

**RESOLUTION AUTHORIZING FUNDING FOR FISCAL
YEAR 2022 FOR THE CRITICAL NEEDS AND FAILING
SYSTEMS SUB ACCOUNT**

WHEREAS, the West Virginia Infrastructure and Jobs Development Council (the “Council”) was created by Chapter 31, Article 15A of the Code of West Virginia, 1931, as amended (the “Council Act”);

WHEREAS, Section 9 of the Council Act creates the Infrastructure Fund;

WHEREAS, Senate Bill 589 was passed by the West Virginian Legislature on March 7, 2020, signed by the Governor and became effective on June 5, 2020;

WHEREAS, pursuant to Section 17c of the Council Act, the Water Development Authority (the “Authority”) established a Critical Needs and Failing Systems Sub Account within the Infrastructure Fund;

WHEREAS, Section 17c authorizes the Council to instruct the Authority to transfer from the uncommitted loan balances for each congressional district on June 30th of each year up to \$4 million per congressional district;

WHEREAS, the Council is authorized to direct the Authority to make loans or grants from the Critical Needs and Failing Systems Sub Account when the Council determines that a project will address a critical immediate need by: (1) the continuation of water or wastewater services; (2) addressing water facility or wastewater facility failure due to the age of the facility or facilities; or (3) providing extensions to a water facility or wastewater facility that will add customers with a total project cost of less than \$1 million and the grant limitations and allocations contained in §31-15A-10(b) and §31-15A-10(c) of the Council Act do not apply to grants made from the Critical Needs and Failing Systems Sub Account;

WHEREAS, on July 1, 2020, the Council authorized transfers to the Critical Needs and Failing Systems Sub Account for fiscal year 2021; and

WHEREAS, the Council finds it is in the best interest of the citizens of West Virginia and the promotion of water and sewer projects to authorize the transfer of funds for fiscal year 2022 from the balances for the Congressional Districts to the Critical Needs and Failing Systems Sub Account.

NOW, THEREFORE, be it resolved by the West Virginia Infrastructure and Jobs Development Council as follows:

1) The Council hereby authorizes and instructs the Authority to transfer from the loan balances for Congressional District 1 in the amount of \$2m, for Congressional District 2 in the amount of \$2m and for Congressional District 3 in the amount of \$2m to the Critical Needs and Failing Systems Sub Account.

2) The Authority shall make loans and grants from the Critical Needs and Failing Systems Sub Account upon authorization from the Council as required by the Council Act.

3) This Resolution shall be effective immediately upon adoption.

Adopted this 7th day of July, 2021.

Executive Secretary