. Based on my review, comparison and analysis of the net interest costs in dollars of the Prior Bonds and the Series 2009 A Bonds and based on the anticipated sale of the Series 2009 A Bonds to Crews & Associates, Inc., pursuant to a Bond Purchase Agreement, the issuance of the Series 2009 A Bonds will result in a net interest savings to the City after deducting the expenses of the refunding. For purposes of this computation, net interest cost has been assumed to be the total of interest to accrue on the Series 2009 A Bonds from their date of issuance to their date of maturity and the total amount of interest which would accrue on the Prior Bonds from their date of issuance to their date of maturity, if not refunded.

WITNESS my signature this 17th day of December, 2009.

Herman & Company, CPAs

JACKSONKELLY
ATTORNEYS AT LAW PLLC
500 LEE STREET EAST • SUITE 1600 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130
www.jacksonkelly.com

December 17, 2009

The City of Charleston
P.O. Box 2749
Charleston, WV 25330

Re: The City of Charleston, West Virginia
Civic Center Improvement Refunding Bonds, Series 2009 A

Ladies and Gentlemen:

We have acted as bond counsel to The City of Charleston, West Virginia (the "Issuer"), a municipal corporation, in connection with the issuance of its $3,275,000 Civic Center Improvement Refunding Bonds, Series 2009 A, dated the date hereof (the "Bonds"). In such capacity, we have examined such law and such certified proceedings, certifications and other documents as we have deemed necessary to render this opinion.

The Bonds are issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly, Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the Code of West Virginia, 1931, as amended (collectively, the "Act"), and under and pursuant to a Bond Ordinance duly passed by the Issuer on November 2, 2009, effective November 16, 2009, as supplemented by a Supplemental Resolution duly adopted by the Issuer on December 7, 2009 and a Certificate of Determination executed December 9, 2009 (collectively, the "Ordinance"), pursuant to and under which Act and Ordinance the Bonds are authorized and issued. Capitalized terms used and not otherwise defined herein shall have the respective meanings given them in the Ordinance.

In connection with the issuance of the Bonds, the Issuer has executed a Tax and Non-Arbitrage Certificate, dated as of the date hereof (the "Tax Certificate"), which, among other things, sets forth restrictions on the investment and expenditure of the Bonds proceeds and earnings thereon, to ensure that the requirements of the Internal Revenue Code of 1986, as amended, and regulations thereunder (collectively, the "Code"), necessary to establish and maintain the excludability of interest on the Bonds from gross income for federal income tax purposes, are and will continue to be met.

Regarding questions of fact material to our opinion, we have relied upon representations of the Issuer contained in the herein-described documents and certifications furnished to us by or on behalf of the Issuer (including certifications as to matters which are material to paragraph 4 below), without undertaking to verify the same by independent investigation.

The Bonds are issued in the form of a series of fully registered Bonds.

Based upon the foregoing, we are of the opinion, under existing law, as follows:

1. The Issuer is a duly organized and presently existing municipal corporation and political subdivision of the State of West Virginia, with the power to adopt the Ordinance, which has been duly and lawfully enacted and adopted by the Issuer, is in full force and effect and is valid and binding upon the Issuer and enforceable in accordance with its terms, and no other authorization for the Ordinance is required.

2. The Issuer is duly authorized to issue the Bonds, which Bonds have been duly and validly authorized and issued in accordance with the Act and in accordance with the Ordinance, and constitutes a valid, binding special and limited revenue obligation of the Issuer as provided in the Ordinance, payable and enforceable in accordance with their terms and the terms of the Ordinance and are entitled to the benefits of the Ordinance and of the Act.

3. The Bonds are secured by the Tax Revenues, as defined in the Ordinance and from funds on deposit in the Series 2009 A Bonds Sinking Fund and the Series 2009 A Bonds Reserve Account, and are on parity with the Issuer's Civic Center Improvement Bonds, Series 1998, all as more fully described in the Ordinance. In addition, the Ordinance imposes a statutory mortgage lien on the Tax Revenues.

4. Under existing laws, regulations, rulings and judicial decisions of the United States of America, as presently written and applied, interest on the Bonds is excludable in the gross income of the owners thereof for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed upon individuals and corporations. The opinions set forth in the preceding sentences are subject to the condition that the Issuer comply, on a continuing basis, with all representations, covenants and certifications set forth in the Ordinance and the Tax Certificate and other documents relating thereto. Failure to comply with certain of such representations, covenants and certifications could cause the interest on the Bonds to be

includable in a holder's gross income retroactive to the date of issuance of the Bonds. Except as described herein, we express no opinion regarding other federal tax consequences arising with respect to the Bonds.

5. The Issuer has designated the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code") and has covenanted that it does not reasonably expect to issue more than $30,000,000 of tax-exempt obligations (other than certain private activity bonds and refunding bonds) during the calendar year 2009. Therefore, the Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3)(B) of the Code, and the provisions of the Code which disallow all deductibility of interest expense incurred by financial institutions on debt incurred or continued to purchase or carry most tax-exempt obligations do not apply to the Bonds.

6. Under the Act, as presently written and applied, the Bonds and any interest thereon is exempt from all taxation except inheritance, estate and transfer taxes.

It is to be understood that the rights of the owners of the Bonds and the enforceability of the Bonds, the Ordinance and the pledges set forth therein are limited by bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights generally, by equitable principles, whether considered at law or in equity, and by the exercise of judicial discretion. Further, we express no opinion regarding tax consequences arising with respect to the Bonds other than as expressly set forth herein.

We have not been engaged, or undertaken, to review the accuracy, completeness or sufficiency of the Official Statement or other offering material related to the Bonds (except to the extent, if any, stated in the Official Statement) and we express no opinion relating thereto.

This opinion is given as of the date hereof, and we assume no obligation to revise or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention, or any changes in law that may hereafter occur.

We have examined the executed and authenticated Bond numbered AR-1 and in our opinion, the form of said Bond and its execution and authentication are regular and proper.

Very truly yours,

Jackson Kelly PLLC

JACKSONKELLY
ATTORNEYS AT LAW PLLC

500 LEE STREET EAST • SUITE 1600 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130
www.jacksonkelly.com

December 17, 2009

Crews & Associates, Inc.
300 Summers Street, Suite 930
Charleston, West Virginia 25301

The Bank of New York Mellon
385 Rifle Camp Road
3rd Floor
West Paterson, New Jersey 07424

Re: $3,275,000 The City of Charleston
Civic Center Improvement Refunding Bonds, Series 2009 A

Ladies and Gentlemen:

We have delivered our bond counsel opinion of even date herewith, a copy of which is attached. You may rely upon this opinion as if specifically addressed to you in so far as it relates to the due authorization, execution, and delivery of the Bonds, to the validity of the Bonds, to the excludability from gross income for federal income tax purposes of the interest on the Bonds and to the exemption of the Bonds and the interest thereon from taxation by the State of West Virginia.

Very truly yours,

Jackson Kelly PLLC

Jackson Kelly PLLC

JACKSONKELLY
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500 LEE STREET EAST • SUITE 1600 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130
www.jacksonkelly.com

December 17, 2009

The City of Charleston
Charleston, West Virginia

Crews & Associates, Inc.
Charleston, West Virginia

Re: The City of Charleston, West Virginia
$3,275,000 Civic Center Improvement Refunding Bonds,
Series 2009 A

Ladies and Gentlemen:

We have acted as bond counsel in connection with the issuance of the above-referenced Series 2009 A Bonds (the "Series 2009 A Bonds") of The City of Charleston (the "Issuer"), issued pursuant to the Constitution and laws of the State, including particularly Chapter 8, Article 12, Chapter 8, Article 16 and Chapter 13, Article 2E of the Code of West Virginia, 1931, as amended (collectively, the "Act") and pursuant to an Ordinance enacted by the City Council on November 16, 2009, as supplemented by a supplemental resolution of the Issuer adopted December 7, 2009 and a Certificate of Determination executed December 9, 2009 (collectively, the "Ordinance"). We are herewith rendering our final approving opinion of even date in connection with the authorization, issuance and delivery of the Series 2009 A Bonds to Crews & Associates, Inc., as the Underwriter named in the Bond Purchase Agreement dated December 9, 2009 (the "Bond Purchase Agreement"), relating to the Series 2009 A Bonds.

In rendering this opinion, we reviewed records of the acts taken by the Issuer in connection with the authorization, sale and issuance of the Series 2009 A Bonds, including a record of proceedings of the Issuer relating to the authorization, execution and delivery of the Bond Purchase Agreement, and we were present at various meetings for the preparation of various parts of the Official Statement relating to the Series 2009 A Bonds, dated and executed by the Mayor of the Issuer on December 9, 2009 (the "Official Statement").

1. The Bond Purchase Agreement has been duly authorized, executed and delivered by, and (assuming due authorization, execution and delivery by the

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Underwriter and that it is a binding agreement of the Underwriter in accordance with its terms) constitutes a binding agreement of the Issuer in accordance with its terms;

2. The Series 2009 A Bonds are not subject to the registration requirements of the Securities Act of 1933, as amended, and the Ordinance is exempt from qualification pursuant to the Trust Indenture Act of 1939, as amended;

3. The statements contained in the Official Statement under the caption "TAX MATTERS" are true and accurate in all material respects and present a fair and accurate summary and description of the matters summarized and described under such caption; and

4. The statements contained in the Official Statement under the captions "INTRODUCTION," "FINANCING PLAN," "THE BONDS," "SECURITY FOR THE BONDS" and in Appendix C except for financial or statistical data therein which no opinion is hereby expressed insofar as such statements contained under such captions purport to summarize certain provisions of the Bonds and certain provisions of the Ordinance, are true, correct and complete in all material respects and present a fair summary of the matters intended to be summarized therein.

Very truly yours,

Jack Kelly PLLC

OFFICE OF THE CITY ATTORNEY

City of Charleston | P.O. Box 2749, Charleston WV 25330 | 304-348-8031
Writer's Fax: 304-348-0770 | Writer's email: paul.ellis@cityofcharleston.org

Paul D. Ellis
City Attorney of Charleston

December 17, 2009

The City of Charleston
Charleston, West Virginia

Crews & Associates, Inc.
Charleston, West Virginia

Jackson Kelly PLLC
Charleston, West Virginia

Re: The City of Charleston, West Virginia
$3,275,000 Civic Center Improvement Refunding,
Series 2009 A

Ladies and Gentlemen:

I am the General Counsel to The City of Charleston, West Virginia (the "Issuer"). As such counsel, I have examined copies of the approving opinion of Jackson Kelly PLLC, as bond counsel, relating to the above-captioned bonds of the Issuer (the "Series 2009 A Bonds"), a Bond Purchase Agreement, dated December 9, 2009, including all schedules and exhibits attached thereto (the "Bond Purchase Agreement"), by and between the Issuer and the Underwriters named therein, a Bond Ordinance duly passed by the Issuer on November 2, 2009, effective November 16, 2009, as supplemented by a Supplemental Resolution duly adopted by the Issuer on December 7, 2009 (collectively, the "Ordinance"), and other documents relating to the Series 2009 A Bonds and the Issuer, including the Continuing Disclosure Certificate, the Preliminary Official Statement dated December 4, 2009, the Official Statement dated December 9, 2009, and the Tax and Non-Arbitrage Certificate (collectively with the Bond Purchase Agreement and Ordinance, the "Bond Documents"). All capitalized terms used herein and not otherwise defined herein shall have the same meanings set forth in the Bond Purchase Agreement and the Ordinance when used herein.

I am of the opinion that:

1. The Issuer is a duly organized and presently existing municipal corporation and political subdivision of the State of West Virginia, with full power and authority to operate and maintain the Civic Center and to enact the Ordinance, all under the Act and other applicable provisions of law.

2. The Bond Purchase Agreement has been duly authorized, executed and delivered by the Issuer and, assuming due authorization, execution and delivery by the other parties thereto, constitutes a valid and binding agreement of the Issuer, enforceable in accordance with its terms.

3. The members and officers of the Council of the Issuer have been duly, lawfully and properly elected or appointed, as applicable, have taken the requisite oaths, and are authorized to act in their respective capacities on behalf of the Issuer.

4. The Ordinance has been duly adopted and enacted by the Issuer and is in full force and effect. The Issuer has full power and authority to consummate all transactions contemplated by the Series 2009 A Bonds and the Bond Documents.

5. To the best of my knowledge, the execution and delivery of the Series 2009 A Bonds and the Bond Purchase Agreement and the consummation of the transactions contemplated by the Series 2009 A Bonds, the Bond Purchase Agreement, the Ordinance and the Bond Documents, and the carrying out of the terms thereof, do not and will not, in any material respect, conflict with or constitute, on the part of the Issuer, a breach or default under any ordinance, order, resolution, agreement or other document to which the Issuer is a party or by which the Issuer or its properties are bound or any existing law, regulation, rule, order or decree to which the Issuer is subject.

6. To the best of my knowledge, there is no action, suit, proceeding or investigation at law or in equity before or by any court, public board or body, pending or threatened, wherein an unfavorable decision, ruling or finding would adversely affect the transactions contemplated by the Bond Purchase Agreement, the Series 2009 A Bonds and the Ordinance or the validity of the Series 2009 A Bonds.

7. Based on my experience as general counsel for the Issuer and on my review, I have no reason to believe that the information regarding the Issuer in the Official Statement contains any untrue statement of a material fact or omits any material facts necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading.

8. I hereby consent to the references made to us in the Official Statement.

All counsel to this transaction may rely upon this opinion as if specifically addressed to them.

Sincerely,

Paul D. Ellis
City Attorney of Charleston

STEPTOE & JOHNSON PLLC
ATTORNEYS AT LAW

Chase Tower, Eighth Floor
P.O. Box 1588
Charleston, WV 25326-1588
(304) 353-8000 (304) 353-8180 Fax
www.steptoe-johnson.com

Writer's Contact Information

December 17, 2009

CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

Crews & Associates, Inc.
300 Summers Street, Suite 930
Charleston, West Virginia 25301

Ladies and Gentlemen:

We have acted as counsel to you (the "Underwriter"), in connection with the issuance and sale by City of Charleston, West Virginia (the "Issuer"), of its Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds") which are being delivered and sold pursuant to a Bond Purchase Agreement dated December 9, 2009 (the "Bond Purchase Agreement"), by and between the Underwriter and the Issuer. In connection with rendering this opinion, we have examined the Official Statement, the Bond Purchase Agreement and Rule 15c2-12 of the Securities and Exchange Commission promulgated under the Securities Exchange Act of 1934, as amended (the "Rule"). Capitalized terms used but not defined herein shall have the meanings set forth in the Bond Purchase Agreement.

Based upon the foregoing, it is our opinion that (i) the Series 2009 A Bonds are exempt from registration under the Securities Act of 1933, as amended, and are municipal securities under the Securities Exchange Act of 1934, as amended, (ii) the Ordinance is exempt from qualification pursuant to the Trust Indenture Act of 1939, as amended, in connection with the offering and sale of the Series 2009 A Bonds, and (iii) the Continuing Disclosure Agreement containing the undertaking of the Issuer to provide certain information in accordance with Rule 15c2-12 of the Securities Exchange Act of 1934, as amended, complies with the requirements of Section b(5) of such Rule.

Without having undertaken to determine independently the accuracy or completeness of the statements contained in the Official Statement, but on the basis of our conferences with representatives of the Issuer, Bond Counsel and the Underwriter, and our examination of certain documents referred to in the Official Statement, nothing has come to our attention that would lead us to believe (excluding therefrom all information in Appendix A, all financial and statistical data and projections included in the Official Statement, including the entirety of Appendix B and all information concerning the Deposit Trust Company and the book-entry only system for the Series 2009 A Bonds, on which we express no

opinion) that the Official Statement contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading.

The Bond Purchase Agreement has been validly authorized, executed and delivered by the Underwriter and, assuming due authorization, execution and delivery by the Issuer, and due approval by the City, constitutes a valid and binding agreement, enforceable in accordance with its terms, except as such may be limited by bankruptcy, insolvency, reorganization, moratorium and other such laws affecting the respective parties, the exercise of judicial discretion or the availability of equitable remedies.

This opinion is solely for the benefit of, and may be relied upon only by, the Underwriter; and it is not to be used, circulated, quoted or otherwise referred to for any other purpose, except that a copy hereof may be included in the transcript of closing documents pertaining to the delivery of the Series 2009 A Bonds.

Very truly yours,

STEPTOE & JOHNSON PLLC

ESCROW AGREEMENT

This AGREEMENT, made and entered into the 17th day of December, 2009, by and between THE CITY OF CHARLESTON, WEST VIRGINIA (hereinafter referred to as the "City") and the WEST VIRGINIA MUNICIPAL BOND COMMISSION (hereinafter referred to as the "Escrow Trustee" or "Escrow Agent").

WITNESSETH THAT:

WHEREAS, pursuant to Bill No. 6620 adopted on December 6, 1999 (the "Series 1999 Ordinance"), the City issued its Civic Center Improvement Bonds, Series 1999, dated December 1, 1999, in the original principal amount of $4,060,000, of which $3,115,000 is currently outstanding (the "Series 1999 Bonds");

WHEREAS, the Series 1999 Bonds mature on the dates and bear interest at the rates set forth in Schedule A hereto and are subject to optional redemption at the price of 102% plus interest accrued to the redemption date (the "Redemption Price") on and after December 1, 2009;

WHEREAS, the City has determined to issue its Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), pursuant to Bill No. 7403 adopted November 2, 2009, effective November 16, 2009, as supplemented by resolution adopted on December 7, 2009 (collectively, the "Ordinance"), the proceeds of which will be used to refund the Series 1999 Bonds;

WHEREAS, the City shall prepay and defease the Series 1999 Bonds by depositing with the Escrow Agent on December 17, 2009 (the "Closing Date") a portion of the proceeds of the Series 2009 A Bonds in the amount of $3,141,569.64 (the "Redemption Deposit Amount"), which amount will be deposited by the Escrow Agent in the Escrow Fund, and a portion of the proceeds of the Series 2009 A Bonds in the amount of $1,400 (the "Paying Agent Fees"), which amount shall be applied to fees due and owing the Municipal Bond Commission as Paying Agent for the Series 1999 Bonds;

WHEREAS, the City has found it desirable to appoint the Escrow Trustee for the purposes of holding the monies used for redemption, receiving payment of the principal thereof and interest thereon when due, disbursing to the paying agents such amounts as may be necessary to provide for the redemption of the Series 1999 Bonds;

WHEREAS, the Redemption Deposit Amount, along with funds then already on deposit in the Series 1999 Bonds Sinking Fund, therein in the total amount of $3,204,439.33, are in such amounts as to insure the payment on or about January 19, 2010 (the "Redemption Date") by the Registrar, pursuant to the Ordinance of the Redemption Price; and

WHEREAS, the City has taken all action necessary to appoint and designate the Commission as the Escrow Trustee to accomplish such purposes;

NOW, THEREFORE, in consideration of the mutual agreements contained herein, and in order further to secure payment of the Series 1999 Bonds, as heretofore provided, the parties hereto mutually undertake, promise and agree for themselves, their respective representatives, successors and assigns, as follows:

1. Receipt of true and correct copies of the Ordinance and the Prior Ordinances are hereby acknowledged by the Escrow Trustee. Reference herein to or citation herein of any provisions of either the Prior Ordinances or the Ordinance shall be deemed to incorporate the same as a part hereof in the same manner and with the same effect as if the same were fully set forth herein.

2. There is hereby created and established with the Escrow Trustee a special and irrevocable trust fund designated the "The City of Charleston, West Virginia, Series 1999 Civic Center Improvement Revenue Bonds Escrow Fund" (hereinafter referred to as the "Escrow Fund"), to be held in the custody of the Escrow Trustee, separate and apart from other funds of the City, the Commission or the Escrow Trustee. The deposit of investments or moneys in the Escrow Fund shall constitute an irrevocable deposit of said investments or moneys in trust for, and such moneys and the investments thereof, together with any income or interest earned thereon, shall be applied, except as otherwise provided herein, to, the redemption of the Series 1999 Bonds.

3. Concurrently with the delivery of the Series 2009 A Bonds, the City shall deposit and cause to be deposited $3,141,569.64 from the proceeds of sale of the Series 2009 A Bonds, and $62,869.69 from the sinking fund created and maintained on account of the Series 1999 Bonds into the Escrow Fund with the Escrow Trustee (total deposit $3,204,439.33), and the Escrow Trustee shall invest the Escrow Fund into the Board of Treasury Investments West Virginia Government Money Market Pool (the "Money Market Pool").

4. The transferred funds shall be credited to the Escrow Fund. The Escrow Trustee shall deposit any proceeds (whether principal, interest or otherwise) derived from the Money Market Pool in the Escrow Fund.

5. The Escrow Trustee shall deposit directly with the paying agent or agents therefor, in immediately available funds, from the amounts held in the Escrow Fund on or about January 19, 2010, the amount necessary to pay the Redemption Price on the Series 1999 Bonds in accordance with the Series 1999 Ordinance and in accordance with the attached Schedule A.

6. The holders of the Series 1999 Bonds shall have an express lien on all moneys and assets in the Escrow Fund until paid out, used and applied in accordance with this Agreement.

7. After the payment of all the Series 1999 Bonds, and the interest thereon, the amounts remaining in the Escrow Fund shall be transferred to the Sinking Fund established under the Ordinance as set forth in the Supplemental Resolution.

8. Concurrently with the delivery of the Series 2009 A Bonds, the Escrow Trustee shall be paid its fees and expenses incurred with respect to this Agreement. Future fees and expenses of the Escrow Trustee and the paying agents for the Series 1999 Bonds shall be promptly paid by the City from the Tax Revenues described in the Ordinance as they accrue.

In no event, however, shall the Escrow Trustee or the paying agents have any lien whatsoever upon any of the moneys in the Escrow Fund, for the payment of such fees or expenses.

9. The City and the Escrow Trustee independently hereby covenant that no part of the moneys or funds at any time in the Escrow Fund, shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause any of the 1999 Bonds or the Series 2009 A Bonds to be "arbitrage bonds" as defined in Section 148 of the Internal Revenue Code of 1986, as amended.

10. The Escrow Trustee shall have no responsibility in respect of the validity or sufficiency of this Agreement. The liability of the Escrow Trustee for the payment of the principal of and the interest on the Series 1999 Bonds shall be limited to the application of the moneys available for such purposes in the Escrow Fund. The Escrow Trustee shall not be liable or responsible because of the failure of the City to perform any act required of it by this Agreement or because of the loss of any moneys arising through the

insolvency or the act or default or omission of any depository, other than the Escrow Trustee, in which such moneys shall have been deposited.

11. If any outstanding Series 1999 Bonds or coupons are not presented for payment when due as provided in the Redemption Notice, and moneys are held by the Escrow Trustee for payment thereof but not including any funds held by the paying agent for the Prior Bonds, such moneys shall be held for such purposes for a period of two (2) years from the date such payment was due as provided in the Redemption Notice, at which time such moneys shall be paid to the City. Prior to such repayment by the Escrow Trustee to the City, the Escrow Trustee shall notify EMMA, or any similar organization that said moneys remain unclaimed and that after a date named in said notice, which date shall be the date of such repayment and shall not be less than thirty (30) days after the date of such notice, such moneys shall be paid to the City as its absolute property and free from trust. The City shall pay any costs incurred with respect to such notice.

12. Concurrently with the execution of this Agreement and the defeasance of the lien of the Series 1999 Bonds, the Escrow Trustee, at the express direction of the City, shall pay from the funds held by it in the respective sinking funds created and maintained under the Prior Ordinances the sum of $62,869.69 into the Escrow Fund, and the City will cause $3,141,569.64 from the proceeds of the Series 2009 A Bonds to be deposited into the Escrow Fund.

13. If any one or more of the covenants or agreements provided in this Agreement to be performed on the part of any of the parties hereto should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

14. The Escrow Trustee shall be responsible for the preparation, publication and mailing of the notice of redemption in accordance with the provisions of the Series 1999 Ordinance in the form attached as Schedule B. The costs of any required publication and mailing of any notice of redemption shall be paid by the City and under no circumstance shall the Escrow Trustee have any claim on moneys on deposit in the Escrow Fund for payment of such costs, but shall look solely to the City for such payment. The Escrow Trustee shall act on behalf of the City in the conduct of the proceedings for the redemption of the outstanding bonds to be redeemed in accordance with the Series 1999 Ordinance.

15. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

16. This Agreement is made in the State of West Virginia under the Constitution and laws of such State and is to be so construed.

17. This Agreement shall terminate on the earlier of the date on which all the outstanding Series 1999 Bonds have been paid and discharged in accordance with the respective provisions of the Series 1999 Ordinance or, as described in Paragraph 11, above, one (1) year after the last date on which payment on the Series 1999 Bonds is due, as provided in the Redemption Notice. Amounts in the Escrow Fund shall be transferred as provided in Paragraph 7 hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE CITY OF CHARLESTON, WEST VIRGINIA

By _____
Its Mayor

WEST VIRGINIA MUNICIPAL BOND COMMISSION

By _____
Its Executive Director

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE CITY OF CHARLESTON, WEST VIRGINIA

By _____
Its Mayor

WEST VIRGINIA MUNICIPAL BOND COMMISSION

By _____
Its Executive Director

SCHEDULE A

Series 1999

Year	Amount	Coupon	Yield	Redemption Premium	Redemption Price
2015	$ 910,000	6.25%	6.25%	102%	$ 928,200
2020	$ 1,065,000	6.60%	6.60%	102%	$ 1,086,300
2024	$1,140,000	6.70%	6.70%	102%	$1,162,800

SCHEDULE B

FORM OF

NOTICE OF REDEMPTION

THE CITY OF CHARLESTON, WEST VIRGINIA

CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999

Dated: December 23, 1999

CUSIP NUMBERS: 160519BT0, 160519BU7 and 160519BV5

TO THE OWNERS OF ALL THE ABOVE-CAPTIONED BONDS:

NOTICE IS HEREBY GIVEN that all The City of Charleston, West Virginia, Civic Center Improvement Bonds, Series 1999 (the "Series 1999 Bonds"), have been ordered by The City of Charleston (the "Issuer") to be redeemed on January 19, 2010 (the "Redemption Date"), in accordance with the provisions of the Ordinance authorizing issuance of the Series 1999 Bonds.

All Series 1999 Bonds outstanding on the Redemption Date are to be surrendered to:

By Mail:

The Bank of New York Mellon
P.O. Box 396
East Syracuse, NY 13057
Attn: Bond Redemption Unit

By Hand Delivery / Overnight Mail:

The Bank of New York Mellon
111 Sander Creek Parkway
East Syracuse, NY 13057
Attn: Bond Redemption Unit

in exchange for the Redemption Price provided for in the Series 1999 Ordinance. Upon the surrender of the Series 1999 Bonds to The Bank of New York Mellon, The Bank of New York Mellon will deliver to you the monies equal to such Redemption Price.

Such redemption is subject to the issuance and delivery of the Series 2009 A Bonds on December 17, 2009, and shall be of no effect unless the Series 2009 A Bonds are so issued and delivered. If the Series 2009 A Bonds are not issued and delivered on such date, the Registrar of the Series 1999 Bonds shall promptly notify the owners of the Series 1999 Bonds of such fact.

No representation is made as to the accuracy or correctness of the CUSIP numbers printed on the Series 1999 Bonds or as contained in this notice or the mailing of this notice (including any failure to mail such notice).

THE CITY OF CHARLESTON,
WEST VIRGINIA

/s/ Danny Jones
Mayor

Dated: December 17, 2009

NOTICE OF REDEMPTION

THE CITY OF CHARLESTON, WEST VIRGINIA

CIVIC CENTER IMPROVEMENT BONDS, SERIES 1999

Dated: December 23, 1999

CUSIP NUMBERS: 160519BT0, 160519BU7 and 160519BV5

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P.O. Box 396
East Syracuse, NY 13057
Attn: Bond Redemption Unit

By Hand Delivery / Overnight Mail:

The Bank of New York Mellon
111 Sander Creek Parkway
East Syracuse, NY 13057
Attn: Bond Redemption Unit

in exchange for the Redemption Price provided for in the Series 1999 Ordinance. Upon the surrender of the Series 1999 Bonds to The Bank of New York Mellon, The Bank of New York Mellon will deliver to you the monies equal to such Redemption Price.

Such redemption is subject to the issuance and delivery of the Series 2009 A Bonds on December 17, 2009, and shall be of no effect unless the Series 2009 A Bonds are so issued and delivered. If the Series 2009 A Bonds are not issued and delivered on such date, the Registrar of the Series 1999 Bonds shall promptly notify the owners of the Series 1999 Bonds of such fact.

No representation is made as to the accuracy or correctness of the CUSIP numbers printed on the Series 1999 Bonds or as contained in this notice or the mailing of this notice (including any failure to mail such notice).

THE CITY OF CHARLESTON,
WEST VIRGINIA

/s/ Danny Jones
Mayor

Dated: December 17, 2009

THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

LETTER OF INSTRUCTIONS
TO REGISTRAR OF SERIES 1999 BONDS

Bank of New York Mellon
385 Rifle Camp Road 3rd Floor
West Paterson, NJ 07424

Re: The City of Charleston Civic Center Improvement Bonds, Series 1999

Ladies and Gentlemen:

The City of Charleston (the "Issuer") intends to call for redemption its Civic Center Improvement Bonds, Series 1999 (the "Series 1999 Bonds") on the Redemption Date, being January 19, 2010, pursuant to a Bond Ordinance enacted by the Council of the Issuer on December 6, 1999, as supplemented by a Supplemental Resolution adopted on December 20, 1999 (collectively, the "Ordinance").

The Bank of New York Mellon serves as Registrar of the Series 1999 Bonds. In connection with the redemption of the Series 1999 Bonds in exchange for the Redemption Price, you are hereby requested to:

1. Provide the Notice of Redemption, substantially in the form attached hereto, by first-class mail, postage prepaid, to the registered owners and the rating agencies of the Series 1999 Bonds, in accordance with the redemption and mandatory tender notice provisions of the Ordinance. The Notice of Redemption must be mailed by December 18, 2009.

2. Provide the Notice of Redemption, substantially in the form attached hereto, to all nationally recognized municipal securities information repositories.

Please provide a copy of the notice requested above to the Issuer and to the Issuer's Bond Counsel, Jackson Kelly PLLC. The Issuer will pay your fees and extraordinary costs involved in providing these notices upon the submission of an invoice for services.

Dated this 17th day of December, 2009.

THE CITY OF CHARLESTON

Mayor

{C1623257.1}

JACKSONKELLY
ATTORNEYS AT LAW PLLC
500 LEE STREET EAST • SUITE 1600 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130
www.jacksonkelly.com

DIRECT NO. (304) 340-1318 FAX NO. (304) 340-1272

EMAIL: sgee@jacksonkelly.com

December 17, 2009

VIA FAX AND REGULAR MAIL
Ms. Sara Boardman
Executive Director
West Virginia Municipal
Bond Commission
1207 Quarrier Street, Suite 401
Charleston, WV 25301

Re: The City of Charleston, West Virginia
Civic Center Improvement Refunding Bonds, Series 2009 A

Dear Sara:

Jackson Kelly PLLC serves as bond counsel for The City of Charleston (the "Issuer"). We wish to advise you that on December 17, 2009 (the "Delivery Date"), the Issuer will deliver the above-captioned bonds (the "Series 2009 A Bonds") to The Depository Trust Company ("DTC") for the benefit of Crews and Associates, Inc. (the "Purchaser"), in exchange for the purchase price of the Series 2009 A Bonds.

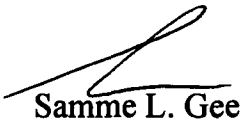
On the Closing Date, funds on deposit in the Series 1999 Civic Center Improvement Sinking Fund (the "Series 1999 Sinking Fund") established and existing for the Series 1999 Bonds, in the amount of $62,869.69, shall be transferred to the Series 1999 Civic Center Improvement Bonds Escrow Fund (the "Escrow Fund") established with the Commission pursuant to an Escrow Agreement dated December 17, 2009 between the Commission and the Issuer. These amounts along with proceeds of the Series 2009 A Bonds in the amount of $3,141,569.64 transferred to the Escrow Fund shall be used to redeem the Series 1999 Bonds in accordance with the Notice of Redemption dated December 17, 2009. Following said payments and transfers, the Series 1999 Sinking Fund accounts should be closed.

Any earnings accrued but not posted in the Series 1999 Sinking Fund as of December 17, 2009, shall be transferred to the Series 2009 A Sinking Fund.

Clarksburg, WV • Martinsburg, WV • Morgantown, WV • Wheeling, WV
Denver, CO • Lexington, KY • Pittsburgh, PA • Washington, DC

Please call me if you have any questions.

Very truly yours,



Samme L. Gee

SLG/lp

Copy of letter via email to:
David Molgaard
Greg Isaacs
John Stump, Esquire

THE CITY OF CHARLESTON, WEST VIRGINIA
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

REGISTRAR'S AGREEMENT

THIS REGISTRAR'S AGREEMENT, dated as of the 17th day of December, 2009, by and between THE CITY OF CHARLESTON, WEST VIRGINIA, a municipal corporation (the "Issuer"), and THE BANK OF NEW YORK MELLON, West Paterson, New Jersey (the "Registrar").

WHEREAS, the Issuer has, contemporaneously with the execution hereof, issued and sold its Civic Center Improvement Refunding Bonds, Series 2009 A (the "Series 2009 A Bonds"), in the total aggregate principal amount of $3,275,000, pursuant to a Bond Ordinance enacted by the Issuer on November 16, 2009, and a Supplemental Resolution duly adopted December 7, 2009 (collectively, the "Ordinance");

WHEREAS, capitalized words and terms used in this Registrar's Agreement and not otherwise defined herein shall have the respective meanings given them in the Ordinance, a copy of which is attached as Exhibit A hereto and incorporated herein by reference;

WHEREAS, the Ordinance provides for an appointment by the Issuer of a Registrar for the Series 2009 A Bonds;

WHEREAS, the Issuer has requested that the Costs of Issuance Fund be held and administered by the Registrar; and

WHEREAS, the Issuer desires to appoint, and by the Ordinance and this Registrar's Agreement does appoint, the Registrar to act as Registrar under the Ordinance and to take certain other actions hereinafter set forth;

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. Upon the execution of this Registrar's Agreement by the Issuer and the Registrar and during the term hereof, the Registrar does accept and shall have and carry out the powers and duties of Registrar for the Series 2009 A Bonds, all as set forth in the Ordinance, such duties including, among other things, the duties to authenticate, register and deliver Series 2009 A Bonds upon original issuance and when properly presented for exchange or transfer, and shall do so with the intention of maintaining the exclusion of interest on the Series 2009 A Bonds from gross income for federal income

tax purposes, in accordance with any rules and regulations promulgated by the United States Treasury Department or by the Municipal Securities Rulemaking Board or similar regulatory bodies as the Issuer advises it of and with generally accepted industry standards.

2. Upon the written request of the Issuer, the Registrar agrees to furnish the Issuer with appropriate records of all transactions carried out by it as Registrar and to furnish the Issuer with the names and specimen signatures of the Registrar's authorized officers for the purposes of acting as the Registrar and with such other information and reports as the Issuer may from time to time reasonably require.

3. The Registrar shall have no responsibility or liability for any action taken by it at the specific direction of the Issuer. The Registrar shall not be liable for any action taken or neglected to be taken in performing or attempting to perform its obligations hereunder other than for its gross negligence or willful misconduct and in no event shall the Registrar be liable for special, indirect or consequential loss or damage of any kind whatsoever (including but not limited to lost profits), even if the Registrar has been advised of the likelihood of such loss or damage and regardless of the form of action.

4. As compensation for acting as Registrar pursuant to this Registrar's Agreement, the Issuer hereby agrees to pay to the Registrar the compensation for services rendered as provided in the annexed schedule and to promptly reimburse the Registrar for any expenses reasonably incurred in carrying out its duties hereunder.

5. It is intended that this Registrar's Agreement shall carry out and implement provisions of the Ordinance with respect to the Registrar. In the event of any conflict between the terms of this Registrar's Agreement and the Ordinance, the terms of the Ordinance shall govern.

6. The Issuer and the Registrar each warrants and represents that it is duly authorized and empowered to execute and enter into this Registrar's Agreement and that to the knowledge of the undersigned, as applicable, neither such execution nor the performance of its duties hereunder or under the Ordinance will violate any order, decree or agreement to which it is a party or by which it is bound.

7. This Registrar's Agreement may be terminated by either party upon 60 days' written notice sent by registered or certified mail to the other party, at the following respective address:

ISSUER:

The City of Charleston
P.O. Box 2749

Charleston, WV 25330
Attention: Mayor

REGISTRAR:

The Bank of New York Mellon
385 Rifle Camp Road 3rd Floor
West Paterson, NJ 07424
Attention: Corporate Trust Department

The Issuer and the Registrar shall notify the other in writing of any change of address.

8. The Registrar is hereby directed and authorized to authenticate and deliver the Series 2009 A Bonds in accordance with the Ordinance.

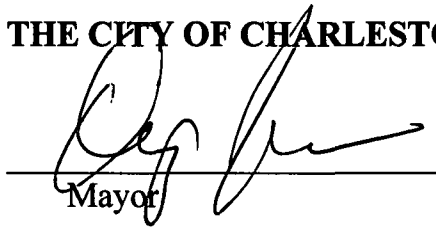
9. It is expressly understood and agreed that the Registrar's duties and obligations in connection with this Agreement are confined to those expressly defined herein and no additional covenants or obligations shall be read into this Agreement against the Registrar.

10. This Agreement shall be governed by the laws of the State of West Virginia, without regard to conflict of law principles.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have respectively caused this Registrar's Agreement to be signed in their names and on their behalf, all as of the date first above-written.

THE CITY OF CHARLESTON



Mayor

THE BANK OF NEW YORK MELLON

Authorized Officer

IN WITNESS WHEREOF, the parties hereto have respectively caused this Registrar's Agreement to be signed in their names and on their behalf, all as of the date first above-written.

THE CITY OF CHARLESTON

_____

Mayor

THE BANK OF NEW YORK MELLON

Authorized Officer

EXHIBIT A

See Bond Ordinance (Tab No. 2)
See Supplemental Resolution (Tab No. 3)

CITY OF CHARLESTON (WEST VIRGINIA)
CIVIC CENTER IMPROVEMENT REFUNDING BONDS,
SERIES 2009 A

RULE 15c2-12 CERTIFICATE

The undersigned hereby certifies and represents to Crews & Associates, Inc. (the "Original Purchaser") that he is the duly elected and acting Mayor of the City of Charleston, West Virginia (the "Issuer"), authorized to execute and deliver this Certificate and further certifies on behalf of the Issuer to the Original Purchaser as follows:

(1) This Certificate is delivered to enable the Original Purchaser to comply with Rule 15c2-12 under the Securities Exchange Act of 1934 (the "Rule") in connection with the offering and sale of the Issuer's Civic Center Improvement Refunding Bonds, Series 2009 A (the "Bonds");

(2) In connection with the issuance of the Bonds, there has been prepared an Official Statement setting forth information concerning the Bonds and the Issuer of the Bonds (the "Official Statement");

(3) As used herein, "Permitted Omissions" shall mean the offering price(s), interest rate(s), aggregate principal amount, principal amount per maturity, delivery dates, ratings and other terms depending on such matters, all with respect to the Bonds;

(4) The Official Statement with such changes as have been agreed to by the parties is, except for the Permitted Omissions, deemed final within the meaning of the Rule as of this date, and the information therein is accurate and complete except for the Permitted Omissions;

(5) If, at any time prior to the award of Bonds, any event occurs as a result of which the Official Statement might include an untrue statement of a material fact or unit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the Issuer shall promptly notify the Original Purchaser thereof; and

(6) The Issuer has delivered to the Original Purchaser a final Official Statement pursuant to paragraph (b)(3) of the Rule.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 17th day of December, 2009.

CITY OF CHARLESTON (WEST VIRGINIA)

By: _____
Its: Mayor